

COUNTERING EDUCATION FRAUD



Legal instruments

Recommendation CM/Rec(2022)18
and explanatory memorandum

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

COUNTERING EDUCATION FRAUD

Recommendation CM/Rec(2022)18
adopted by the Committee of Ministers
of the Council of Europe
on 13 July 2022
and explanatory memorandum

French edition:

Lutte contre la fraude dans l'éducation
(*Recommendation CM/Rec(2022)18*
et exposé des motifs)
ISBN 978-92-871-9280-6
ISBN 978-92-871-9282-0 (PDF)

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Cover design and layout:
Documents and Publications
Production Department
(SPDP), Council of Europe

Council of Europe
F-67075 Strasbourg Cedex
<http://book.coe.int>

ISBN 978-92-871-9279-0
ISBN 978-92-871-9281-3 (PDF)
© Council of Europe, December 2022
Printed at the Council of Europe

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Recommendation CM/Rec(2022)18

of the Committee of Ministers to member States on countering education fraud

*(Adopted by the Committee of Ministers on 13 July 2022
at the 1440th meeting of the Ministers' Deputies)*

Preamble

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe (ETS No. 1),

Considering that the aim of the Council of Europe is to achieve greater unity between its members and that this aim can be pursued notably by common action in educational and cultural matters;

Considering that countering education fraud and promoting ethics, transparency and integrity in education is the responsibility of public authorities;

Having regard to:

- the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and its Protocol (ETS No. 9), in particular Article 2 of the latter on the right to education;
- the European Cultural Convention (ETS No. 18);
- the European Social Charter (revised) (ETS No. 163);
- the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (ETS No. 165, Lisbon Recognition Convention);

- the Final Declaration of the 24th Session of the Council of Europe Standing Conference of Ministers of Education, which met in Helsinki on 26 and 27 April 2013;
- Recommendation [CM/Rec\(2007\)6](#) of the Committee of Ministers to member States on the public responsibility for higher education and research;
- Recommendation [CM/Rec\(2012\)7](#) of the Committee of Ministers to member States on the responsibility of public authorities for academic freedom and institutional autonomy;
- Recommendation [CM/Rec\(2012\)13](#) of the Committee of Ministers to member States on ensuring quality education, and noting that ethics, transparency and integrity are preconditions for achieving quality in education;
- Recommendation [CM/Rec\(2019\)9](#) of the Committee of Ministers to member States on fostering a culture of ethics in the teaching profession;
- the United Nations Educational, Scientific and Cultural Organization (UNESCO)/Organisation for Economic Co-operation and Development (OECD) Guidelines for Quality Provision in Cross-border Higher Education (2005);
- the United Nations International Covenant on Economic, Social and Cultural Rights (1966);
- Recommendation [CM/Rec\(2014\)7](#) of the Committee of Ministers to member States on the protection of whistleblowers and Parliamentary Assembly Recommendation 2162 (2019) “Improving the protection of whistle-blowers all over Europe”, as well as the reply to this recommendation adopted by the Committee of Ministers;

Bearing in mind the development of the education sector and the emergence of new forms of qualifications, including certification by higher education institutions, vocational education institutions or other providers and industry;

Considering that member States are responsible for the organisation and content of their education systems, in accordance with national legislation, regulations, competences, practices and international agreements;

Considering that education fraud has always existed, but that the development of new technologies has facilitated the proliferation of this phenomenon;

Considering that these technologies can also be used to counter education fraud and to promote ethics, transparency and integrity in education;

Considering that education fraud is a threat to:

- the right to quality education at both national and international level and equal opportunities for learning and protection of all citizens;
- the trust placed in the quality, fairness and professionalism of the education systems and institutions of each member State and hence to transparency, quality assurance, international mobility of students and employability;
- the economy of each member State;
- the credibility of regulated professions, including the medical sector, as well as of public-service employment in each member State;
- the international reputation of each member State and the trust placed in its democratic system, national security and public safety, as well as in the mechanisms of mutual recognition of degrees and qualifications;

Convinced of the need to have a European response and solution to this phenomenon;

Convinced of the need to have a comprehensive international instrument on countering education fraud and promoting ethics, transparency and integrity in education,

1. Recommends that member States' governments, in accordance with the definitions and actions described in the appendix, and while respecting their constitutional structures, national and local contexts, and educational systems:

