5th Prague Forum: "The right to quality education"

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Contents

I. Address of Deputy Minister of Education, Dr. Jindřich Kitzberger

It is a great honour and pleasure for me to welcome you to Prague on behalf of the Minister of Education, Youth and Sports, Ondřej Liška, and greet you on the occasion of the opening of the 5th Prague Forum. I consider this Forum to be an important international conference facilitating the meeting of representatives of member countries of the Council of Europe, countries of the European Cultural Convention, international organisations and other experts who are sincerely committed to the development of education in Europe and who may influence the directions in which education policies in their countries are heading.

Increasing the quality of educational attainment of the population is one of long-term priorities perhaps in all European countries, although the standards of the systems of education on this continent are, no doubt, very good. In spite of this I hope you agree with me that there is still room for improvement and for reforms. And this is why the "Prague Forums" were established – so as to create an international platform for expert discussions on reforming strategies in the European education system. Let me therefore begin by saying a few words on the history of this discussion forum from the perspective of the Czech Ministry of Education, Youth and Sports.

The tradition of "Prague Forums" dates back to 1995 when a first symposium was organised by the Czech Ministry of Education and the Council of Europe on the topic of Education Reforms in Central and Eastern Europe: Development and Outcomes". This symposium facilitated the meeting of experts who exchanged their experience an views on the progress of reforms of education systems in European countries. At the end of the symposium it was clear that although the starting points and conditions differ in various countries, reforms of education systems have much in common.

In 1999 Prague hosted the 2nd symposium on the subject of "Strategies of Education Reforms – From Concept to Implementation". At its end a recommendation of participants was adopted that symposia focusing on the progress of reforms and evaluation of reform measures already implemented should take place once in three years. The Council of Europe asked the Czech Republic for agreement so that Prague would become the place of these regular meetings.

The following Prague Forum was held in April 2003 and concerned the issue of improving the quality of education, visions and the reality of education reforms. The 4th Prague Forum was mainly focused on teachers and took place in November 2005 under the title "The Education of Teachers in Europe: Achievements, Trends and Prospects".

For the 5th Prague Forum that we are opening today "The Right to Quality in Education" has been chosen as a topic. It reflects the recommendations and conclusions adopted at the 22nd Standing Conference of Ministers of Education of the member countries of the Council of Europe that took place in Istanbul in May last year. I consider the selection of this topic to be appropriate also in view of the main mission of the Council of Europe where the issue of human rights forms one of the pillars of its activities. It is therefore good that we will also deal with this issue in the area of education.

One of the priorities of education policy in the Czech Republic is to establish the necessary conditions for quality education of all children in mainstream schools. Our objective is to create such a system of education where there will be equal conditions for

high quality education of all children with regard to their educational needs and cultural and social backgrounds. This system will offer effective systemic support for them to develop fully their educational potential.

What are the preconditions for implementing these measures in the Czech Republic? First of all, equal access to education is declared in the preamble of the Education Act and pervades all its provisions. Moreover, curricula reform launched in 2004 makes it possible for schools to design their educational programme according to the needs of the children and their community. Schools can also develop syllabi respecting the educational needs of all their pupils. As regards instruction, preference is given to motivating and activating methods that create room for a higher level of involvement of pupils with special educational needs in mainstream classes. Large emphasis is also placed on cooperation between the school and pupils' parents and on creating a positive school atmosphere.

The education system establishes conditions to support high quality education for all children with special educational needs. These include the availability of teacher assistants for children with disabilities and social disadvantages, guidance that comprises the services of psychologists and special education teachers, the continuing training of pedagogical staff, support for refurbishing buildings to make them barrier free, and providing schools with special compensatory and didactic materials for the education of pupils with special educational needs.

The objective of the Ministry of Education is to ensure that all children and their parents get the necessary care from the earliest possible age of the child. For this purpose there are programmes for disabled children and their parents that start in infancy and include high quality preschool education. The programmes are implemented by teams of special education teachers, psychologists and social workers. The system must be expanded to include children from different cultural and social backgrounds and children at risk of social exclusion and their parents so that they receive special attention including high quality preschool education from as early as possible
.
The prerequisite for increasing the quality of the education system in the Czech Republic is to pursue the principle of cooperation and partnership in order to bring the policies of various stakeholders in social inclusion into line with one another. The care for children at risk of social exclusion, in particular, involves the work of residential social workers, field social workers, low-threshold facilities, the non-profit sector, teachers and pedagogical-psychological guidance centres. Cooperation at sectoral, regional and local levels is an absolute must in this case.

The measures are designed so as to establish a system of education in the Czech Republic where equal conditions will be created for the education of all children and where effective systemic support will be provided for a full development of their potential.

Dear colleagues,

please take this presentation as a source of inspiration and a contribution to the subject of the right to quality in education from the Ministry of Education, Youth and Sports of the Czech Republic that I represent at this Forum.

I hope that your participation in the 5th Prague Forum will enrich you both in personal and professional terms, and that you will be able to implement the positive outcomes of

this meeting in the education system in your country. In conclusion, I would like to wish you a fruitful professional discussion of high quality and also a nice stay in Prague.

See you at the next Prague Forum – I am convinced that discussion about educational reform strategies is a never-ending story….

Thank you for your attention.

II.   Ms Ólöf Ólafsdóttir, Head of Department of School and Out-of-School Education, Council of Europe

It is a great pleasure for me to open this fifth Prague Forum on behalf of the Council of Europe. May I sincerely thank the Czech authorities – in particular you, Madam Wildova, and you, Mr Kitzberger - for providing us once again with such a wonderful setting and for your remarkable hospitality. My specific thanks goes also to our friends Jindrich Fryc and Alena Spechalova for their untiring commitment to the Prague Fora and for their perfect organisation of this event.

The Prague Fora have become a reference for those working for education in the 47 member states of the Council of Europe. The idea behind the Prague Fora is, I recall, to provide for a high level and forward-looking exchange of views and experiences on education matters among experts, education officials and researchers, practitioners and NGOs. It is also during these fora that we prepare the Conferences of Ministers of Education and lay the lines for our future programmes in the education field. Once again, we are here in our beautiful city, this time to discuss "The right to quality education". It is a difficult subject, and one that has many facets. However, I am confident that we will, as usual, have an open dialogue and many good ideas for preparing our future work. Let me thank you all for having travelled to Prague to participate in this meeting and for giving the Council of Europe your time and your valuable expertise. It is only together, in a constant intercultural dialogue, that we can build the Europe we wish to have in the future. Quality education must certainly be a part of that future.

One of the main questions we will have to tackle in the coming years is to define what exactly we mean by "the right to quality education". By the same token, we will have to define the Council of Europe's perspective in these matters. It will, no doubt, be linked to its three pillars: human rights, democracy and the rule of law. It will also be linked to the question of intercultural dialogue for intercultural understanding. In May this year, the Committee of Ministers of the Council of Europe adopted a White Paper on Intercultural Dialogue, setting out how we, Europeans, can live together, both inside Europe and with our neighbours, as, I quote: 'equals in dignity'. Slowly but surely, intercultural dialogue, in the framework of human rights, is becoming the fourth value pillar of the Council of Europe. The promotion of and the respect for cultural diversity, on the basis of the values on which the Council of Europe is built are essential conditions for the development of societies based on solidarity. Solidarity and social inclusion must be our vision of the future, including when it comes to education. The White Paper argues that we must support mutual understanding and social inclusion, that these concepts are key to Europe's future. In times of economic crisis, as the one we are currently going through, this becomes even more important than before.

Speaking about social inclusion, the question of public responsibility for providing quality education must be on the agenda; it should also be a part of our deliberations at this Forum. Education is both a public asset and a public responsibility. How is this responsibility to be exercised in the future? Increasingly, what we see, is that parents must pay for the education of their children if they wish it to be of good quality. Access to education cannot be taken for granted in all circumstances. What should the role of the State be with regard to education? What about partnerships with other stakeholders, and who would they be? Will education, in the future, be a profitable business for private companies, and not at all a right, protected and promoted by public authorities? These are some of the questions we need to discuss.

Before you begin your discussions, allow me to remind you briefly of the 'state of the art' in the Council of Europe. It would be a mistake to think that we are starting from scratch when it comes to the right to education. This is definitely not the case.

I think it is fair to say that the Council of Europe has done quite a lot of work for the protection and promotion of the right to education, but this is not sufficiently well known, and not even within the Council of Europe itself. Regarding this issue, as so many others, there is a lack of contact between education professionals and the lawyers who deal with questions of human rights, of children's rights, including education. These two professions do not always have sufficient knowledge of each others' work. One of our tasks in the future is to change this. Most of you are coming from the educational side. This is only logical. However, perhaps next time, we need to meet with the human rights lawyers and try to build bridges. Bridges are always useful. They allow for contacts and exchanges, and as a result, better understanding. Working together gives the results more political weight.

The protection of the right to education is offered by several international human rights instruments adopted at the level of the United Nations. The legal instruments of the Council of Europe such as the European Convention of Human Rights, the European Social Charter, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages also provide for the protection against discrimination in education and the promotion of the right to education. The commitments of the member states under these instruments are dealt with by the Court of Human Rights and the legal committees set up to monitor the Conventions. While these instruments have had considerable influence on Human Rights protection in member states, this fact is insufficiently known by education researchers and practitioners. There is a lot to be done with regard to awareness-raising.

The European Court of Human Rights has developed a decent body of jurisprudence concerning the interpretation and application of Article 2 in Protocol N° 1 of the Convention. Some of the case law might be very useful for our work. There exists also an interesting commentary on Education under the Framework Convention for the Protection of National Minorities, dating from 2006. It not only explains the need to guarantee equal access to education but also sets standards, *inter alia*, on how such education could facilitate the development of the abilities and personality of the child, guarantee child safety and accommodate the linguistic, religious, philosophical aspirations of pupils and their parents.

The European Social Charter guarantees equal educational opportunities from primary to higher education and vocational training. It places strong emphasis on gender equality as well as the weaker and vulnerable social groups, such as the disabled. The European Committee against Racism and Intolerance has also set their standards on education and adopted a recommendation against discrimination in education.

Besides these main instruments, the Council of Europe has, over the years, promoted the right to education through many intergovernmental programmes. These programmes have taken place both in the education and youth sectors of the Council of Europe. Projects on education for democratic citizenship and human rights, on how to manage diversity, on linguistic diversity, multiperspectivity in history teaching, on education of Roma children are currently being implemented. They all concern in some ways the right to education, and even more the question of rights in education. When it comes to receive education, we are not all equal even if we seem to have equal opportunities. The different social groups do not receive equal treatment in education, often in the name of

equality – that is the real paradox. Just a few examples to recall this: some have to learn in a language that is not their mother tongue, without this being recognised. Others have to struggle with disability of some kind which is not always taken into account. Others still may have social and family problems that prevent them from attending and succeeding at school. When it comes to adult education, it is well known that the best educated profit most from in service training and lifelong learning opportunities.

Increasingly, human rights education is becoming one of the main subjects in the Council of Europe, since it is difficult to defend and promote human rights, if you do not know what they mean in practice. There is a need to make the human rights language relevant to each and every person. This is why the Council of Europe has accepted to implement, at the European level, the UN World Programme on Human Rights Education. It is now in its first phase and focuses on schools. We are also preparing a framework policy document on citizenship and human rights education which might take the form of a Charter adopted by all member states.

Besides the programmes in the education and youth sector, there are also transversal programmes such as the current one on "Building a Europe for and with Children". It also extensively deals with the right to and in education. There is no time to go into details of all this work here, but you need to be aware of the fact that this exists. Our task in the future is to draw this work together, develop and improve it. In the end, we may have a vision, a perspective that can be labelled as the Council of Europe perspective. However, we must make sure to work with other organisations, such as UNESCO and UNICEF, who also deal with these questions to a great extent.

The late Katatarina Tomasevski, who was the first Special Rapporteur on the right to education of the United Nations, defined the main issues some years ago. According to her, the right to and in education are about making education available, accessible, acceptable and adaptable to each and everyone. Maybe these catchwords could be at the back of our minds during this Forum. What do these concepts really mean for us? What should be the scope of our work, the main objectives? What to do next? Who should be in charge? How to remove the obstacles on the way? In our discussions, we must also bear in mind the full range of the purposes of education. They are the development and maintenance of knowledge, preparation for the labour market, personal development and preparation for life as active citizens in democratic societies.

Let me conclude. In a few weeks' time, we will celebrate the 60th anniversary of the Universal Declaration of Human Rights, which contains also the right to education (Art. 26). Our Forum is therefore a little contribution to the celebration of this forward-looking and forceful text. Could the Forum also be the starting point for the beginning of a process – the Prague process - that of making the right to quality education a reality for all people living in Europe? Such a process would certainly be the key to creating the sustainable, inclusive democracies we wish to see in the future.

I am looking forward to take part in this Forum and thank you for your attention.

III.   The Quality of the Right to Education – Human rights based approach

by Patrice Meyer-Bisch

The challenge of fashioning new from old

Is the sole mission of school education to adapt learners to society as it stands, or has it the further assignment of raising the standard of democratic culture by pursuit of progress in the effectiveness of laws? Should it merely adapt school systems to current social changes by stressing immediately measurable performance? Or has it a function of educating society itself? If so, how can it do so in its stakeholding position? How can we better the fulfilment of this human right so as to ensure its enjoyment by all, and continuously raise the quality of our democratic cultures?

Unless we progress, we regress. Political apathy is not just a problem of concern from the standpoint of degree of democratic culture with the inherent risks where peace, discrimination, poverty and respect for cultural diversity are concerned; it is a denial of the right that compels us to deliver results, hence a challenge to at least part of the present paradigms. The priority is to make this theme the crux of public debate and to bring forth a standing observation and guidance system taking in all players concerned.