- i. effectively develop, promote and encourage quality education by eliminating, on their territory and as far as possible at transnational level, actions and activities which contribute to education fraud;
- ii. take the necessary measures to protect pupils, students, researchers and staff at all levels of education from organisations and individuals engaged in marketing and promoting education services that constitute fraud through use of the internet, social media, advertising and other means;
- iii. provide support for the implementation of preventative and protective measures by educational institutions and relevant stakeholders in education and employment, as well as a culture of equality of opportunity at all levels and in all sectors of education and training and in the transition between these sectors;

- iv. keep under review technological developments which may add to the list of activities constituting education fraud;
 - v. facilitate international co-operation and peer learning in this area through the Council of Europe Platform on Ethics, Transparency and Integrity in Education (ETINED);
 - vi. ensure that this Recommendation is translated into the official language(s) of their respective countries and widely disseminated;
2. Commits to reviewing the implementation of this Recommendation five years after its adoption.

Appendix to Recommendation CM/Rec(2022)18

1. Aim and scope

This Recommendation aims to assist member States to counter education fraud and promote and support ethics, transparency and integrity in education, and therefore to help them ensure the right to education for all learners.

All measures contained in this Recommendation apply to access to education and all levels and forms of education, from pre-primary to higher education, including vocational education and work-based learning, lifelong learning and adult learning, delivered by all education institutions – whether public, private, for-profit or not-for-profit – foundations or any other recognised form of education establishment.

The Recommendation underlines the responsibility of public authorities and/or professional bodies and private organisations and companies to foster the principles of ethics, transparency and integrity in education and to address education fraud.

2. Definitions

For the purposes of this text, the main terms relating to fraud in education are listed below.

“Codes of ethics” are expressions of moral and ethical values and principles that serve to develop and maintain the ethics of the education process at all levels and in all aspects. Based on the core values of the Council of Europe, they aim at furthering democracy, human rights and the rule of law and reflect a strong and effective commitment to equity, justice and inclusion in education.

“ETINED principles” are those principles and values developed by the Council of Europe Platform on Ethics, Transparency and Integrity (ETINED) in accordance with its mandate, based on the concept that quality education will only be achieved, and education fraud effectively addressed, if all relevant sectors of society fully adhere to a set of fundamental ethical principles, both in public and professional life, while relying upon legal norms and structures. The ETINED mandate seeks to develop and support a culture of democracy and participation based on the principles of ethics, transparency and integrity in education.

“Education fraud” is behaviour or action occurring in the field of education intended to deceive and obtain an unfair advantage. It includes: (i) the activities of diploma mills, accreditation mills, visa mills, essay mills and essay banks, as defined below; (ii) impersonation by undertaking in whole or in part any work or assessment required as part of a programme in the place of an enrolled learner; (iii) illegal or irregular use of authentic documents; (iv) plagiarism; (v) production or use of forged, plagiarised or counterfeit documents; and (vi) the offer of unrecognised or unaccredited qualifications with the intention of deceiving another.

“Fraudulent education service providers” include accreditation mills, diploma mills, essay mills, essay banks and visa mills, whether stand-alone or part of larger undertakings.

An “accreditation mill” is an institution or organisation (in any legal form) which is neither recognised by national competent authorities nor authorised by the law of any member State to provide accreditation for education programmes or awards, and which intends to mislead employers, students or the public.

A “diploma mill” (also known as a “degree mill”) is an institution or organisation which is not recognised by national competent authorities or organisations as an institution accredited or authorised by the law of any member State to confer awards or qualifications, and which purports, by means of misrepresentation, to issue such awards or qualifications.

An “essay mill” (otherwise referred to as a provider of contract cheating services) is an organisation or an individual, usually with a web presence, which enters into contracts with students or their representatives to complete, in full or in part, one or more assignments (including student work such as essays, projects, theses and dissertations) for financial gain, whether or not the content is plagiarised, leading to a form of academic misconduct. For the avoidance of doubt, an essay mill does not include providers of private tutoring services lawfully operating within national legislation or regulations.

An “essay bank” is an organisation or an individual from which or whom students can purchase pre-written essays on topics relevant to their studies.

A “visa mill” is an institution or organisation (in any legal form) which is neither recognised by national competent authorities nor authorised by the law of any member State as an education institution, and which misrepresents itself as such with the objective of circumventing immigration law by supporting applications for visas or other permits which allow students to stay, study, work or access public funds in a given member State or in a group of member States (for example the Schengen area) with a common visa scheme.

“Education stakeholders” refers to schoolteachers, academic staff in higher or other forms of post-school education, pupils and students at all levels of education, parents, guardians or carers of pupils and students, employers, governors and managers within the education system and in all sectors of education and training in the context of formal and/or informal learning processes, representatives of conferences of heads of institutions and similar bodies, relevant public officials, representatives of trades unions, political leaders and representatives of broader civil society.

“Plagiarism” means using work, ideas, content, structures or images without giving appropriate credit or acknowledgment to the original source(s), especially where originality is expected. The term “plagiarised” applies to the ideas, content, structures or images in question.

“Qualifications” includes all forms of certification issued by a competent authority attesting to the successful completion of an education programme, including certificates issued by service providers, professional and employment organisations and associations. This term covers new forms of certification that may be developed in the future.

As technology is constantly evolving, the list of terms and definitions relating to education fraud is not exhaustive and should be subject to regular review.

3. Awareness raising and information

Member States should ensure that the ETINED principles are promoted consistently by all education institutions and to all education stakeholders, and that education systems should set the same standards of quality and ethics for all institutions, regardless of their formal status in national education systems. This should be achieved by taking appropriate measures to provide information on and raise awareness about the prevention of education fraud

and, through linking, in theory and in practice, quality assurance and other appropriate regulatory mechanisms, to promote ethics, transparency and integrity in education at all levels in accordance with national legislation.

Member States should provide guidelines on how to prevent education fraud and promote ethics, transparency and integrity in education to all education institutions, pupils and students – and their representatives – at all levels, as well as to professional organisations and other education stakeholders.

4. Training

Member States should take appropriate measures to ensure the provision of adequate training, on a continuing basis, on the prevention of education fraud and on fostering ethics, transparency and integrity for all professionals in the education, recruitment and employment sectors.

5. Plagiarism and the use of plagiarised documents and content

To counter plagiarism and the use of plagiarised work, pupils, students, researchers and staff should be supported by education institutions in the development of appropriate skills in critical thinking, academic writing and research, in accordance with the different stages of learning within the education systems of each member State, thus ensuring awareness of and increasing protection against education fraud. All curriculums, whether or not prescribed by law, should place strong emphasis on building students' confidence in their academic ability and on preventing activities which constitute education fraud.

Member States should take measures within their national legislative frameworks to ensure, as far as reasonably possible, that education institutions prohibit and eradicate, through their internal regulations, education fraud through plagiarism and misuse of plagiarised, falsified or unverifiable materials in the appointment of, and promotion procedures for, academic staff, teachers and other education professionals.

Member States should take steps, either on a national or institutional level, to introduce and develop technical solutions for the identification of education fraud, including in light of the increasing provision of online learning and assessment opportunities.

6. Advertising and promotion of education fraud

Member States should, in accordance with national legislation, take steps to prohibit the advertising and promotion of fraudulent education services, whether in printed form or via online media, including through social media and the internet.

7. Legal frameworks, laws and practices

Member States should take all necessary and appropriate action to use existing legislation, guidelines or practices to eradicate education fraud and the activities of fraudulent education service providers. They should also consider introducing new legislation or policy measures where required and encourage all education institutions to adopt regulations consistent with that aim. In doing so, member States and education or training organisations should take appropriate steps to protect the rights of pupils, students, researchers and staff.

8. Codes of ethics

Member States and education institutions, through national legislation and/or institutional regulations, should establish clear codes of ethics, based on the ETINED principles, governing all aspects of education affected by education fraud, including governance, management and human resources. Legislation or regulations should ensure a fair process for the enforcement of codes of ethics.

9. Education terminology

To eradicate all forms of misrepresentation by fraudulent education service providers, member States should take any necessary steps, in accordance with their national legislative framework, to ensure effective protection of all relevant terminology, and translations of that terminology, from misuse and misrepresentation within their education systems, paying particular attention to institutional and academic titles and nomenclature of awards and qualifications.

Member States should record, periodically update and provide, in a publicly available format, relevant data and information on institutions that are recognised or accredited as education providers within their education systems. In addition, member States should publish, in their national legislation, accurate and reliable information about the recognition of awards and qualifications, including, where applicable, awards with State-recognised and/or institutional status.

10. Public health, safety and the education of future generations

Member States should take all appropriate measures to protect society from education fraud by ensuring the authenticity and integrity of academic and/or professional qualifications and credentials that have a direct or indirect impact on the health, safety and physical, mental and socio-economic well-being of present and future generations.

11. Whistle-blowers

Member States and education institutions should ensure the freedom to raise issues linked to education fraud and academic integrity by providing a fair process for doing so, in addition to the protection provided under relevant national legislation for whistle-blowers. They should also ensure a fair and impartial process for persons and organisations accused of education fraud.