The quality of a right is not to be abstractly defined in terms of varied philosophies but in terms of logic and universalism, by its matching with the other human rights. The human rights-based approach (HRBA) is concrete in defining an obligation to attain an outcome, complex in signifying the entire relationship between the individual and his social fabric, dynamic since it is defined by specific personal and institutional capabilities. The right to "quality education" can be defined as a right held by each person to an education "adequate" to the attainment of the other human rights:

- for oneself and one's entourage,
- for a more democratic society (which grows up on the principle of rights being secured and freedoms and responsibilities interacting.

A quality education is that which affords everyone the best possible exercise of all his rights, freedoms and responsibilities for himself and for others.

1. Quality of education as a human right

Conceiving the right to education as a human right

The human rights-based approach is not a strictly legal perspective, but primarily a political one. It is a development of the capabilities of human dignity (legitimacy) with understanding of its multiple dimensions (coherence). It ensures democratic legitimacy and coherence for seven reasons at least.

1.1.   Objectiveness and legitimacy of a universal definition.

The quality of a human right can be neither entirely relative nor reduced to utilitarian standards; it denotes a universal ethical value adaptable to cultural diversity.

Quality can of course be defined in a multitude of ways according to the rich diversity of philosophical approaches, but at least two dangers are to be avoided:

- relativism overshadowing universal values
- the "technician's illusion": quality controls that would give pride of place to performance-related criteria and minimise fundamental values which are both universal and suited to each culture.

A human rights-based approach steers policies towards the attainment of the fundamental values guaranteed by international law and carrying definite obligations.

1.2.   The two facets: personal and social.

Quality enhances capability for choosing and being chosen; before all else it is the learning of reciprocity understood as mutual empowerment.

The chief aim is education for all: an equal right for all to an education directed at personal fulfilment and development of capabilities for inclusion in society. It is an interfacing education. The quality of education is thus expressed by a dialectical doublet that runs through the substance of the right and can be encapsulated thus: empowerment and socialisation[1], *freedom to choose and to be chosen*[2]:

- development of freedoms: *ability to choose,*
- development of responsibilities (inclusion capabilities): *ability to be chosen.*

1.3.   Complexity of personal and social capabilities.

Quality signifies integrated development of personal capabilities in the ambient social complexity.

The right to education, apprehended within the system of indivisible and interdependent human rights, is integrated and defined by specific goals harnessed to the freedoms, encompassing the various dimensions of life in society. The right to education is adequate to the extent that it enables everyone to attain effectiveness of their other rights (health, environmental and dietary education, education in freedom of expression, association, etc.)

1.4.   The end and the means of development.

Quality denotes personal fulfilment both for oneself and as a human resource essential to the growth of a democratic society.

Like every human right, the right to education is both the end and the means of individual and collective development[3]. Freedom of expression, freedom of conscience and freedom of association, for example, are an end in themselves because they are part of personal fulfilment; they are also means of attaining one's other rights, and capabilities useful to society. Individual and social development are interdependent, if consistent with a quest for the sustained progress of democratic culture.

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[1] See A. Touraine, TOURAINE, A., 1997, *Pourrons-nous vivre ensemble? Egaux et différents.* Particularly chapter 8: *L'école du sujet,* Paris, Fayard.

[2] H.-U. Grunder / L. von Mandach (eds.), *Auswählen und ausgewahlt werden. Choisir et être choisi. Intégration et exclusion des jeunes et jeunes adultes dans la solidarité et l'emploi*, Zürich, Seismo, 2007.

[3] According to Amartya Sen's definition of development, "It is mainly an attempt to see development as a process of expanding the real freedoms that peoples enjoy. In this approach, the expansion of freedom is viewed as both the *primary end* and the *principal means* of development. They can be called respectively the "constitutive role" and the "instrumental role" of freedom in development." Amartya SEN, *Development as Freedom,* 1999, p 36. French translation: *Un nouveau modèle économique. Développement, justice, liberté. Chapter 8, pp. 56.* A. Sen is one of the writers of the UNDP report on human development, *Cultural Liberty in Today's Diverse World (Libertés culturelles dans un monde diversifié)*, Paris, Economica, 2004.

1.5. Factor of coherence in space and time

Quality is an adaptation to the wealth of environments (ecological, cultural, economic, social and political), in time and in space, through the learning of interactions.

Development of personal and institutional capabilities presupposes coherence in the transmission of values between time-scales, from the short to the long term (sustainable development) and also between territorial scales (from the proximate to the distant). It is chiefly expressed in an understanding of the interdependence between organisational scales. These are graded into the micro, meso and macro levels. For example, environmental education is apprehended at the level of balance in personal life, school life, family life, the life of villages and towns, of the nation and the world.

1.6. Responsibility shared by the public, private and civil players.

Quality is defined by experience of the value of the common asset, over and above private and communal property, irrespective of institutional distinctions

As fundamental rights, human rights are transversal: they do not concern just educational and occupational institutions but all players whether private, public or in civil society. They define a common asset under public protection to which all players have the duty of contributing. The common asset is the one that grows by being shared.

1.7. Participation.

Quality is an ethic of co-operation, founded on the mutuality of obligations, taking account of disparities and of competitive situations.

Education to experience interaction signifies the learning of participation, in a mode of shared responsibility towards the common asset, at three levels of obligation: respect, protection, attainment. All education presupposes command of a discipline and recognition of high proficiency.

Lifelong education for all

Quality defines lifelong education[4] at all levels, from basic education to university or vocational education, including in-service, occupational and private training.

The quality of this cultural right may be defined as a lifelong interaction between three functions that define education as training of a thoroughly human kind:

- instruction*: transmission and command of knowledge,*

- education*: internalisation of values and laws, alteration of the perceptions of consciousness, and behavioural change,*

- teaching*: learning the signs which enable each person to find his position in relation to knowledge and to others. Teaching functions as the medium for instruction and education[5].*

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[4] According to the principles adopted at the Jomtien Conference: *Declaration on Education For All* of 1990 and positively included in the strategy of the Dakar Framework for Action devised by the World Education Forum in 2000. The *Global Monitoring Report on Education for All,* 2005, devoted to quality, gives a very helpful summary presentation of the various philosophical and pedagogic approaches. However, the report does not arrive at an operational definition.
[5] How these three training are named components may vary depending on the writer, the chief thing being to preserve the complexity of this cultural right whose object is to secure the subject's access to the resources necessary for the development of his identity. Concerning cultural quality, see 3rd part below.

The child's right to education

The unity of these three functions is especially perceptible when it comes to the rights of the child. The child's future – and through it the future of the societies in which the child will participate – is directly at stake because it depends on the "cultural quality" of the training to which he has access. The responsibility is very great indeed. As provided in the Convention on the Rights of the Child, the guardians of this right must take decisions in "the best interests of the child", in its stead, while taking care to foster its earliest possible participation.

> *Quality must be a subject of standing democratic debate in order to define the values and the implementing strategies, since it embodies what a society deems its best, worthy of transmission and development.*

Specificity for the Council of Europe

The Council of Europe's most generally acknowledged specificity is that every democratic policy rests on human rights, not only as a body of general constitutional principles (democratic principles) but as binding stipulations subject to supervision by a set of instruments, notably the European Convention on Human Rights and the Social Charter. The credibility of the Council of Europe's programmes partly depends on the realisation of this "added value" which can materialise only in the departitioning of sectors under an approach in keeping with the indivisibility and interdependence of human rights. In other words, human rights cannot be confined to an essentially legal approach; their political scope spans all sectors so as to ensure their coherence, besides their legitimacy.

2. Quality of access to the other fundamental rights and freedoms

Quality defined by the indivisibility of human rights: right to an "adequate" education

The right to an "adequate" education is a right that affords access to the exercise of freedoms and responsibilities - a logical way to define the quality of education within the indivisible, interdependent corpus of human rights. *Quality of education can thus be construed in a universal sense relative to the fulfilment of each human right, at the same time preserving cultural diversity (exactly the same applies to fundamental freedoms, but they unfold in different ways according to the cultural setting).*

If every human, civil, cultural, economic, social and political right is taken to be at once a right, a freedom and a responsibility, then *quality education is education that affords everyone the best possible exercise of all their rights, freedoms and responsibilities for themselves and for others.*

Accordingly, the right to education has a cross-cutting function in respect of all human rights, which is the reason why its worth can be measured by its civil, cultural, ecological, economic, social and political quality. Cultural quality requires a specific analysis (part 3) since it is a specifically cultural right. Political quality, though, pertains both to the substance and the application of the right (part 4).

Civil quality

The goal is training to understand and exercise civil liberties, which is the foundation of education for democratic citizenship (EDC), chiefly:

12

- experience of equality between all human beings (right to non-discrimination),

- experience of the feasibility and effectiveness of civil liberties (freedom of thought and opinion, freedom of conscience, of religion and of belief),

- knowledge of human rights in general, of democracy's "founding prohibitions", and of the value of due process and criminal law,

- experience of freedom of association and participation in political choices at one's own level.

Social and environmental quality

The goals of quality education take on a very practical complexion for each right, with freedoms and responsibilities interlinked for oneself and for others, interfaced between the self and society, and accommodating the manifold cultural dimensions of these rights:

- food and health,

- housing and environment,

- social solidarity (right to a decent standard of living).

Economic quality

Understanding the economic dimension of the right to education obviates a gulf between two approaches, on the one hand humanist conceptions that disdain social utility and on the other utilitarian conceptions that overlook the fundamental ethical value of education

Education in economic rights mainly covers:

- the right to work, ability to be useful, and especially to enter the labour market (conditions of employability): being able to choose and to be chosen;

- right to ownership and the attendant responsibilities, money ethics especially.

Education systems themselves must be adequate by way of economic quality, with fair apportionment of costs and benefits, proper appreciation of the importance of educational investment, and correct balance between funding sources (personal, public, private, community-based). It is a question of the economic balance of education systems in their entirety, affording everyone the best access to the right.

3. Quality of a specifically cultural right

Cultural quality: identity and access to knowledge

Within the system of human rights, the right to education belongs to the group of cultural rights, whose common object is to ensure capabilities for choosing and expressing one's identity[6]. That presupposes ability to gain entry to cultural references, seen as necessary

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[6] For a clarification of the nature of cultural rights within the human rights system, see the Fribourg Declaration: www.droitsculturels.org

resources for the process of identification through life.[7] Apart from the right to education, cultural rights can be itemised as follows:

- freedom to choose one's cultural references, to set and alter priorities,
- freedom to engage in cultural activities, language-related especially, provided that they respect other people's rights,
- freedom to belong or not to belong to a cultural community,
- right to knowledge of heritages,
- right to adequate information,
- right to take part in cultural life and the related policies.

The cultural quality of the right to education does not signify any renunciation of its universality (cultural relativism), but rather an extension of universality which can capture the diversity of the cultural environments with the wealth – but also the weaknesses – of their resources.

Cultural substance of civil liberties

These freedoms – of opinion, expression, thought, conscience and religion – all have to do with bodies of knowledge, their creation or construction and their exchange. They are therefore cultural in substance. This analysis of their common substance, which is at once specific to each and capable of being shared, even of forming epistemic communities organised with the development of such knowledge in view, brings out their interdependence at the same time as the shortcomings of a formal analysis strictly limited to the individual sphere. In the matter of religion, the necessary understanding of how these extensions of the intellectual freedoms interconnect is most important and palpable, for it "links the inner and outer worlds with the scarlet thread of freedoms" and thus extends to the ethical and cultural values on which each human community and each nation state are founded[8].

The crux is to learn "critical respect"

From the cultural standpoint, quality of education can be defined as training in critical respect.

Between the two poles of respect for traditions and banning of defamation, as opposed to freedom to express opinions and criticism, lies "critical respect", the crux of cultural rights. It is not enough to protect the individual unless attention is also paid to the cultural values invoked by the individual. Conversely, traditions cannot be guarded if it is done to the detriment of the fundamental freedoms. Respect for the subject's freedoms presupposes consideration for works of the intellect.

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[7] Cultural rights mean the rights, freedoms and responsibilities for a person, individually or collectively, with and for others, to choose and express his identity and have access to cultural references together with all such resources as may be essential to his identification process (definition to be published in the article-by-article commentary on the Fribourg Declaration on cultural rights). These are the rights that enable each person, individually or collectively, to develop his capabilities for identification, communication and creation. Cultural rights constitute capacities for linking the subject to others thanks to the wisdom carried by persons and consigned to works (objects and institutions) in the environments in which the subject moves.

[8] The various freedoms making up religious freedom have been analysed as lying between the freedoms of the forum internum and those of the forum externum, in: J. B. Marie, P. Meyer-Bisch (eds.) Un nœud de libertés. Les seuils de la liberté de conscience dans le domaine religieux, Geneva, Zurich, Basel, Brussels, 2005, Schulthess, Bruylant. See also § 23 below.

It is a matter of protecting both intellectual freedoms and quality of references to cultural works, meaning that an object is accessible via a discipline. Each "cultural object", whether a community, a tradition, a book or a piece of architecture, possesses a coherence to learn about, failing which these objects are inaccessible or disregarded. *A freedom becomes cultural when it is cultivated, having been able to master a discipline and its parlance, though it may later cast them off.*

While the right to heritage commands respect as a resource for individuals, it also calls for criticism. A knowledgeable criticism is thus the precondition for constant revitalisation and adaptation of a heritage which otherwise decays, of traditions which become ossified in isolation. Vis-à-vis the constituent works of every heritage, a common duty of "critical respect" devolves on all individuals and institutions.

The requirement of critical respect, then, is not in opposition to the exercise of free criticism, quite the contrary; it is the reasonable basis of legitimacy, which it conditions by its conduciveness to discussion, hence free criticism informed of the rules governing the discipline concerned though liable to challenge them. It is permissible and desirable to criticise but forbidden to act as if in possession of wisdom, exact science or correct political doctrine. That is the principle underpinning democracy and science alike: the duty of inviting open criticism and the *prohibition* of acting as if above criticism.