12. Use of digital solutions

Member States should take all necessary measures to ensure the accessibility and integrity of data relating to students, qualifications and awards through digital solutions compliant with privacy laws, including secure digital records for students' use and secure document exchange. Wherever technically possible, they should also provide services for verifying the authenticity of diplomas and professional certificates that are simple, accessible and multilingual.

Member States should explore the potential of existing digital tools and, where possible, adopt new technologies with the aim of eradicating all forms of education fraud and the activities of fraudulent education service providers.

13. Research

Member States should facilitate and encourage research on education fraud in order to study its causes and effects, as well as the efficacy of measures taken to prevent and/or address it, and co-operate with individuals, organisations and member States undertaking international research in this area.

14. International co-operation

Member States should co-operate in the fight against education fraud and the prosecution of offences, or regarding any other forms of legal redress, so that any organisation or entity which carries out all or part of its business in a member State may be prosecuted or otherwise held to account for the provision

of services related to education fraud; this applies even where the provision of, or contract for, such services takes place wholly outside the member State concerned and the benefit or advantage envisaged by the organisation or entity is expected to be received elsewhere.

In addition, member States should co-operate with international efforts to put a stop to the activities of fraudulent education service providers operating within and outside their borders, including those activities accessible through the internet or carried out by other means on their territories but originating elsewhere. This objective should be achieved through a process of monitoring national and transnational activities, exchange of information and co-operation, including legal enforcement through law-enforcement authorities and agencies. Member States agree to commit themselves to exchanging information through existing international frameworks.

15. Data collection

In order to stimulate and support international co-operation on the prevention of education fraud and enable reporting and comparative studies, member States should facilitate and encourage the systematic collection of statistical data on the activities of fraudulent education service providers in a consistent format that will be provided by the Council of Europe.

16. Monitoring

Member States should establish a system for monitoring education fraud and the activities of fraudulent education service providers. This should include reporting by education institutions and other education stakeholders to a designated quality assurance agency, ombudsperson institution or other central body created under national legislation, with particular reference to the role of ENIC/NARIC (European Network of Information Centres in the European Region/National Academic Recognition Information Centres in the European Union) offices in each member State and their networks, as well as that of the Lisbon Recognition Convention Committee.

17. Evaluation and review

Member States should regularly evaluate the strategies and policies they have adopted in respect of this Recommendation and adapt them as appropriate. Member States should share the results of these evaluations within the ETINED Platform. They may request assistance from the Council of Europe and the ETINED Platform when needed.

Explanatory memorandum

I. Background to the Recommendation

There is currently worldwide concern over education fraud, a phenomenon which is affecting all member States and all levels of education. Within a generic description of “violation of academic ethics”, education fraud ranges from plagiarism by individuals – which may be treated as intentional or unintentional copyright infringement – and the criminal offences of impersonation or identity theft, to the activities of organisations promoting “essay mills” (otherwise known as “contract cheating” or “academic custom writing”), “visa mills”, “accreditation mills” and “diploma mills”, with an intention to defraud. The purpose of this Recommendation is to help to counter organised education fraud through directed national and international action, as these activities transcend national borders. It reflects the collective will of member States to tackle serious issues relating to academic integrity.

Essay mills have complex business models, generating revenue through offering students ready-made or bespoke written assignments or dissertations in different languages, often circumventing anti-plagiarism technology and, ironically, having a sophisticated quality assurance process to ensure “value for money”. Peer-reviewed research findings on the business processes involved in essay mills suggest the use of highly sophisticated technology; assignment writers may be located anywhere where there is internet access. Where member States have enacted legislation to deal with these abuses, detecting and prosecuting offenders may be difficult.¹ In fact, legislation on its own is unlikely to provide a complete solution to the problem; emphasis needs to be placed on alternatives, including programmes to raise public awareness. As in other fields, social media can be utilised positively to promote academic integrity; on the other hand, it can be misused to promote education fraud and therefore the international community must work with social media platforms to counter this misuse.

1. A good reference point for research findings is <https://edintegrity.biomedcentral.com>.

Diploma mills that operate from different countries, like essay mills, sometimes hide behind otherwise legitimate businesses, offer worthless qualifications, either to people who set out to create a false academic record for personal gain or to unsuspecting students misled by online promotional material that creates the impression of qualifications that are easily obtained, but which are actually fraudulent. These businesses "operate purely to make money – from enrolment fees, premium phone lines, course fees and 'life experience degree' awards – and in doing so provide a means for fraudsters to obtain authentic-looking degrees and associated documentation from unaccredited institutions".² Some diploma mills have also created unrecognised accreditation bodies (accreditation mills) and/or falsely claim to be recognised by the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Council of Europe or other bodies. While most member States prohibit the award of unrecognised qualifications on a national basis, and despite the existence of an effective mechanism for the exchange of information on recognition and accreditation, diploma mills operate in the background, often misrepresenting their status by adopting names similar to those of legitimate institutions. There are also examples of websites offering counterfeit diplomas bearing the names of legitimate institutions.

Creating forged official documents is not a new phenomenon; research published in 2021 in European archives shows that the practice dates back at least to the 10th century.³ The lengthy and complex process of creating authentic-looking documents by hand is replaced today by the work of internet-based forgers who can quickly provide any type of diploma or other qualification for a fee. Typically, such providers will try to disclaim liability by using such wording as: "while the products that we provide do look very authentic, they are intended to be used only for novelty purposes". However, it is obvious that individuals will not pay thousands of euros to obtain novelty certificates.

Fraudulent education service providers are physically located both within the Council of Europe's geographical area and in other countries or they may exist only virtually, so that international co-operation in tackling them is essential. Their activities have increased over time, particularly due to the ready availability of the internet and their promotion through social media.

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2. Prospects Higher Education Degree Datablock (HEDD) (2017): "Advice and guidance on degree fraud", <https://luminate.prospects.ac.uk/tag/reports>.
 3. Roach L. (2021), *Forgery and memory at the end of the first millennium*, Princeton University Press, Princeton, New Jersey.

The gradual and probably permanent shift to more teaching online, accelerated by the consequences of the Covid-19 pandemic, opens up an increased risk of education fraud.

Education fraud is considered a threat to more than just the authenticity of qualifications, whether evidenced by paper diplomas or digital credentials. It is considered to affect the international reputation of each member State, including the trust placed in their education systems, and hence to affect the international mobility of students. Individuals who either acquire qualifications by fraudulent means or hold fraudulent qualifications can pass themselves off as holding genuine qualifications, so enabling them to circumvent immigration restrictions, fraudulently obtain employment, or practise in professional fields, thereby constituting a threat to national security and public safety. Examples of such fields include, but are not limited to, degree-level qualifications in medicine and professions allied to medicine and social care, engineering, architecture, information technology and agriculture. In addition, the possession of fraudulent lower-level qualifications makes it possible to work in such fields as childcare, life-saving and related areas or in occupations involving particular risks to human life, which therefore poses risks to society as a whole. It is a challenge for employers to identify false documents and there have been numerous examples of employees being found to have practised in different fields while unqualified. The purchase of fake qualifications at any level feeds criminal organisations, weakens the value of education and accomplishment, undermines meritocracy and rewards deceit and unfairness. The “fake diploma industry” commonly offers package deals including fake identity papers such as birth certificates, passports and driving licences. Thus, the effort to stamp out such activities by international co-operation has obvious benefits.

Awareness of these activities is reflected in the education programme of the Council of Europe, as shown in Recommendation CM/Rec(2012)13 of the Committee of Ministers to member States on ensuring quality education. Education fraud can be distinguished from the wider issue of corruption in education, but the statement “corruption is a real or potential issue in all countries and for all kinds and levels of education”, as stated in the explanatory memorandum to that recommendation, is also true of education fraud. A clear political mandate to fight fraud in education alongside corruption was given in the Final Declaration from the Council of Europe Standing Conference of Ministers of Education on Governance and Quality Education, held in Helsinki on 26 and 27 April 2013, which asked “the Committee of Ministers to instruct

the Steering Committee for Educational Policy and Practice (CDPPE)⁴ [...]: 21.1. to establish a pan-European platform of exchange of information and best practices on ethics and integrity in education with special attention to the fight against corruption and fraud in education and research with a view to furthering the ‘Helsinki agenda for quality education in Europe’.

More specifically, such a platform would focus on:

- positive codes of conduct as a complement to anti-corruption and anti-fraud legislation for professionals who are active in education and research;
- capacity-building for all actors;
- support structures (agencies for accreditation or quality assurance);
- sharing of best practices concerning fairness and transparency;
- developing a culture of democracy and participation based on transparency, fairness and equity.

The present Recommendation CM/Rec(2022)18 on countering education fraud is therefore a direct follow-up to this mandate and arises from the work of the Council of Europe Platform on Ethics, Transparency and Integrity in Education (ETINED), set up as part of the follow-up to the Helsinki Ministerial Conference.