The triangulation of training / information / heritages

Just as information is not to be conceived as mere delivery of messages, so education does not come down to supplying units of knowledge in all fields including politics. Fulfilment of the right to adequate information presupposes sound training, that is ability to seek, sort, criticise and produce information. Adequate education, in turn, is education gained though use of the right to information with the attendant freedoms and responsibilities. These are twin rights.

A third right is again directly concerned: the right to participate in cultural life, according to Article 15 of the Covenant on Economic, Social and Cultural Rights), particularly the provision in paragraph 2: "The steps to be taken by the States Parties to the present Covenant to achieve the full realisation of this right shall include those necessary for the conservation, the development and the diffusion of science and culture". Training of any kind is training to inherit a legacy of knowledge and to understand the vehicles thereof. This right is every person's right of access to and participation in cultural heritages. A cultural heritage forms a corpus of references to the multiple dimensions – material and spiritual, economic and social – that makes up a unit of meaning, in so far as "cultural" signifies integration of meaning through the multiple dimensions of human existence[9]. A religious tradition may, in that sense, be regarded as a living heritage needing protection for the attainment of individual freedom of belief and religion for the persons who do or may invoke it.[10]

4. Quality of the exercise of the right, and of its evaluation

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[9] The right to participate in heritages is recognised in its manifold dimensions as an individual right of access in the Council of Europe Convention, *Framework Convention on the Value of Cultural Heritage for Society* (No. 199, 27.10.2005), known as the *"Faro Convention"*, at present open for signature.

[10] Within the meaning given by the UNESCO *Convention for the Safeguarding of Intangible Cultural Heritage* to this heritage, designated as "intangible" but better referred to as a "living heritage". It is nefarious that apart from the aforementioned Faro Convention, heritage protection instruments are generally not set out in terms of individual rights to participate in common items of property.

Political quality

Political quality as determined by education for democratic citizenship (EDC) encompasses education in all human rights, in their dimension of political participation. EDC gathers together the aforementioned capabilities, in that it is intended to permit:

- Analysis of democracy's fundamental values and of the constructions placed on them in different national and international cultural contexts,

- Theoretical and practical knowledge of democratic procedures at the state government level, and of the main civil and private players' modes of participation.

Political quality is consistency with a democratic society, that is with a society whose goal is to enhance freedoms by their interaction.

EDC is fearsome, for it appears readily moralistic. Actually none can claim to define a universal morality, nor can anyone deny the existence of insurmountable prohibitions. That is why we propose to address the subject of respect for diversity via observance of democracy's "founding prohibitions", principally of murder and discrimination, corresponding to civil rights, of untruth, corresponding to cultural rights, of theft (plain theft, indirect theft, usury, corruption), corresponding to economic rights, of extreme poverty, corresponding to social rights, and of pollution, corresponding to ecological rights. These prohibitions ensure the possibility of freedoms, far from limiting them.

A family, a school or any other organisation responsible for education cannot discharge its obligations unless its own organisation is founded on the exercise of the rights which it is entrusted to teach.

Quality of education defined as "inclusive"

Schematically, the quality of education may be defined as "inclusive" in both senses of the word.

- Integrating the different dimensions of the personality and its participative capabilities; these dimensions are quite adequately described and objectified by the diversity of the human rights securing the subject's autonomy (his rights, freedoms and responsibilities) in the various realms of society. It is possible to speak of *mutual inclusion* of simultaneously personal and social activities, at the same time ensuring the unity of the person and the social fabric's freedom from partitioning.

- Inclusion of the person in social groups and the state. This takes into account the various levels of political participation, and its sum total is not necessarily the abstract duality of individual and state. It is possible to speak of scales of citizenship and of *their mutual inclusion*, the exercise of citizenship being sustained by a value of universality, both extensive (all individuals, firstly within the national society then worldwide) and comprehensive (unconditional respect for all human rights).[11]

Effectiveness: an obligation to deliver

A right is effective when the values on which it is founded are appropriate, observable and verified. Chiefly, one should be forewarned against "quality controls" whose main emphasis is on performance achieved without clear direction as to values.

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[11] The notion of sovereignty is interpreted, minimally, according to this dual connotation: national sovereignty and democratic cross-border sovereignty.

If democracy is a culture to be learned, whereabouts should this begin, given the fairly obvious consideration that all institutions, school included, are more or less the reflection of one and the same level of democracy? This would be the answer: it is inconceivable for school to be far ahead of the society in which it is embedded, for the society would reject it. Yet it may be conceded that school has a progressive republican function: there, the spirit of the law can be taken a little more seriously than in society at large. Trainers have a hard assignment, not only maintaining a consensus on fundamental rights but also promoting transition form "passive consensus" to "active consensus".

Indicators of the right to quality education

The human rights-based approach allows the compilation of a systemic set, not a straightforward list, of indicators for evaluating an education system according to these four capabilities. General Comment No. 13 of the UN Covenant's Committee on Economic, Social and Cultural Rights, distinguishes four capabilities whereby a social system responsible for the effectiveness of the right to education can be evaluated:

Acceptability, Adaptability, Availability (of resources), Accessibility

Using this method, sometimes called "the 4 As", a dynamic image can be obtained of a system which is acceptable and accepted thanks to the appropriation of values and laws, adaptable thanks to the diversity of the players participating, adequately resourced, and finally accessible to all without discrimination. Such a system makes for qualitative, dynamic observation capable of pinpointing wastages and synergies by ascertaining how complex and productive the initiatives are.[12]

Development of observatories of the right to education

The political priority of every democratic society is participative observation, the end and the means of the state's three obligations regarding a human right: respect, protection, fulfilment. Quality is not to be commanded, because it cannot be reduced either to a few general values or to a series of "quality controls". It must be ceaselessly observed, analysed and rectified interactively by all players. Thus they can all be encouraged to assume their rights and responsibilities vis-à-vis this common asset, not just a conveyor of knowledge but an enormous aid to the orientation and advancement of an original democratic culture, developing the universal values in a manner suited to each cultural setting.

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[12] See for example a table of 47 indicators in the book resulting from four years of inquiry in Burkina Faso: (IIEDH/APENF collective) (with Jean-Jacques Friboulet, Anatole Niameogo, Valérie Liechti and Claude Dalbera), *La mesure du droit à l'education. Tableau de bord de l'education pour tous au Burkina Faso*, Paris, Karthala. 153 p. English version: *Measuring the Right to Education,* Schulthess, Zurich, Geneva /UNESCO, Paris, Hamburg (translation supplemented by a preface). 157 p.

IV. Quality Education within the Council of Europe context

by Cesar Birzea

Quality is a common denominator of European educational policies. After focusing on the extension of education facilities and on democratization in the 1970s – 1980s, starting with the 1990s policy makers have been mostly interested in the quality of the education services. Given that in Europe school enrollment of the 15-18 year-old youth has exceeded 70% and basic education is practically generalized, once education has become permanently and widely accessible (mainly due to distance learning and second chance education programmes), people have been less interested by quantity and more by quality. The increase in participation and the opening of education to any person, irrespective of age, sex or social class sheds a new light on the balance that must be struck between equality and diversity, between quantity and quality, between enrollments and learning performances.

In this context, starting with the 1990s, European educational policies have adopted a common principle, which is found under different wordings, such as: "quality education for all", "right to quality education" or "lifelong learning for all". What these wordings have in common is the concern for three aspects that used to be considered as mutually incompatible, namely **equality, diversity and quality**[13]. Not only are they no longer seen as opposable, but they are considered as three facets of the same reality: equality actually means equality of opportunity (that is, differentiated treatment according to individual needs), diversity also presupposes inclusive education and pluralist learning delivery and quality implies high learning standards for all, not only for the elite.

Therefore, each of these dimensions incorporates some elements of the others, so practically they are inseparable.

These perspective changes are to be found in the concept of quality itself, which is no longer considered as the mere semantic opposite of quantity[14]. Quality is contextualized according to customer demands that can have certain expectations, certain types of learning outcomes or a certain performance level. Quality as intrinsic goodness has no meaning, it has to be related to the criteria and the requirements set by the beneficiaries of education services. In this light, quality means added value for certain learners, capacity-building and transformation processes.

This perspective, centered on the beneficiaries' needs, determined at the end of the 1990s, an increased interest in the tools that are able to monitor these transformation processes within each quality-driven programme. The efforts to develop indicators and benchmarks, descriptors, standards and thresholds, as well as quality assurance, accountability and self-evaluation schemes have multiplied. Inside the Council of Europe (CoE), quality has been traditionally considered a priority of educational policies[15]. Being an organization working on human rights, CoE sees quality from the point of view of the three values that it promotes constantly, namely the respect of human rights, pluralism and the rule of law. In education, quality means first of all diversity, participation and

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[13] C. Winch, "Equality, Quality and Diversity", in *Journal of Philosophy of Education,* 1996, vol. 30, no 1, p. 113.
[14] K.A. Riley, D.L. Nuttall (eds.), *Measuring Quality,* London, Falmer Press, 1994.
[15] *The Council of Europe's Vision on Educational Quality,* Strasbourg, Council of Europe, 2003.

18

social inclusion. These three principles of educational policies are also present in the current programme of the CoE:

Diversity
As an educational policy goal, diversity means pluralism and open, accessible and appropriate learning opportunities. From this point of view, quality education entails primarily differentiated treatment and competence-oriented learning, as are, for instance, the CoE programmes dedicated to citizenship and intercultural competences or the activities meant for persons and groups with specific educational needs (for example, Roma population, cultural and linguistic minorities).

Participation
Citizenship is one of the main educational aims to which the CoE has dedicated an important part of its activity in education, culture, youth and social policies. Citizenship does not refer to a mere transmission of knowledge about democracy and human rights, nor to a mere curricular subject called civics or civic instruction. Citizenship refers to the direct practice of rights and responsibilities starting from childhood, in various learning environments, where children and youth learn to participate directly in the democratic processes. From the point of view of educational policies, participation and citizenship education presuppose democratic governance, decentralization, corporate decision-making, public responsibility and education for human rights.

Social inclusion
Quality education is not restricted to an elitist approach, to a race to occupy the best position on a ranking or value judgment scale. In the sense given by the CoE, quality education means quality provisions for all, irrespective of social, cultural or economic characteristics. From the perspective of human rights, quality is achieved when everyone has access to human dignity, which presupposes self-development, empowerment and active participation in social life. The aim of education is not to promote only the best, the most meritorious or the most fortunate, at the expense of excluding a significant part of the population, but to develop the entire human potential.

More concretely, this presupposes access and open learning environments, lifelong learning for all, affirmative action to address inequalities or the effect of post-discrimination, mainstreaming for students with special needs, equitable distribution of learning provisions.

These three principles permeate all activities and projects of the CoE in the domain of education. These principles go together under the generic title of "Culture and intercultural dialogue", which, in turn, comprises the following action lines dedicated to education:

- "Education and linguistic diversity", carried out through the following programmes:
    - European identity and education for democratic citizenship;
    - Towards a European Higher Education Area;
    - Language standards and policies.

- "Youth activities" where the most interesting for our context is the programme "Youth policies, non-formal educational training";

- "Fostering intercultural dialogue", which includes the following relevant programmes:
    - Policies and practices for teaching socio-cultural diversity;

- Intercultural dialogue and the image of the Other in history teaching;
- Teaching Remembrance – Education for the prevention of crimes against humanity.

In addition to these, there are the programs dedicated to higher education (mainly the "Democratic Governance in Higher Education" and "University between the Market and Humanism") and to children rights ("Building a Europe for and with children"), as well as the projects dedicated to Roma, that are significant for the right to education, namely "Education of Roma children in Europe" and "Ensuring equal rights and treatment for Roma and Travelers and combating anti-Gypsism".

It is worth mentioning that, in the context of the CoE, quality education is not only a specific aim or a principle, but a human right. It is the very essence of one of the most important human rights, namely the right to education, which, in European context, means the right to quality education. In the European Convention on Human Rights (1952, article 2 of protocol 1), the right to education is defined through three core elements, namely:

- access and availability;
- parental freedom of choice;
- non-discrimination.

In the past few years, these basic contents have acquired a more precise normative orientation, mainly as a result of the CoE activities on citizenship, intercultural education and social inclusion. The right to education is no longer understood only as access to any type of schooling, but as everyone's access to quality education. This orientation is summarized by Katarina Tomasewski[16], the UN Special Rapporteur on the right to education, through four new obligations that are incumbent upon the government, namely:
- availability;
- access;
- acceptability;
- adaptability.
Particularly the last two of these obligations imply the right to quality education: acceptability means guaranteed quality education and minimum standards for all, and adaptability requires differentiated treatment and the participation of each and every learner, irrespective of the differences in terms of culture, faith, gender, language, social or economic conditions.

This approach, according to which the right to education actually means the right to quality education, opens new perspectives for the educational research and for policy makers. Among the multiple analysis possibilities, for the immediate context of the 5th Prague Forum, it seems to us that the next two issues deserve special attention:

1) The right to quality education is a **norm** (a value or a principle of educational policies), but also a **policy instrument**. In the first case, what we are interested in are the measures and support systems that are assigned by the State in order to implement this fundamental right. In the second case, what is of outmost importance are the monitoring tools, such as indicators, descriptors, standards or

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[16] K. Tomasewski, *Education Denied. Costs and Remedies,* London, Zed Books, 2003, p. 53.

national frameworks, that is, the tools that can be used to measure the concrete achievement of the norms and principles incorporated in the right to quality education.

2) The second issue, which can stimulate an interesting debate, is the alternative the **right to education** (as one of the fundamental rights, part of the normative framework of human rights) vs. the **rights in education**, where education is a domain of social life to which applies the entire set of human rights. In the first case, the right to education (understood as the right to quality education) is one of the human rights, with a tremendous impact on educational policies: it is considered an enabling right, since the enforcement of the entire system of human rights is dependent on its achievement. In the other approach, education is a field of application of the entire set of human rights (civil, political, social, cultural), which are indivisible and inseparable. In this sense, the quality of the educational services is closely related to the quality of other social services (health, social protection, employment, youth and culture), so that it is more appropriate to talk about rights in education than about an isolated right, which refers only to education. A particular case in point is that of children rights, where the rights are approached in an integrated manner, without any sectorial differences.