The ETINED Platform is a network of specialists appointed by the 50 States Parties to the European Cultural Convention (ETS No. 18). It was launched at the 7th Prague Forum, entitled “Towards a Pan-European Platform on Ethics, Transparency and Integrity in Education”, in October 2015 and representatives meet once a year to oversee the Council of Europe’s work in this area and to assess the progress made in the field.

The mandate of the ETINED Platform is based on the assumption that issues concerning ethics, transparency and integrity are a sine qua non for quality education. Hence, the need to fight education fraud can only be addressed effectively if all relevant sectors of society commit fully to positive ethical principles fundamental to public and professional life rather than relying only on regulatory measures, as important as these may be. The ETINED Platform offers a principle-based approach to ethics, transparency and integrity in education.

4. The Steering Committee for Educational Policy and Practice (CDPPE) was renamed the Steering Committee for Education (CDEDU) as from January 2022.

The mission of the ETINED Platform specifically consists in:

- contributing to the development of good governance, a culture of democracy and participation in education by promoting ethics, transparency and integrity at all levels (paying special attention to the fight against corruption and fraud in education);
- developing policy opinions and instruments and more generally raising awareness of the issues of ethics, transparency and integrity in education;
- sharing information and good practices among member States in the widest possible way;
- supporting the establishment of national and regional pilot projects on ethics, transparency and integrity in education and developing expertise to support interested countries.

As a first step, the ETINED Platform decided to focus on three main themes:

- the ethical behaviour of everyone involved in education and codes of ethics for teachers and education professionals;
- academic integrity and plagiarism in the higher education sector;
- the issue of diploma mills in the context of the recognition of qualifications.

It is the objective of this Recommendation to address the second and third of these themes. In 2018, the ETINED Platform decided to appoint a dedicated expert working group mandated to draft a policy recommendation to member States on education fraud, with a specific emphasis on the responsibility of all stakeholders in education to ensure ethics, transparency and integrity in the field. A draft policy framework, which became the text of the present Recommendation, was produced by the working group and presented to the ETINED Platform meeting held in Prague in November 2019. Comments and suggestions from delegates for improvement of the text were collated and the text was further revised. Subsequently, the text was reviewed to ensure that the Recommendation was sufficiently flexible to deal with a potential increase in education fraud activities as a consequence of the Covid-19 pandemic. A final draft prepared by the working group was presented to the ETINED Platform meeting held online in November 2021. The draft recommendation was then considered by the Steering Committee for Education (CDEDU) Bureau in February 2022 before it was approved by the CDEDU Plenary Session in March 2022.

II. Comments on the provisions of the Recommendation

Preamble and formal clauses

The preamble places the present Recommendation in its historical and thematic context by recalling the relevant Council of Europe and other international conventions as well as recommendations by the Committee of Ministers and the Parliamentary Assembly with particular relevance.

The preamble also establishes the public responsibility for promoting ethics, transparency and integrity in education. The principles defined by the Council of Europe ETINED Platform form the primary basis for this Recommendation.

The preamble further recalls the core mission of the Council of Europe and the role education plays in fostering democracy and human rights and refers to key standards of particular relevance to the present Recommendation. The Convention on the Recognition of Qualifications concerning Higher Education in the European Region (ETS No. 165, Lisbon Recognition Convention),⁵ which is the key European legal text on the recognition of qualifications concerning higher education, underlines that no discrimination shall be made in this respect on any ground such as the applicant's gender, race, colour, disability, language, religion, political opinion, national, ethnic or social origin.

Recommendation CM/Rec(2007)6 of the Committee of Ministers to member States on the public responsibility for higher education and research outlines the multiple purposes of higher education and research and underlines that: "in keeping with the values of democratic and equitable societies, public authorities should ensure that higher education institutions, while exercising their autonomy, can meet society's multiple expectations and fulfil their various and equally important objectives, which include:

- preparation for sustainable employment;
- preparation for life as active citizens in democratic societies;
- personal development;
- the development and maintenance, through teaching, learning and research, of a broad, advanced knowledge base".

5. Convention on the Recognition of Qualifications concerning Higher Education in the European Region (Lisbon, 1997), Council of Europe (ETS No. 165).

Recommendation CM/Rec(2012)13 of the Committee of Ministers to member States on ensuring quality education underlines that corruption (which for this purpose includes education fraud) is incompatible with quality.