Maybe the best solution is to tackle the two issues together, each of them with its own alternatives, without excluding a priori any of them. Finally, the two approaches are complementary aspects that complete each other.

V.   Valuing Diversity And The Right To Education - Inclusive Education
by Marianne Wilhelm

Inclusion is a new concept. It is a vision for a new society which wholeheartedly embraces diversity. All human beings are part of the community. The community takes care of the needs of each single member without labelling or segregating them in any way. New thinking requires new terminology. It needs temptative steps towards changing the way we think, talk and act.

An education system providing full inclusion is based on all of the following beliefs and principles:

All children can learn; all children attend age-appropriate regular classrooms in their local schools, receive appropriate educational programs, receive a curriculum relevant to their needs, participate in co-curricular and extra-curricular activities, and benefit from co-operation and collaboration among home, school and community.

Inclusion is not about placing a child with a disability in a classroom or a school.
Rather, inclusion is about how we deal with diversity. Inclusion does not mean we are all the same. Inclusion does not mean we all agree. Rather, inclusion celebrates our diversity and differences with respect and gratitude. The greater our diversity, the richer our capacity to create new visions. Inclusion is an antidote to racism and sexism, because it welcomes these differences, and celebrates them as capacities rather than deficiencies. Inclusion means all - together - supporting one another. (Marsha Forest and Jack Pearpoint, Introduction to the "Inclusion Papers" 1991)

Inclusive education means that schools should accommodate all children regardless of their physical, intellectual, social, emotional, linguistic or other conditions.   (The Salamanca Statement and Framework for Action on Special Needs Education, para 3. UNESCO 1994)

This should include disabled and gifted children, street and working children, children from remote or nomadic populations, children from linguistic, ethnic or cultural minorities and children from other disadvantaged or marginalised areas or groups.
Inclusive Education as a solution for valuing diversity at school.

The Council of Europe still found policies and practices for teaching sociocultural diversity now this should be done also for Inclusive education in it`s wider range.
Inclusive education is concerned with providing appropriate responses to the broad spectrum of learning needs in formal and non- formal educational settings.
Inclusive education is concerned with rather than being a marginal theme on how some learners can be integrated in the mainstream education, inclusive education is an approach that looks into how to transform education systems in order to respond to the diversity of learners.

Inclusive education aims to enable both teachers and learners to feel comfortable with diversity and to see it as a challenge and enrichment in the learning environment, rather than a problem. (*Overcoming Exclusion through Inclusive Approaches in Education. A challenge and a vision. Conceptual Paper for the Education Sector, UNESCO 2001*).
Some key components of Inclusive Education are:

- Inclusive Professional values and personal commitments (effectiveness in promoting learning for all; critical self-evaluation and development; collaboration and influence)
- Inclusive Professional knowledge and understanding
- Inclusive Professional and personal attributes
- Inclusive Professional action

The theories of one education for all are:

- concepts of being a person in society
- from "deficit to competence" models
- from segregation to inclusion
- from current practice to inclusive
- inclusion gives individual and social perspectives
- inclusive education for an inclusive society

What should be done in the future?

We have to develop and to evaluate

- early inclusive education, kindergarden
- the inclusive school
- inclusive models and concepts
- Teamwork
- the roles of IT in inclusive education
- accessibility, usability, design for all, universal design
- understandings of Assistive Technology
- products and services
- people with disabilities and other languages and profession
- from the young person to the adult, transitions
- lifelong learning for all

VI . Children´s rights and right to education
by Alena Kroupová

The essay deals with description of general characteristics of children´s rights and their possible impact on quality education. It seeks to contribute to the discussion on relations between children´s rights as rights of a group and human right to education. In this connection respective international legal norms of human rights including Convention on the rights of the child are briefly analyzed. Children's rights are interpreted as the rights of immature human beings, the discrepancy between appreciation a child as an unique human being and a member of the (minority) group of children is underlined. Text also attends to results of long-term research dealing with child´s right "to be heard" de facto reducing right to quality education for an individual child. Contemporary increasing active participation of children in education is mentioned as possible support to enhencing their responsibilities for quality education.

1. Children and children´s rights

However, everybody (not only in this room) knows and understands who are children and what kind of rights they should possess. During last century there are plenty of special investigations, documents and provisions considering children, childhood from different points of view, e.g. medical, pedagogical, jurisdical, psychological, sociological or demographical. In Europe where the international human rights legal norms are in force there is no hesitation concerning the importance of quality education not only for children themselves but for the successful overall development. Contemporary huge scientific, technological, information and communication progress is changing not only social demographic structure of the European population but the role of education too. Let us start with brief description of terms and characteristics of children in several basic internationally approved human and children´s rights documents.

1.1 Social and legal characteristics of children – children as human beings

a) Children are human beings, though young ones and they are entitled to be treated in ways that humans are. Children in the international human rights legal documents (such as General declaration of human rights - GDHR, International Covenant of economic, social and cultural rights, UN Convention on the rights of the child - CRC), are recognized as immature human beings.

b) Children are *young human beings*. Article 1 of the UN Convention on the rights of the child (it is regularly monitored by the UN Committee on the rights of the child) defines a child as any human being below the age of eighteen years 'unless, under the law applicable to the child, maturity is attained earlier'.

c) Research as well as legal documents have identified children as a minority group towards whom society needs to reconsider the way it behaves. As members of minority group children feel discriminated also because they should not be considered a homogenous group as they used to be.

Child and adult are merely distinct temporal stages of a single individual. Children as well as any human being differ each from the other. So it gives a big responsibility to consider how any policy or action— even if very indirect and attenuated - can have implications and will affect all children. CRC uses practically ever the term *"of a child"*

24

underlining individuality of every child. The members of children are a group of individuals where every one is different from the other!

1. 2 Human rights and children´s rights

Rights are protected choices and international human rights law defines rights as claims addressed to governments specifying what governments should and should not be doing. Rights thus cannot exist without corresponding *governmental obligations.*

a) Children are recognized as immature human being who should possess all basic, general human rights but enjoying some of them is postponed up to their adulthood. Besides of that children have some additional (developmental) rights what should help them to reach maturity.

b) Children's rights are in respective international legal documents presented as the human rights of minors with particular attention to the rights of special protection and care afforded to them. In spite of that the field of law reduces human rights for children: As minors by law children do not have autonomy or the right to make decisions on their own for themselves.
Human rights are more frequently than children's rights topic not only for governmental policy but for members of civil society too.

Anyway, protection, enforcement and observation of adopted children´s rights legal norms represent important activities of international and national NGOs.

1.3 Legal and political observation of children´s rights

a)The UN Convention on the rights of the child may be a positive tool for promoting child´s welfare for all of Council of Europe countries that have adopted it. (There are only two countries in the whole world that did not: U.S.A. and Somalia.) As a *standard principle of child welfare law and policy Article 3.1* of this Convention states *that the 'best interests' of a child should be promoted. ('In all actions concerning children,…. , the best interests of the child shall be a primary consideration'.)*

b) *Article 12.1* not only accords the child the right freely to express his/her views on matters affecting him/her *(to be listened to)* but also gives the child an assurance to be the *agent of his/her own live.* However, there are problems in implementing such rights in a practical life.

c) A variety of enforcement organizations and mechanisms exist to ensure children's rights. They include e.g. the Child Rights Caucus for the <u>United Nations General Assembly</u>, Special Session on Children or the NGO Group for the Convention on the rights of the child. This Group is a coalition of international <u>non-governmental organisations</u> and it was originally formed to facilitate the implementation of the UN Convention on the rights of the child. Partners in this group prefare to fight for all children also because they recognize children as a social and minority group.

1.4 Children´s developmental and protective rights

Individual rights which allow children to *grow up healthy and free*, these are the rights of a child enabling to *develop his/her potential* so that he/she enters adulthood without

disadvantage. E.g. children have the right to protection from <u>abuse</u>, neglect, exploitation and discrimination. This includes inter alia the right to *safe places for children to learn, to play, constructive child rearing behaviour, and acknowledgment of the <u>evolving capacities</u> of children.*

a) Majority of children´s rights can be thus summarized under economic, social and cultural rights, related to the conditions necessary to meet basic human needs such as: adequate housing, food, water, the highest attainable <u>standard of health</u>, the <u>right to work</u> and rights at work. We can read them also as basic human rights what are protecting children to grow up mature and then to be entitled all human rights without limitation.

b) *Cultural rights of minorities and indigenous peoples or environmental, cultural and developmental rights*, so called "<u>third generation rights</u>" are as mentioned above a part of children´s rights too. The last ones represent the rights of the minority group to live in safe and healthy environment and have chance to their cultural, political, and economic development.

c) *Right to education* is among all children's rights them as a common concern.

1.5 Right to education as developmental children´s right

Education imparts not only *pedagogic instructions*, but *attitudes*, *values and behaviour*, contributes to the *transmission of language*, *culture, moral values and social organization*, it is indivisibly connected with the sphere of social and economic rights as well as cultural rights. *Right to education* is applicable in the entire set of children´s human rights. I.e. the *quality of education* is closly related to the *quality of other social services* – health care, social protection, employment..

Quality education should send the child out into the adult world with as many open opportunities as possible, thus *maximising his/her chances for self-fulfillment. Right to quality education* is closely connected with the *rights in education of an individual child*, and no wonder that its successful exploitation maximises *child´s chances for self-fulfillment life in adulthood.*

1.6 Children´s rights as protected choices

Rights are in common understanding *protected choices.* Particularly in Europe, it is an overall concensus that there is nothing wrong with the idea that different rights should be acquired at different ages. (However, problems related to the fixed threshold age 18 years of a child (e.g. 17 years + 10 months old, ?) remain. *Research has found that children themselves feel powerless and with little control over their own lives particularly in the field of education.* (Sometimes governmental policy have been found to mask the ways adults abuse and exploit children, resulting in child <u>poverty</u>, lack of educational opportunities, and child labour.)

The child´s *"right to be heard"* means for the child to be listened to, but also that sense his/her views is given due consideration and may influence what is done. The child's right to be heard on matters affecting his/her own interests is a substitute for the (liberty) human right to make one's own choices. But the right to be heard means only a right to

26

have the opportunity to influence the person who will otherwise choose for the child. The *power to make choices* resides *with the adult guardian or representative of the child.*

2. Right to education and children's rights

Right to education cannot be realized in the surrounding where other social rights will be deprived. Education is the key to breaking the vicious cycle of poverty. It allows people to be more able to earn better wages, protect their health and have voice in the governing.
Right to education represents for a child "direct way" how to reach *self-determination -* cornstone right of adulthood - without discrimination. It is the right of a child enabling to *develop his/her potential* that he/she enters adulthood without disadvantage and has the right to make choices *in respect of one's own life.*
At the same time there exists *the dual perspective in children´s rights*: missing right to make ones own choice and right to education. *Right to choice* is represented by *the decision of parents. Children´s (child´s) rights themselves do not have legal power to protect right to education of an individual child.* This fact can sometimes limit for an individual child the advantages of the right to quality education.

2.1 International human (children's) rights norms and right to education

The legal enforcement of the right to education stresses obligations of any government to make education *available, accessible, acceptable,and adaptable (Universal declaration of human rights, later reinforced in the International Covenant on economic, social and cultural rights and particularly the UN Convention on the rights of the child).*

The European Convention on human rights (1950) includes not only social but civil and political dimension of the right to education.*(Protocol 1 1952): No person shall be denied the right to education.The right to education* is understand in the Council of Europe countries as the *right to quality education.* The quality education means as stated *in Article 2 (the Protocol 1):*
access and availability,
parental freedom of choice and
non-discrimination.

The European Social Charter (revision 1996) added missing economic and social dimension. The main interest focuses on *safeguarding elementary education free of charge without discrimination.*

The UNESCO Convention against discrimination in education defines discrimination as any "distinction, exclusion, limitation or preference, which being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic conditions of birth, has the purpose of effect of impairing equality of treatment in education including depriving person or group of persons access to education or limiting them to education of an inferior standard".

European Charter for regional or minority languages considers new terms "regional or minority languages", and "non-territorial languages" and recommends that curriculum in the preschool facilities and in the first grades of the primary school should be ideally taught in the mother tongue. (National languages express and preserve group culture, and as a basic cultural agent strengthen the psychological determination of each individual.) Unfortunately, in conventions as respective international legal norms,

guaranties for migrants or national minorities of learning their mother tongue or learning in the mother tongue are vague and general.

The UN Convention on the rights of the child de facto repeats and underlines the provisions of the European charter of human rights undertaking State parties:

Article 28 1. State parties recognize the right of the child to education, and with a view to achieving the right progressively and on the basis of equal opportunity they shall in particular:
> a.   make primary education compulsory and available for all,

Article 29 : 1. State parties agree that the education of the child shall be directed to
> a. the development of the child´s personality, talents, mental and physical abilities,
> b. respect for human rights and fundamental freedoms,
> c. respect for the child´s parents, cultural identity, language and values, …

3. Promoting right of a child to quality education

Processes of evolution in science, technique, technology, (e.g. medical technology, biotechnology, communication technology), information explosion, increased access to education, are now taking place at faster rate than before. Huge migration, other social demographic changes (disintegration of families, increasing number of children being born out of wedlock, aging of European population) are changing positions of economic, social and cultural services quality of education among them. All European countries have become multicultural and whether or not as a reaction to this development, they are in the process of renovating or adopting new education systems. Countries of the Council of Europe adopted different strategies and according to their constitutional as well as economic and social rights provisions in individual countries de facto *guarantee compulsory education for all children.*

3.1 Rights of a child and right to quality education
As declared in the basic human rights legal norms children as (in spite of immature) human beings should enjoy *equal opportunities to quality education.*. Because everbody of them is *unique* implementation *of the right to quality education* should respect *individuality of students.* I.e. right to quality education should be better connected with the rights of an individual child.