The Guidelines on Quality Provision in Cross-border Higher Education, developed by UNESCO and the Organisation for Economic Co-operation and Development (OECD), set out how governments, higher education institutions/providers, student bodies, quality assurance and accreditation bodies, academic and professional recognition bodies of the sending country and receiving country could share responsibilities, while respecting the diversity of higher education systems.

Recommendation CM/Rec(2014)7 of the Committee of Ministers to member States on the protection of whistleblowers and the Parliamentary Assembly Recommendation 2162 (2019) "Improving the protection of whistle-blowers all over Europe" are relevant to this Recommendation as it is crucial that persons affected by education fraud should be able to raise issues with the appropriate authorities.

The reference to "respecting their constitutional structures, national and local contexts, and educational systems" in paragraph 1 of the Recommendation is intended to take into consideration the degree of competence in education matters and the variety of education systems of the States Parties to the European Cultural Convention, which can be more or less centralised, and where, for example, responsibility for certain parts of the education system can be transferred from State level to municipalities. It is recognised and commended by the ETINED Platform that some member States have adopted national legislation (hereafter referred to as legislation) which either criminalises or otherwise provides for legal redress against certain activities in the field of education fraud, although enforcement of legislation, including detecting and prosecuting offenders, may be difficult. It is, of course, within the competence of member States to determine the appropriate balance between legislation and other measures to tackle the problems identified in the Recommendation. However, in order to encourage quality education internationally, a degree of co-operation, as proposed in this Recommendation, is required. So national legislation, while a positive development, may be insufficient to tackle cross-border education fraud activities.

The text goes on to address the fact that rapid advances in technology oblige member States to keep under review the list of activities constituting education fraud and to protect pupils and students from organisations and individuals

who market and promote education fraud through the use of the internet, social media, advertising and other means. Security of data is improved by the work of regional and global initiatives such as EMREX⁶ and the Groningen Declaration Network,⁷ which promote the establishment of digital student data depositaries and the digital exchange of student data. It is essential that the Recommendation be flexible enough to cope with ongoing challenges.

Appendix to Recommendation CM/Rec(2022)18

1. Aim and scope

This section describes the focus of the Recommendation, its aims and to whom it is addressed. It underlines “the responsibility of public authorities and/or of professional bodies and private organisations and companies to foster the principles of ethics, transparency and integrity in education and to address education fraud”.

The Recommendation also serves to support the right to education for all learners. As stated in Recommendation [CM/Rec\(2012\)13](#) of the Committee of Ministers to member States on ensuring quality education: “Quality education should be ensured without discrimination on any ground and should be understood as encompassing access to the education system as well as the enjoyment of conditions of teaching and learning which reasonably enable pupils and students to successfully complete the education programme(s) in which they are enrolled.”

The provisions of the Recommendation cover all levels of education, from pre-primary to higher education, including vocational education, as ethical principles should prevail throughout the whole education system. The Recommendation therefore makes no distinction between the different strands of education.

The same reasoning holds true for public and private education. Ethical principles should be promoted equally by public and private education institutions and education systems should set the same standards of quality and ethics, regardless of the formal status of institutions within the system.

6. <https://emrex.eu/>.

7. <https://www.groningendeclaration.org/>.

2. Definitions

ETINED principles and codes of ethics

This Recommendation is predicated on the principles and values developed by the ETINED Platform of the Council of Europe. The fundamental premise is that ensuring quality education and preventing education fraud, as defined in this Recommendation, requires a holistic approach, encompassing all aspects of society involved with and participating in education, in order to promote academic integrity and translate this aim into a practical reality in educational culture and life.

This holistic approach will involve codes of ethics, defined in this Recommendation as “expressions of moral and ethical values and principles”. For the purpose of this Recommendation, they will serve to develop and maintain ethical behaviour and transparency at all levels of education to support and promote academic integrity.

Codes of ethics should be appropriate to the context of national settings and the policy environment of this Recommendation and should be accessible to and relevant for all stakeholders. Codes of ethics should be kept under review and amended to reflect changes in the environment within which this Recommendation operates.

The codes of ethics should be developed and reviewed as appropriate using a participatory approach and in consultation with relevant stakeholders in order to establish ownership and responsibility for the standards set out in them. This participatory approach will ensure that the codes of ethics are embedded in educational culture and training, thereby supporting academic integrity. Successful implementation of relevant codes will require a broad and sustained campaign of awareness raising alongside the training of those engaged in the delivery of education.

Codes of ethics will act as a useful guide and will support the promotion of academic integrity by stakeholders in the education process, including public authorities, teachers and administrators and education professionals involved in quality assurance processes. For example, once drafted, the codes should be relevant and appropriate to the different stages of a teacher’s professional development and take into account the teaching level, from primary education to higher education and professional training.