Anyway, it is not simple possible to change provisions of group rights which are more general to the provision respecting many different categories. Consistent application of the UN Convention on the rights of the child (concerning education and other social services) might bridge the ongoing period looking for its updating and remove some obstacles arising from too general children's rights.

There exist territorial disparities (in the Council of Europe countries too) particularly in access to quality education and its availability. It concerns particularly children with intellectual disabilities, children from ethnic minorities as well as so called gifted children. Otherwise, all children *should* but *do not have* right to (quality) education.

Implementation of the *right to education of immigrant minorities* shows at least one further *crucial obstacle* which limits equal opportunities to quality education: i.e. very low availability of teachers who should receive appropriate training (organized by the State)

3.2 Improvement of the quality of education as promotion of rights of a child

For the long-range prevention of ethnic and religious intolerance, human rights education should be made the core curriculum subject in primary and secondary education. As defined in *Article 29 of the UN Convention on the rights of the child* education should enable every child:
to enjoy the life,
to be able to participate fully in the society,
and to be self- conscious and employable.

The overall development and changes in a society cannot be learned in traditional educational strategies without huge discrimination of learners. Necessary educational reform should take into account inter alia:
- individuality of children,
- changing face of knowledge, improvement of skills and involvements,
- information explosion from different sources and its implication,
- the advance in technologies, increased access to education, introducing two way ICT techniques into educational process,
- introducing media education,
- recognition that individual differencies are an important consideration for teaching-learning processes,
- focusing education in schools on matters which sooner were organized by families (health
 care, dietary matters, sports),
- teachers no longer enjoy the monopoly of knowledge in the classroom, as facilitators they practicise co-operative learning,
- parents choices – due to the changing status of families - might no longer be the only decisive for quality education of children.

It is a big challenge for the quality education in Europe to develop these pieces of knowledge into effective practice. It is envisaged that quality education *shall help to create well-balanced human beings who have a respect for self and for others and an empathetic understanding of their own and other traditions and cultures, develop respect for human rights and responsibilities, and sense of belonging.* Anyway it might be the long-term task for the Council of Europe in cooperation with the member States to look for removing the gap between the proclaimed political will for the right to quality education improvement and practical sustaining lack of legal consciousness, and willingness to changes (and urgent humanization of justice, changing educational role of parents, changing role of teachers are other essential issues to be addressed).

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VI. CONCLUDING REMARKS ON WORKSHOP A : "INDICATORS AND THEIR CRITICAL ANALYSIS"
by Hermann Josef Abs

The workshop provided a definition on indicators, which is broader than most indicator concepts of international organisations nowadays.[17]

OECD, EU, and Worldbank build their indicator systems on production models of education. They try to monitor the educational systems within countries and are able to give feedback on the macro level. An indicator always consists of a quantitative measure that summarises information on a phenomenon. Phenomena are indicatorised because they are regarded as important (normative decision) and as far as they are measurable (empirical decision). The indicators produced so far can be used to analyse trends or to set up targets (benchmarks). Countries can be ranked on the basis of their results concerning indicators.

There has been a controversial debate on whether the CoE should develop its own indicator system on "the right to quality education". The main advantage of having such an indicator system would consist in a higher visibility of the indicatorised phenomena. Indicators are easy to communicate within media and politics. The disadvantage would be that a quantitative indicator system by the CoE would partially double the efforts of other international organisations, which are partially much more experienced in doing indicators. Further great funds would have to be earmarked for the development and the maintenance of the infrastructure. Finally the political effect within the framework of a human rights approach seems to be weak.

Being aware of the difficulties in setting up an indicator system by its own, the question arises, what can be a more helpful politic on indicators by the CoE. The following approaches have been discussed:

1. The CoE could define a set of phenomena which should be indicatorised form a human-rights perspective and then analyse how far respective indicators are integrated in international indicator systems.
2. The CoE could work in cooperation with other international organisations on the improvement of their indicator systems or on highlighting indicators which are relevant from a human rights perspective within politics.
3. The CoE could analyse how indicators are developed and decided on in the field of education, and in how far these structures are in accordance with human rights and democracy.
4. The CoE could analyse how information on indicators is provided by public authorities and who is invited to discuss that information in public or in institutionalised contexts (like schools).

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17 „A performance indicator can be defined as an item of information collected at regular intervals to track the performance of a system. A major distinction should be made between performance indicators and compliance indicators. Compliance indicators are checks as to whether some required features have been implemented. […] Performance indicators on the other hand need to be designed to reflect our understanding of how a system works. Monitoring means ‚keeping track of the performance of a system, largely by the use of performance indicators, focused on outcomes'. However by monitoring I shall generally mean not only the regular collection of performance indicators, but also their being reported back to the units responsible, i.e. monitoring with feedback." (Fitz-Gibbon, Carol Taylor (1996): Monitoring Education. Indicators, Quality and Effectiveness. New York: Cassell, p.5.)

5. The CoE could analyse in how far school education provides knowledge and skills in order to deal with statistics and indicators which are commonplace in the political debate of European democracies.

Besides these proposals, which regard quantitative indicators, the workshop discussion focussed on compliance indicators as an alternative approach. The concept of compliance is derived form the judicial thinking as opposed to the statistical thinking. While statistical thinking deals with many cases and probabilities, judicial thinking asks for the conformity of the facts of a case with a certain norm. In the statistical paradigm the single case is no argument, but the numerous appearances of cases. In the judicial paradigm the single case is crucial, every case needs to be accordance with norms and there is a right of reference to a court if not. Within the statistical paradigm we get information on how extensive public responsibility can be observed in general. Within the judicial paradigm we get a minimum standard of public responsibility.

1. The CoE could analyse and compare the rights of teachers, students and parents within educational systems form a human/children rights perspective.

2. The CoE could lead the development of norms / conventions which enhance legal certainty with respect to human/children rights in the area of education.

3. The CoE could work on the legal structures, which guarantee human/children rights in the field of education.

VII. Summary of the work in the group "Valuing Diversity in Education"

by Siyka Chavdarova – Kostova

The main topic in the work of the group "Valuing Diversity in Education" was the term inclusion as an idea and a practice of valuing diversity.

From one side – it`s the political decision by legislation to make inclusion a reality for the country practice. Because of that it was put so big accent in discussions on the role of legislation and it`s supportive functions (including financial support) as regard inclusive education.

It`s very important the school staff to be engaged with this idea, not only teachers but principals, other staff – psychologist, supporting teachers etc. This is a prerequisite the idea of inclusive education to be realized effectively. But school staff should be convinced that inclusive education is a necessity not only for the "diverse" children but and for other, because inclusive education is a part of inclusive society. Teachers should be prepared for inclusive education. Firstly they should be motivated to develop themselves, to raise their knowledge and skills. It would be better this to be engagement not only of one teacher from the school but of more teachers – to be formed a team from teachers that can support realization of the idea in the school. It was put and the question of the financial support as regard staff (the second teacher, additional staff needs special resources that is a question of the state and legislation level).

Objects of discussions were some main questions related to possibilities for realization of the idea of inclusive education in practice:
- level of legislation;
- level of school governance;
- level of staff development;
- level of teacher training;
- level of school community collaboration.

Realization of the idea of valuing diversity depends on the content and development of these levels. It`s very important to have in mind that different countries have specific experience because of their understanding about what differences need special support (for example not only children with special education needs, Roma, but and gifted children that are also "different").

One of the very important question was about the attitudes of the parents, of the society as whole to inclusive education. The fact of official legislation of inclusive education is not enough this idea to be understood and welcomed from all parents and people. It`s very necessary the society and the parents to be more informed about inclusive education. This is necessary and for more effective collaboration and support from the factors that are "outside" of the school – for example parents, church, non-governmental organizations, social workers.

Workshop (by Wilhelm)

Valuing Diversity in Schools, addresses policy, leadership development, and also multicultural education in a restructuring process that focuses on the appreciation of diversity. Using a pluralistic perspective, the Valuing Diversity in Schools addresses four components of restructuring: student experiences, teachers' professional lives, school governance, and school-community collaboration.

This is based on the belief that democracy must be modeled in the educational system. Valuing Diversity in Schools means to take into consideration all kinds of diversity: Gender, gifts and talents, special needs, languages, religions, cultures, age, learning strategies the concept of Inclusion is one solution for this task.
The quality of inclusive schools can be profed with the Index for Inclusion.
The Index for Inclusion is a set of materials to guide kindergardens and schools through their process of inclusive development. *(http://www.eenet.org.uk/index_ inclusion/index_inclusion.shtml* Mel Ainscow and Tony Booth)

What do schools need to start the inclusive process, to become inclusive schools?
- Legislation which gives more autonomy to each single school
- Resources (two teacher in class: class teacher and teacher for special needs or native Speaker)
- IT in each class
- Help from experts
- Material (school books in different languages, easy to read material …)
- Networks
- Partners from outside school
- Inclusive Teacher Training and Staff Development (with focus on communication, teamtraining, diversity-management, conflict-management, school-development, progressive education …)
- and last but not least the fullfillment of Inclusion Charter:

This *CSIE* explanatory paper on the six points in the Inclusion Charter, first written in

1989, was revised in 2002 to take account of latest developments and understandings of

inclusion and segregation.

The Charter's Six Points:

1. We fully support an end to all segregated education on the grounds of disability or learning difficulty, as a policy commitment and goal for this country.
2. We see the ending of segregation in education as a human rights issue which belongs within equal opportunities policies.
3. We believe that all students (the Charter uses the term 'students' to cover all pupils, children and young people) share equal value and status. We therefore believe that the exclusion of students from the mainstream because of disability or learning difficulty is a devaluation and is discriminating.
4. We envisage the gradual transfer of resources, expertise, staff and students from segregated special schools to an appropriately supported, diverse and inclusive mainstream.
5. We believe that segregated education is a major cause of society's widespread prejudice against adults and those experiencing difficulties in learning and that efforts to increase their participation in community life will be seriously jeopardised unless segregated education is reduced and ultimately ended. Desegregating special education is therefore a crucial first step in helping to change discriminatory attitudes, in creating greater understanding and in developing a fairer society.
6. For these reasons we call on Central and Local Governments to do all in their power to work as quickly as possible towards the goal of a desegregated education system. (http://www.csie.org.uk/publications/charter.shtml)

As a response to pupil diversity, inclusive education has become an internationally accepted policy. Initiatives by the Council of Europe, European Union, United Nations, UNESCO, the World Bank and non-governmental organisations have contributed to a growing consensus that all children have the right to gain quality education in mainstream schools, regardless of their diversity (UNESCO 1995; Europe 1998). The principle on which inclusive education is based was first put on the statute books in Denmark in 1969, in Italy in 1971 and in the US in 1975. Since then inclusive education has evolved as a movement to challenge segregative education policies and practices and gained momentum in Europe in the 1990s. It is still a challenge for all of us.

X. "The right to quality education"

by Alain Mouchoux

First of all, I would like to congratulate the Czech authorities and the Ministry of Education for the preparation and organisation of this 5th Forum. These Forums provide an opportunity for the constructive exchange of views and ideas on major educational issues of relevance to all our societies.

Thank you too to the Council of Europe for its constant promotion of debates such as these, especially in an intercultural context.

I am speaking on behalf of the INGO Conference, and more especially its Committee on Education and Culture, bringing together more than 140 INGOs: associations, foundations, trade unions and various other organisations in all the Council of Europe member states.

A few preliminary remarks

Establishing and proclaiming rights, and ensuring that they are upheld is what the Council of Europe is all about. We must constantly seek to extend these rights, which form the very basis of democracy, and above all ensure that they are implemented, since a right which is not applied becomes obsolete and disappears. Accordingly, calling here for a right to quality education places a responsibility on us, but it will require vigilance on the part of all partners to ensure that it is implemented everywhere and in a lasting way.

It is all very well discussing, here and elsewhere, the right to quality education, but should we not first of all perhaps stress the need to develop and enhance citizenship and human rights education in all member states?

"The right to quality education"

There are three essential factors for us to think about: right, education and quality. I would like to add "for everyone", since it is possible to have quality education just for an elite or a minority.

There has been growing interest in improving the quality of education not only in Europe but worldwide. Some recent references include:

The action plan contained in the declaration of the 3rd Council of Europe Summit in Warsaw (2005) "Building a more humane and inclusive Europe"

The EU Lisbon Summit (2000) which called on Europe "to become the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion"

The final declaration of the Standing Conference of Ministers of Education meeting in Istanbul (May 2007) "reaffirming that education is a public asset and a public responsibility, which safeguards the principle of equal opportunities and universal access to a high standard of instruction". This, it will be noted, was a commitment made by our Ministers of Education.

I could also make reference to the White Paper on Intercultural Dialogue, since it underlines the rule of law, while at the same time stressing the importance of diversity.

The objectives, therefore, are perfectly clear and explicitly stated officially with strong keywords such as *inclusive Europe, social cohesion, equal opportunities, public responsibility, universal access to a high standard of education, and knowledge-based economy.* It is all there.

Objectives and realities

So, we know where we should all be heading. The INGOs, NGOs and civil society share these objectives; they are already working to make them reality. For in our efforts to achieve effective education and training systems in both quantitative and qualitative terms it is essential in the school and university settings to ensure that the results achieved from pursuing these objectives are indeed the results we want to see.

Without wishing to enter into a complex discussion on the definition of quality of education, I think it would nevertheless be helpful to recap on some of the basics.

A quality education system should give all children and young people a comprehensive education and appropriate preparation for working life, life in society and their own private lives, lasting them their whole life long. This objective should be achieved without distinction or segregation based on parental income, skin colour, sex, religion, political persuasion, or national social or ethnic origin.

Quality must not be regarded as a static concept; quality and standards are specific to a time and a place, and may vary in accordance with learners and their circumstances and environment. We also have to take on board the relevance of the subjects taught and the aims and objectives of education. In a complex and rapidly evolving world, what was considered quality education yesterday may no longer satisfy the quality requirements of today or tomorrow. The ICTs are an obvious illustration of this.

Mentioning these criteria gives us pointers to what action has to be taken, what things have to be done, incorporating essential factors such as the growing diversity of our classrooms and schools, a result, for instance, of the significant immigration and migration that has occurred in the last two decades.

One thing immediately springs to mind: is it not a bit surprising that now in 2008 we have to discuss the right to quality education? Shouldn't all education be of a high quality given that what is at stake is the development and progress of our societies, since the aim is to educate individuals so that they can be successful in their working and social lives and therefore become responsible citizens?

But as everyone knows, education is not of a high standard everywhere and there are still glaring inequalities – to take the example of equal access throughout one's school life, we just have to think of the situation for girls in certain countries.
Moreover, establishing a right to quality education does not automatically guarantee universal access to a high standard of education. This means that all the players – education partners, public opinion and the media – have to be actively and resolutely involved. Which means that we need to have a structured and ongoing social dialogue on education, which should once again become a public affair.

Quality and diversity

We are men and women who have responsibility in our own countries or at European level; we are also people of conviction, we believe that our societies can progress in all areas, with their diversity: cultural diversity, political diversity or administrative diversity. Good practices in operation elsewhere can provide some inspiration without there having to be a uniform approach everywhere. Several examples come to mind.

In some countries, such as this one, there is a ministry of education, youth and sport, in others a ministry of education and culture. In yet others, the ministry's title includes higher education, etc. In order to make progress, we do not have to have a single model; we can already take action without having to wait for other operational structures. Parents and families are concerned – and quite rightly so – about the educational and subsequently social success of their children, and therefore about the quality of education which will lead to this goal; education thus takes on another meaning.

The same objective is pursued in sometimes quite conflicting ways: in some areas the focus is on greater devolution or independence, whereas elsewhere, in the name of greater equality and equity, efforts are made to bring national and regional educational structures closer into line. Here too, what is important is how effective the approaches are in ensuring high quality for all.

Achieving quality education for all

Public responsibility must be established in order to guarantee quality education for all citizens. At the same time, we need to give substance to the concept of quality: the specific objectives to be pursued and the results expected for all pupils and students.
I have a number of comments and suggestions to make in this connection, which are interlinked and derive from reflection and knowledge of successful practices.

A few basics:

Education is not a neutral process; it is based on values to be transmitted.

Each child is different and does not necessarily learn at the same pace as his/her neighbour; denying this will lead to inequalities which are inconsistent with quality.

Each child is capable of being educated. One should neither limit the less able nor hold back those who can progress more quickly: education therefore needs to be individually tailored without, however, segregating the weaker ones from their friends, it needs to include young people from minority backgrounds and give special help to children with special needs.

The following principles should also be taken into account:

Quality should be provided from the very earliest age.
We need to redefine the essential standards and fundamental skills in education.
There should be a focus on developing the ability to learn how to learn, to seek, assess, be curious, creative, reflect and be critical, to reason and co-operate.
We need to take a fresh look at school equipment, teaching material and the size of schools.
We must ensure that there is educational continuity between the various levels and then with university education.

38

These measures, applied in a co-ordinated way, would be a first step towards reducing the level of educational under-achievement, which varies between 10 and 25% in Europe, the drop-out level and the number of young people leaving the education system with no qualifications.

The above list is intentionally not exhaustive and each element needs further clarification. Lastly on this point, I would like to say that some research work in which we have been involved has clearly shown that when a favourable climate has successfully been developed in a school, the results of all pupils are significantly better. Such a climate is created by means of improved relations between pupils, a sound understanding by everyone of the objectives to be achieved, an expectation that all will make progress, close co-operation between parents and teachers and getting the pupils themselves involved in the life and running of the school.

Clearly, many people believe that a key factor in promoting quality education is to be found in basic and in-service training for teachers and education staff. This is all the more essential given that everywhere in Europe in the years ahead there will be a need to recruit several million teachers. Accordingly, we need to take this opportunity to improve recruitment, the training curriculum and, this goes without saying, enhance the status of the profession in order to attract the best candidates. We believe that this is a major challenge we simply have to take up in the interests of our education systems and social progress.

Of course, any change presupposes a thorough assessment of each of the stages and the results. This should be incorporated into any proposals.

By way of conclusion – of necessity provisional since there is much still to be said and above all done on the subject of quality education and the right which must be established everywhere – I hope that this 5th Prague Forum will help relaunch the debate in all the countries of Europe in order to implement the provisions, structures and resources to ensure that quality education for all is guaranteed in practice and on a permanent basis.

It would also be worthwhile for an Assessment Forum to be held here in Prague sometime in the near future, where we could take stock of and assess the progress made, and see whether the general objectives laid down, the political statements made and the commitments entered into in connection with this right to quality we are calling for have been followed up and implemented on the ground in schools and universities.
Our organisations consistently underline that education should be a priority for the Council of Europe member states, and once again I refer to the European Ministers of Education final declaration in Istanbul, "education is a public asset and a public responsibility".

Nobody is unaware of the extent of the current economic, and therefore social, crisis with which we are faced. Let us ensure that it does not affect the future generations still more.

Quality education for all is an essential medium-term and long-term commitment for our societies. As such it is at variance with the wishes of those who want a quick return on investment or who want to "commodify" the field of education and learning.

"Learning: the treasure within" (J.Delors)

XI. The right to quality education – A long-term project which means reinventing the school system
by Marianne Krüger-Potratz,

At the 5th Prague Forum the Council of Europe dealt with a fundamental issue, namely the right to a quality education, which has major social, political and even economic ramifications. The right to quality education includes the right to enjoy rights and access to most other human rights and rights of the child. Securing the right to quality education implies a radical change of viewpoint. To elaborate on this idea, I will take diversity as an example. In current academic and even political debates, there appears to be a consensus about the meaning of diversity. Ostensibly, everyone agrees that diversity comprises any feature that makes up our individual identity, meaning that it covers a large number of variables including age, sex, health, social circumstances, nationality, ethnic characteristics, mother tongue and sexual orientation. However, when the idea is put into practice and strategies are introduced to promote diversity, differences of approach arise and the concept of diversity can be somewhat counter-productively oversimplified. Some may take it to mean "integration of the disabled" while others will focus on "integration of immigrant children". Yet others will consider it to boil down to linguistic and cultural diversity or diversity from the health viewpoint, and, in more general terms, there are those who regard it solely in terms of the relationship between minorities and majorities. Yet diversity is our normal state: we all resemble one another and differ from one another at the same time. Despite this, we have not yet managed to devise an educational approach which takes account of all the aspects of diversity and this has an impact on access to education and the quality of education.

One of the reasons why it is difficult to gain a full overview of diversity is that we overlook the fact that the system of education based on compulsory schooling that we know today is one that began emerging in the 17th century but was systematically introduced in Europe only from the end of the 18th century onwards. This system is closely linked to the rise of the nation state and, in Benedict Anderson's words, the view of the nation as an "imagined political community".

At the time, the concept of the school as a state institution and the principle of compulsory schooling required a radical change in thinking which was nothing short of a revolution. This was no longer instruction for small groups of privileged individuals, providing them with an education suited to their social status, but the beginnings of general education or – as it was called in Germany at the time – the "education of the masses" (Massenunterricht). A great deal of time was needed to achieve this and in fact in many respects the task has not yet been completed, at either national or international level. We know that even in rich, developed countries, parts of the population cannot enjoy their right to education, are still illiterate despite having attended school or – at least in some countries – are excluded from school by the law, such as immigrant children without legal status or official papers. When he visited Germany in 2006, Vernor Muñoz Villalobos, special rapporteur to the UN on the right to education, strongly criticised these forms of exclusion and the fact that large numbers of young people still left school without really knowing how to read and write. The situation in France and other European countries is just as serious. To quote UNESCO, "Contrary to the commonly held assumption that only minority groups are affected, low levels of literacy touch mainstream European populations. Too many adults still fail to acquire even basic skills, with enormous effects on their individual lives and on their countries' economic

and social well-being"[18]. We have much to do therefore to make schooling not just compulsory but also effective, providing all children with a form of instruction and education enabling them to secure their human rights.

Education for all – one of the goals of the nation state

However, this goal, set over two hundred years ago, will not be met, and a quality education for all will not be successfully introduced unless we bring about a further change in our thinking and reinvent school. The school system which we now expect to provide a quality education was devised to reflect the concept of the nation state which began to emerge in the 18th century. From the 18th century onwards, in most European countries at least, the state became the main champion and protector of the right to education for all. This role was in keeping with the logic of the nation state. Teaching and education at school were seen from a national viewpoint, based on an idea of linguistic, cultural, ethnic, national and social uniformity. This – for the time – modern national approach and desire for standardisation became an integral part of the structure of schools, the training of their staff, their daily routines, the fixed views of the authorities and parents' expectations. It was with this goal in mind that the curriculum and the methods by which it was to be taught were devised and adapted and this thinking that influenced aspects such as school architecture and classroom layout. Various strategies were adopted to provide general schooling while showing due regard for existing power relationships and national interests, and one of these, which derived from the notion that uniformity was a normal political and human state, was exclusion. This included exclusion through the establishment of separate schools (for example for girls or the disabled) or the complete, legal exclusion of non-nationals (as enshrined in education legislation). Another equally aggressive strategy was discrimination against, or even prohibition of, so-called minority languages, while yet another was the establishment of an entire administrative apparatus for the state to control teaching methods and schools.

Since then, the school system has been reformed many times and the concept of inclusion seems to be ousting that of exclusion. Yet, if we look closely, we see that so-called inclusive strategies are only partially so. Groups who had been excluded before, such as girls and non-nationals, were eventually accepted, but with no changes to organisational structure or teaching methods. This was what happened when girls were systematically integrated (co-education) and a little later when non-nationals were accepted (intercultural education) and it is still the case with schooling for disabled children in mainstream schools. Minor changes are made to the curriculum, special classes are set up and specialised staff are appointed, but nothing is ever really done to alter the underlying structure. Pursuing a policy of inclusion without altering the historical structure of national education systems leads to a form of inclusion through piecemeal accumulation and ultimately to instances of institutional discrimination, which are sometimes easy to identify and sometimes barely perceptible.

The history of national schooling and its combination of democratisation and exclusion have given rise to a desire for normality, which still pervades our education systems despite successive changes and reforms. The situation differs in Europe according to country, but, on the whole, education systems are very similar, as are their concepts and strategies of exclusion and inclusion.

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[18] See, on line, the UNESCO press release, "Illiteracy: a concern for Europe too, reports UNESCO", 06/05/2008: http://portal.unesco.org/en/ev.php-URL_ID=42331&URL_DO=DO_TOPIC&URL_SECTION=201.html

Today, we are again at a turning point. We must radically change our thinking while never losing sight of the unfinished task, set in the 18th century, of creating a school for all. We need to reinvent the school system, this time not just at national but also at European level and from a European and international viewpoint, based on the principles of human rights and the rights of the child. Securing a right to quality education implies something more than the two hundred or two hundred and fifty year old goal of education for all.

If we want to change education and achieve new standards, we have to single out working methods that, while clearly obsolete, have not always been dropped. We have already been working on this radical change for some time, and devised a number of concepts which could form the basis for a 21st-century education, such as "education for human rights", "intercultural education", "global education" and "education for sustainable development". These require new forms and systems of learning and hence structural change, which has not yet come about. However, providing quality education is a long-term task, and discussing the reorganisation of schools to cater for diversity, making them work without excluding anyone and linking them more systematically to the outside world is already a major step forward. Some of these ideas and concepts date from the time of the New Education movement, so they need to be geared to the challenges of today.

Opportunities and constraints: multiple languages and cultures

When considering the many proposals made during the 5th Prague Forum, we must always remember that when we talk of freedoms and opportunities, we must also talk about limits. This also applies to diversity, meaning that anyone who talks about diversity must also discuss the limits to the right to be different. To define and respect diversity, we need to place it in a shared reference framework so that we do not fall into the trap of relativism or the potential constraints of uniformity and one-track thinking. As a result, we need to devise new strategies to manage diversity and define its limits with due regard for human rights and the rights of the child. Since recognising diverse languages and cultures can give rise to linguistic conflicts, strategies are needed to manage these conflicts without questioning people's right to express themselves and enhance their skills in their own language or renouncing the advantages that multilingualism can bring. The approach adopted in some schools, including some in Germany, whereby children are prohibited from speaking in their mother tongues, even during breaks, is not actually a solution, from either a linguistic or an educational viewpoint, but merely a case of surrendering to the traditional, historical logic of one-track thinking. On the other hand, adopting a laissez-faire policy and allowing people to speak what they like wherever they like is no solution either and can cause linguistic conflict and academic failure. A quality education should have strategies to take full advantage of the linguistic diversity deriving from pupils' different mother tongues, including languages taught at school. It should find ways of incorporating a number of these languages into the curriculum to make it clear to anyone attending the school that linguistic diversity is valued as a cultural asset, even if it can only be partly realised. Above all, it calls for methods and materials to ensure that all children can acquire the metalinguistic skills that will help to guide them through a multilingual world.

At the same time, due regard for different cultures, different lifestyles and different ways of looking at the roles of women and men and determining parents' rights vis-à-vis their children must not result in the fragmentation of state education. Although respect for minorities is an established principle, there should also be a consensus that enables

42

everyone to continue to work and live together. We therefore need strategies to manage conflicts, though with due regard for human rights and the rights of the child.

Among the implications of this radical change is a need to find new ways of managing schools. The form of education established and developed since the late 18th century was based on a clear division of labour. Teachers were responsible for teaching but had little say in devising curricula while administrators were responsible for administration but had little to do with devising organisational structures. Teachers understood nothing about administration and management but administrators understood nothing about teaching, and even if they previously had been teachers they soon forgot their background, and their administrative role gave them a different perspective on schools. This is why, to this day, teacher training overlooks law and management despite the fact that, in the interests of educational autonomy, it has become essential for teachers to have some skills in areas such as management, finance and marketing.

If we want schools to co-operate with their partners, we have to give them the right tools and establish what skills they need to manage themselves in co-operation with stakeholders as diverse as parents, associations, trade unions, local and regional authorities and employers. They all have different, sometimes conflicting, interests and these interests may be legitimate, if not always conducive to quality education.

There is no doubt that the framework for this proposed right to quality education is a sound one, but there needs to be greater awareness of this framework, particularly among those directly concerned. To win over all those who are interested in promoting a democratic school system, implementation strategies need to be devised and it has to be acknowledged that organisational structures need to be radically overhauled. This is a difficult task as these structures do, after all, reflect the balance of forces between social and political goals. To succeed in this, we have to "shake off history", breaking with the tradition of uniformity in education tied up with the nation state and building a school system which excludes no one. We must do everything in our power to create a Europe which respects the right to quality education for all, regardless of ethnic background, mother tongue, sex, religion, age and health status – a Europe that makes it possible to secure the right to enjoy rights and gives priority to the right to education, which in turn gives access to other rights.

XII Quality education: the challenges of cultural and religious diversity -
by Chahla Beski

Diversity is an issue that has an increasingly important place in discussions on the inclusion of civil, social and cultural rights in education. How can diversity and equality be reconciled in policy and practice in order to ensure universal access to quality education? How can cultural and religious diversity be taken into account in education without undermining the universality of the principles underpinning human rights? These questions point to the relationship between the universal, the individual and the collective, which has permeated modern society from the very beginning. They are burning issues in a Europe that bears the imprint of broader access to education and globalisation, for the modern democratic society heralded, as it were, by the ==human rights charter== fuels a dynamic relationship between the "universal", the "individual" and the "collective" through the recognition of individual and collective autonomy. Freed from the absolutism stemming from the sacred status of values and standards which, with reference to meta-social institutions, create a hierarchy of rights, modern society is introducing democratic processes. The individual is thus recognised as a citizen who both formulates and enjoys rights. The community, as an independent entity, safeguards shared values based on freedom and equality, and the appeal for solidarity (fraternity) among citizens forges a shared sense of belonging implying not only rights but also duties. The authorities are the guarantors of the application of shared values and standards, and citizens, by virtue of their actions and interaction, are actively involved in fostering democratic citizenship.

From theory to practice

The democratic community is thus are deemed to be made up of autonomous, free and equal individuals with differing identities (in terms of sex, age, social background, cultural, religious and political affiliations, and so on). The public arena in a democracy is likewise plural and multiple, filled as it is with people with diverse beliefs who act according to different socio-political conceptions. The "diversity/equality" approach therefore provides impetus for the "universal/individual/collective" dialectic triggered by the democratic citizenship strategy. Yet, as the history of human rights shows, this strategy is never, and never has been, put into practice automatically: recognition of "women's rights" within the "rights of Man " can be, and has been, achieved only as a result of sweeping socio-political and cultural changes that have made it possible to enhance the universality of rights by incorporating pluralism. At the same time, it is, and has been, possible to do this only by combating ideas and policies that, on the grounds of the "difference between the sexes", advocate unequal rights. This telling fact shows how important it is, whenever the issue of diversity arises, to address it in the light of the universal values of freedom and equality. At the same time, genuine progress in the area of formally acknowledged rights is dependent on our questioning the application of these values in the light of diversity. This twofold approach is essential in order to avoid the pernicious effects of referring to a form of diversity that is not bound by respect for equality and freedom.

The proper use of "diversity"

My observations on the ground in the course of 15 years' work in France on issues relating to intercultural relations, integration, racism and discrimination reveal the

44

pernicious effects of using the concept of diversity in the current context if it serves to camouflage the heterogeneity inherent to any group and/or community with shared cultural and religious features. In such cases, the dynamics inherent to the development of cultures and identities give way to inflexible conceptions of "culture", "identity" and "cultural and religious identity". On the one hand, it is forgotten that members of a community do not necessarily share the same socio-cultural and political frames of reference. On the other hand, the constant presence of conflicts over values in a democratic society, which are connected with progress in social rights and do not, contrary to what is often argued, concern the relationship between nationals and immigrants, is overlooked. For example, cultural conflicts are clearly apparent in socio-political clashes over rights connected with changes in the concept of the family. Democracy creates its own culture, one that requires people to be constantly learning new things, particularly how to manage the conflicts over values that are reflected in communication processes at all levels of society and politics.

When it comes to promoting cultural and religious diversity, this twofold omission often leads to errors of two kinds: the first is to conceal the existence of racism and discrimination, as social phenomena, by referring to cultural differences between individuals and groups. The second is to favour certain forms of "cultural relativism" as justification for discriminatory practices and acts of violence perpetrated by individuals and groups in the name of their culture or religion. This leads to a shift from the "right to be different" to "different rights".

These errors can be observed when we look at complex situations that highlight the connection between racism, discrimination and what happens when communities withdraw into themselves to preserve their identity. Strengthened by this tendency of communities to close in on themselves and by religious extremism, strategies to assert an identity in turn exacerbate social exclusion, violence and discrimination. In a context of globalisation, where everything is treated as a commodity, the prevailing "consumer culture" contributes to the loss of the collective bearings that provide people with an identity, and encourages communities to close in on themselves.

Globalisation: openness and withdrawal

The globalisation process makes for modernisation and, in particular, encourages the spread of literacy and access to education. By radically altering the concepts of space and time, with the advent of new patterns of mobility and new forms of communication, it paves the way for intercultural relations and encourages individuals and groups from different cultures to come together. Commercialisation on a massive scale is fostering a consumer culture and drawing people together even more, quite apart from the increase in migration and its changing patterns, which mean that a multiplicity of cultures is here to stay, particularly in European countries.

Modernisation does not, however, automatically go hand in hand with the spread of democratic values and does not necessarily provide the safeguards needed to extend fundamental human rights. In this context, if democratic management is absent or deficient, socio-cultural upheavals encourage communities to withdraw into themselves, making extremism of all kinds more attractive and better equipped to mobilise people. Extremist movements fuelled by a heightened sense of national, ethnic and religious identity are managing to spread and find recruits not only among people excluded from society but also wherever democratic thought and action are lacking. Education is of prime importance if these phenomena are to be effectively combated - indeed, the very concept of "inclusive education" highlights this role.

Intercultural education plays a key part here, in the light of the "diversity" issues just mentioned.

The need for intercultural education

In view of the objectives of quality education for all, it is vitally important to take account of cultural and religious diversity. Success is dependent on the introduction of intercultural teaching methods designed to foster the inclusion of the "individual" in the "universal" and to invest the "universal" with the "collective". What are the methodological requirements here?

Firstly, it is necessary to co-ordinate two approaches that are often pursued separately: taking account of cultural and religious diversity and combating violence and discrimination. This will make it possible both to grasp and to acknowledge the specific features of the situations of individuals and groups and look at them with due regard for individual autonomy and shared rights.

Secondly, it is important to incorporate in this general approach a gender-based perspective (that takes account of gender relations in society). In an effort to take "diversity" into account in order to combat racism and discrimination linked to ethnic origin and religious beliefs, there is a tendency in some cases to ignore or play down sexism and sexual violence. Moreover, it should not be forgotten that, within the very societies that advocate democracy, women used to be, and are still being, denied access to human rights, despite these being considered a universal principle, on the grounds of "respect" for patriarchal traditions based on cultural and religious rules. The incorporation of gender issues is a prerequisite if intercultural education is to be further developed.

Since the late 1980s, the upsurge in religious extremism has required intercultural education to look at religious diversity in the light of the issues of secularism and secularisation as it seeks show that laws are not sacred, as a precondition for recognition of the twofold individual and collective autonomy underpinning democratic rights.

Lastly, to be successful, intercultural education must be applied across the board in the various educational establishments, and by all those involved in educating children and adults. It must involve policy-makers, teachers, educationalists, parents, the media and civil society alike. It requires long-term mobilisation everywhere: in the family, at school, in the workplace, in meeting places and in local neighbourhoods. All the parties concerned must be involved in the search for knowledge, in efforts to change people's perceptions and attitudes and in inculcating new skills.

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XIII. CONCLUSIONS –

by Martine ABDALLAH-PRETCEILLE

Since it is obviously impossible to reflect all the observations made during the sessions, we had better abandon all hope of doing so right from the outset. I shall therefore confine myself to highlighting some of the participants' comments. I would define this concluding report as a contribution to the work carried out by all, as my input into the general effort. However, I do not think the General Rapporteur's job is merely to compile the contributions to the workshops but rather to put them into perspective from a forward-looking angle in order to pinpoint guidelines for future Council programmes and send out strong messages to the member states.

We will go through all the different themes, concluding each time with proposals, or to use Council of Europe terminology, implications for joint action.

AN ETHICAL APPROACH TO THE RIGHT TO QUALITY EDUCATION

The added value of the 2008 Prague Forum on the right to quality education, which might by extension be called the right to quality education for all[19], is defined by a cultural approach understood in its ethical dimension as framed in Human Rights and the Rights of the Child. This does not mean ignoring the legal aspects, but we must emphasise that no social and educational contract can ever be effective without an agreement on values.

Discussing educational policies must not result in a mere series of measures, even if hey are highly relevant. Defining an education policy also involves proposing a framework based on common values which are democratically formulated and then permanently reconfirmed, as a precondition for the conclusion of any educational contract.

The fact is that such an agreement on values is not easy to achieve, especially if we wish to transcend mere speeches and declarations of intention. To that extent the Prague Forum is philosophical and therefore eminently political – not in the party-political sense but in the sense of setting out a policy, defining a reference frame and a horizon, or indeed a utopia. I use the word "utopia" here not as a political or social project that ignores reality, making it unattainable, but as a set of ideas, a state of mind that can provide a configuration conducive to organising actions and attitudes. Utopia in a way relates back to an inclusive symbolic system. While we can imagine a society without an ideology, it is not so simple to imagine a society without a utopia, ie without an objective. It is in this sense that the ethical approach to the right to quality education has a dynamic value, in that it indicates a way forward and a horizon. The aims are clear, and we must pursue them, while also taking account of the reality principle and the practical prerequisites. From this angle, we cannot obviate the need to gradually, indeed radically change our education systems and the physical environments of our schools.

Education is impossible without a social blueprint, otherwise the most we might get is training. If we avoid ethical structuring we reduce schools to mere managerial and social

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[19] We might mention the different summits held on this subject (Dakar Forum, Warsaw 2005, Istanbul 2007, etc).

and economic regulatory functions, with the sole objective of transmitting knowledge and preparing young people for working life.

In accordance with Hans Jonas' "responsibility principle", the right to quality education has more to do with "responsibility for a mission, for a future". It is a case of both supporting shared ethics and incorporating the action and undertakings into a future, a project. Unfortunately, the difficulties and contradictions involved in implementing the right to education often give rise to indignant accusations. We look for someone to blame: who caused the dysfunctions?

Proposal 1: The human rights and children's rights approach to quality education not only is legitimate but also guarantees the effectiveness and efficacy of education. It is essential to base education on values: this is a vital dimension. This approach constitutes the Council of Europe's added value as compared with the action of all other international bodies, and it must be perceived and disseminated as such.

Proposal 2: The human rights approach, which, for all the difficulties of implementing it, has attracted a consensus in general education policies, must be extended to all social players and fields not directly involved in the educational endeavour (see paragraph on the parties involved).

ENHANCING DIFFERENCE IN EDUCATION: TOWARDS DIVERSITY-ORIENTED HUMANISM AND INCLUSIVE EDUCATION

While, as was reiterated during the Forum, the right to quality education fits into an ethical framework, we should also clarify the political and educational project to which this right is intended to contribute. One of the many challenges is that of recognising diversity.

Intercultural education is an alternative, not only in pedagogical but also in political and philosophical terms, to shutting oneself off from difference and negating the particular by lending undue weight to a generalising and standardising type of universalism.

Furthermore, taking account of diversity is necessarily bound up with the citizenship principle, otherwise discrimination is liable to be reinforced in the name of respect for differences, which would be contradictory, to say the least.

So diversity is not a centripetal force, but rather strives towards social integration on the basis of an inclusive value. Inclusive education is aimed at all children whatever their differences, transcending the mere cultural dimension. In fact, intercultural education has always taken account of all types of difference, even if some players concentrate mainly on migration-type diversity (see the work of Martine Abdallah-Pretceille and the White Paper on intercultural dialogue "Living Together as Equals in Dignity" (2008), which is very clear on the issue of objectives and the common framework of values.

The inclusive concept is actually nothing new, but rather a different way of broaching openness and learning about diversity from its dual angle of socialisation and empowerment. Inclusive education emphasises the school's social mission. The workshop participants noted that at the present time, new groups had (or should have)

48

access to an inclusive approach, ie new "drop-outs" or "nouveaux pauvres". Similarly, nowadays, many people who attended school are nonetheless illiterate, and stock should be taken of these situations, which were only marginal not so long ago but are currently expanding.

The working group considered a long list of inclusion indicators capable of gauging the social competences of schools. These should be analysed at length and compared with a list of objectives that define the very principle of Education.

Moreover, it was pointed out that these indicators could not be used statistically, but that they were useful in terms of improving one particular school. However, they were powerless to improve a system or even a group of schools.

Proposal 3: The Council of Europe might deal with the "nouveaux pauvres" created by deteriorating economic problems ("drop-outs"). A working group/think tank might be set up. It is a case not of categorising a population or shutting it into a segregationist mindset, but of considering that situations of serious economic recession in countries previously unaffected by poverty cannot just be ignored.

TOWARDS A TRANSVERSE APPROACH TO THE RIGHT TO QUALITY EDUCATION

While the success of educational policies necessitates political involvement, and while axiological consistency is a further vital precondition for the efficacy of such policies, it is equally important to conduct comprehensive reflection on the requisite action and measures. The Council of Europe has many instruments relating to education, and a range of conventions and recommendations have been signed: the Framework Conventions on minorities, languages, etc. It is time all these initiatives were brought together in order to get away from the patchwork, piecemeal approach.

Contexts, eras, places, and economic, political and sociological difficulties, not to say obstacles, are so many possible factors for relativisation. The right to education concerns innumerable new categories: street children, Roma, etc; and the list could go on and on.

All these factors could potentially end up demolishing the whole content of the right to education. Ultimately we must move on from an education policy based on partial projects and selective objectives to a more integrated one combining objectives, modalities and values right across the board.

This is the only possible basis for setting out proposals in terms of governance, curricula, methods and monitoring indicators. Only after this has been done can, and must, the mechanisms and measures be contextualised in order to take account of the political, economic and social environment. Education policy is never the mere sum of several partial projects.

Furthermore, if the right to education can help overcome poverty, proper economic conditions are a further decisive factor in the exercise of this right. So we have lopped the loop. This is why I would like to propose an avenue for work and co-operation, so that the right to education does not remain a matter solely for schools. Instead, the FAO, WHO and other national and international organisations ought to join forces to

propose common programmes for joint action on the various parameters (poverty, disease, material conditions, town planning and architecture, etc). Transverse programmes should be promoted, getting away from multiple disparate initiatives.

The efficacy of the reflection also depends on taking account of past or present work by other international bodies. The need for benchmarking in the educational field is a source of strength and enrichment. The recent publication (2008) of a "first collection of good practices for quality education" by the UNESCO Associated Schools network is worth mentioning in this connection. The convergence of viewpoints and initiatives is a form of guarantee on the validity of the approach. The collection is based on four main themes: inclusive education, education in sustainable development, education for intercultural dialogue and human rights education.

Competences should be pooled and interaction established between the different players and places involved by means of a new co-operative platform capable of taking stock of all the initiatives and of all the resources available in the various sectors.

Proposal 5: Initiating activities (forums, seminars, colloquies, etc) in the Council of Europe to be attended by various educational operators, but drawing on different objectives in order to capitalise on the knowledge available from each sector and ensure that they stop ignoring each other. For instance, contacts might be developed between educational professionals and lawyers dealing with human rights and children's rights.

Proposal 6: Initiating inter-institutional activities bringing together the different international bodies which do not have educational aims but whose programmes influence the conditions for exercising the right to education and to quality education: WHO, FAO, etc. In the same spirit, educational and social workers involved in the sports, health and cultural fields could be invited to co-operate with the educational sector in order to broaden the social basis for action, which requires decompartmentalisation if it is to be effective and down-to-earth.

Proposal 7: Associating enterprises and employers, in the broad sense, in a debate on education: this is especially important in view of the vital importance of the human rights approach. It would also facilitate the integration of vocational training and the extension of the ethical dimension of the quality education issue to the economic world.

Proposal 8: Associating educational staff other than teachers (service staff, mediators, support staff and sports instructors, forging links eg with service staff, educationalists dealing with children, the staff of public day-nurseries, childminders, etc) in discussions on the right to quality education.

RESPONSIBILITY-SHARING BY THE PARTIES INVOLVED

Any consideration of educational structures and systems must embrace the important role played by all relevant social stakeholders. For many years it almost went without saying that the public authorities bore responsibility, sometimes sole responsibility, for education versus schooling, but nowadays it is accepted that such responsibility is shared with other stakeholders in the community at large, especially in the private sector. The effectiveness of the right to quality education depends on mobilising all stakeholders and decision-makers.

50

Of course, the situations vary greatly from one country to another, and participatory mechanisms are difficult to identify because of their very precariousness. It was also stressed that stakeholder motivation could not always be guaranteed. So it is a very mixed picture where participation is concerned. It might therefore be useful to inventory the initiatives used, highlighting those that really work.

The private education sector is becoming increasingly diversified in step with society, where more and more new communities and groups are gaining recognition. The other stakeholders, informal and non-formal sectors (associations, families, youth movements, etc) are also contributing to the complexity of the system because of not only to the numerical growth but also the operational methods which vary from one sector to the next. This heterogenisation does nevertheless raise one fundamental question, ie the continuity and existence of a common bedrock of values, because we should not downplay the negative influence of certain active minorities.

While the very principle of pluralisation of education systems may be part of a democratic movement involving the rejection of homogenisation, it does nonetheless highlight the need for a common reference framework, particularly since the proliferation of systems is accompanied by a retreat on the part of the public authorities, which are withdrawing markedly from the scene in ways which vary from country to country. The need for this framework was repeatedly affirmed during the exchanges, especially since conflicts of interest are liable to develop among the various parties involved, who sometimes withdraw into mutually exclusive mindsets. How can we ensure that everyone, including trade unions, parents, etc, pursue the same goal? Interdependence of rights and recognition of public responsibility as mediator and regulator.

This explains the need to back up this open-minded attitude with proper governance, as the participants in the workshop on "responsibility-sharing by the parties involved" reaffirmed, on the basis of the features already defined by the Human Rights Commission in its Resolution 2000/64 as transparency, responsibility, accountability, participation and taking account of the needs and aspirations of the people.

The greater the responsibility-sharing, the more vital the need for a clear reference framework transcending ideologies and good intentions. To that end, the human rights-based approach is essential, as reaffirmed by the participants at the workshop. By the same token, faced on the one hand with State interventionism and on the other with dilution of responsibilities for lack of co-ordination and regulation, we must remind the public authorities of their absolute duties and obligations.

The coexistence of contradictory principles such as the concurrent affirmation of a democratic school and a liberal school cancels out the efficiency of educational policies. Additional and conflicting rights hamper the implementation of quality education. Some stakeholders emphasise specific liberties to the detriment of others. Here again we must transcend the "lobbying" type of strategy, which promotes specific interests to the detriment of the general interest. In educational matters, no one possesses the absolute truth, which means that we must foster communication and dialogue among the relevant stakeholders and institutions. Similarly, providing information for all the parties involved is a further precondition for their genuine participation. If there is a right to information, there is also a duty to provide it.

This is particularly important since the fact of plural stakeholders does not mean that they all have the same powers, particularly where access to decision-making is

concerned, or the same responsibilities. The balance of powers is a major, difficult issue, which we must neither cover up nor disregard.

Proposal 9: The Council of Europe could remind States of their commitment to education, particularly to quality education. Promoting social inclusion and guaranteeing access to education are matters of public responsibility. Access to education requires specific conditions.

Proposal 9 bis: The Council of Europe stresses the need to reinforce the concept of public service and public responsibility as a means of supervising and regulating the parties involved. Public responsibility is not just the sum of a number private responsibilities.

Proposal 10: The Council of Europe might suggest setting up local mediation bodies to settle disputes concerning non-respect for the right to quality education (cf. the bodies which already exist in some countries, dealing with children's rights, for instance).

Proposal 11: The Council of Europe might launch a debate on how to associate the parties with implementing quality education from a comparative angle and with an eye to mutual enrichment, drawing on individual experiences.

Proposal 12: It would be useful for the Council of Europe's many publications to abandon their discreet, protectionist approach and agree to wider public circulation via an agreement with a publisher. Such an initiative would help fulfil the obligation to provide information.

INDICATORS AND THEIR CRITICAL ANALYSIS

While it has now been accepted that the resources-based approach must be replaced by a results-oriented approach, we note that the issue of how this is to be done is often eluded. A situation-based approach would enable us to broaden the control and/or advisory instrument panel, because ultimately it is on this register that we can attract a broader audience.

1.   The planning and supervisory principles relating to quality education cannot be prescribed. They depend on contexts, practices and areas of application. They are also bound up with the resources available. Even a quantitative evaluation must take account of the suitability of objectives, expectations, resources and constraints. It is a question not of standardising but of constantly striking a balance between overall competences and the requirements of decentralisation. Evaluation presupposes ethics as the sole guarantor of a balance which is always unstable and constantly to be re-established between universal values and the specificities of the situation on the ground.

It is not a case of the Council of Europe drawing up indicators for comparative purposes, in order to establish a hierarchical list of countries in order of performance. The indicators are proposed to member states with an eye to helping them progress, particularly as the aim of guaranteeing the right to quality education cannot always be validated by objectifiable, measurable indicators.

2.   The rationale behind the Council of Europe indicators is different from that of other international bodies (such as the OECD), to the extent that it is based on such values as democracy, participation and transparency. There can be no question of retreating into a dry, decontextualised, mathematical, statistical, standard-setting mindset; the aim is rather to adopt the human rights approach as affirmed throughout the Forum.

The participants in the workshop presented practical examples, as incorporated into the group's report, and so I shall go no further into this aspect of their work. One of the indicators might, for example, be a guarantee on free education for all students until they become employable.

Proposal 12: The Council of Europe might set up a work and research group mandated to propose indicators in line with human rights indicators, but stressing sectors deemed more difficult to organise from this angle, eg integration of minorities and teacher training. This initiative would also pinpoint the countries which have integrated international standards into their national legislation by making the right to quality education justiciable.

In conclusion, we reaffirm that the right to quality education is not just one right among many others, but is a right which supports and is supported by other rights. The debates in the working groups and the critical and forward-looking discussions bear witness to the topicality of the subject and urgent need to find solutions. Education is both a "starting point" and a "point on the horizon". In this sense the 5th Prague Forum fits into the general trend and also carries on from previous forums by taking care to draw on existing instruments and by expanding on existing initiatives. To invest in education is to invest in the future, which makes it a priority that we must constantly reaffirm.

Appendix 1

Programme

Thursday 20 November 2008

(Charles University, Pedagogical Faculty)

14.00-15.30   Opening session

> Chair: Jindřich FRYČ, the Ministry of Education, Youth and Sports of the Czech Republic
>
> Welcome speech: Radka WILDOVA, Vice-Dean of the Faculty of Education, Charles University
>
> Welcome speech: Jindřich KITZBERGER, Deputy Minister, the Ministry of Education, Youth and Sports of the Czech Republic
>
> Welcome speech: Olöf OLAFSDOTTIR, Head of department of School and Out of school Education, Council of Europe
>
> Key introduction speech: "Quality education from a human rights perspective", by Patrice MEYER-BISCH, Fribourg University, Switzerland

15.30-16.00   Coffee break

16.00-17.30   Plenary session

   "Setting the scene"

> Chair: Olöf OLAFSDOTTIR, Head of department of School and Out of school Education, Council of Europe
>
> "Quality of education in the Council of Europe framework" by Cesar BIRZEA, Chair of the Steering Committee for Education
>
> "Valuing diversity and the right to education: inclusive education" by Marianne WILHELM, Paedagogische Hochschule, Wien, Austria

"Childrens' rights and the right to education "
by Alena KROUPOVÁ, Centre for Human Rights Education, Charles University, Prague, Czech Republic

Introduction to the work of the group sessions
by Martine A. PRETCEILLE, Université Paris VIII, General Rapporteur

group A: Indicators and their critical analysis (english)

Moderateur: Hermann Josef ABS, German Institute for international Educational Research, Frankfurt am Main, Germany

Rapporteur: Radka WILDOWA, Charles University, Faculty of Education, Prague, Czech Republic

group B: Valuing diversity in education (english)

Moderateur: Marianne WILHELM, Paedagogische Hochschule, Wien, Austria

Rapporteur: Siyka CHAVDAROVA, Faculty of Pedagogy, University St. Kliment Ohridski, Sofia, Bulgaria

group C: Shared responsibily of stakeholders (english/french)

Moderateur: Alfred FERNANDEZ, Oidel, The right to education and the freedom of education, Geneve, Suisse

Rapporteur: Chahla BESKI-CHAFIQ, Adric, Agence de développement des relations interculturelles pour la citoyenneté, Paris, France

17.30   **Welcome buffet dinner** at the Faculty of Education, Charles University

Friday 21 November 2008

(Hotel Majestic)

09.30-11.00   Parallel working group sessions

            Working groups (A,B,C)

            - A : Indicators and their critical analysis

- B : Valuing diversity in education

- C : Shared responsibility of stakeholders

11.00-11.30   Coffee break

11.30 -13.00   Working groups (B, C, A)

       - B : Indicators and their critical analysis

       - C: Valuing diversity in education

       - A : Shared responsibility of stakeholders

13.00-14.30   Lunch

14.30-16.00   Working groups (C, B, A)

       - C : Indicators and their critical analysis

       - A: Valuing diversity in education

       - B : Shared responsibility of stakeholders

17.15   **Meeting of working group chairs and rapporteurs with the General Rapporteur**

19.00   **Gala Dinner**
The Columned Entrance Hall build in the High Gothic Period,
The New Town Hall, Prague 1

Saturday 22 November 2008

(Charles University, Pedagogical Faculty)

10.00–12.00   **Plenary session**
"*What's next?*"

Conclusions on the working groups presented by the General Rapporteur, Martine A. PRETCEILLE, Université Paris VIII

Panel by

Alain MOUCHOUX, NGO Grouping on Education and Culture, Paris, France

Chahla BESKI-CHAFIQ, ADRIC, Agence de développement des relations interculturelles pour la citoyenneté, Paris, France

Marianne KRUGER-POTRATZ, University of Münster, Germany

Discussion and questions/answers

12.00-12.30   **Closing addresses:**

César BIRZEA, Chair of the Steering Committee for Education, Council of Europe

Jindřich FRYČ, the Ministry of Education, Youth and Sports of the Czech Republic

Interpreters: Léa OUEDRAOGO
                    Claude JEAN-ALEXIS

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*   *

APPENDIX 2

Provisional List of Participants

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60

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