All principles contained in this Recommendation are understood to apply to the different stages of drafting, implementation and review of codes of ethics. These principles should be considered as complementary to the provisions governing the employment of public officials.

The promotion of the principles and values included in codes of ethics, combined with guidance on their implementation, should be the responsibility of all stakeholders, including teachers and teachers' professional associations, as well as public authorities (any executive, legislative or administrative body at national, regional or local level, including individuals exercising executive power or administrative functions), in conformity with national policies.

Reference may be made to Recommendation CM/Rec(2019)9 on fostering a culture of ethics in the teaching profession.⁸ While that recommendation is not exclusively applicable in this context, it is a useful source for understanding the importance of codes of ethics in public life.

Education fraud and fraudulent education service providers

The definitions of "education fraud" and "fraudulent education service providers" used in this Recommendation are not exhaustive as it is recognised that education fraud and those promoting and committing it continue to adapt and develop. They are, however, based on widely accepted definitions in peer-reviewed literature. The concept of fraud is well understood and has been addressed previously by the Council of Europe, for example in Rule No. 1327 of 10 January 2011 on awareness and prevention of fraud and corruption.⁹

In that rule, the term "fraud" is used to mean any illegal act or omission characterised by deceit, concealment or violation of trust, perpetrated to obtain money, property or services; to avoid payment or loss of services; or to secure personal or business advantage, irrespective of the application of threat of violence or of physical force.

In the context of this Recommendation, education fraud is focused primarily on actions and the supply of and demand for services that are intended to deceive and/or confer an unfair advantage in the sphere of education that usually, but not necessarily, involve payment in the form of money or property in return for those services. Examples include deception through impersonation during an assessment, or claiming the award of a relevant qualification or a

8. https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680983b3e.

9. <https://rm.coe.int/0900001680781d57>.

certain academic status or ability when the person concerned has not in fact legitimately obtained or achieved that qualification or status or supplied, in whole or in part, the work required to obtain academic credits leading to the award of a qualification or academic status. All of these actions undermine the integrity of academic awards and status and damage the reputation of education providers in national settings, which, in turn, has an impact on the reputation of the country concerned and its national security. National interest and the economic performance of a country require educated and trained individuals who are actually capable of performing the activity for which they are apparently qualified. Education, research and innovation play a crucial role in supporting social cohesion, economic growth, national stability and global competitiveness. As countries become increasingly knowledge-based, education is rightly viewed as an essential component of socio-economic and cultural development.

The European Quality Assurance Register for Higher Education (EQAR) is the European Higher Education Area's official register of quality assurance agencies that substantially comply with the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG).¹⁰

According to the EQAR, "diploma mills" or "degree mills" refer to different (often online-based) entities or organisations which claim to offer degrees, diplomas or certificates in exchange for a sum of money, while offering no real preparation and assessment of knowledge, skills or abilities.¹¹ These entities are not usually recognised by any national authority in higher education, although they may claim recognition by different degree-awarding bodies such as accreditation mills.

The EQAR advises that diploma and degree mills usually present the characteristics described below.

- The degree can be easily purchased or customised.
- The entity claims to have external accreditation but there is no evidence of this, or the external accreditor is an accreditation mill or a certain country, island or State that has little or no regulation concerning the authorisation and functioning of educational providers.
- The entity may claim that it is recognised by an international organisation such as the Council of Europe or UNESCO, although neither of these

10. <https://www.eqar.eu/kb/esg/>.

11. Other relevant definitions can be found here: <https://www.chea.org/>.

organisations bestows any type of legitimacy on any higher education institution, programme or provision.

- The entity fails to provide a list of its faculty members or staff and their corresponding qualifications.
- There is little, if any, attendance required of students, either online or in class.
- The physical address of the organisation or its campus is not provided, or the address relies simply on a post office box.
- A sample of the diploma or certificate is presented on the organisation's website.
- The organisation has a similar name to another well-known higher education institution.
- The website features different payment methods and cards on its main page.
- The institution may offer “non-traditional education” or “distance learning” and recognise credits based on life experience.¹²

According to EQAR, accreditation mills are fake quality assurance agencies that claim to carry out external quality assurance activities for bogus higher education institutions in order to help them appear legitimate.

Accreditation mills usually present one or more of the following characteristics:

- the organisation has published on its website a list of institutions or programmes they claim to have accredited/evaluated/audited, without those institutions and programmes knowing that they are listed or have been externally reviewed; the organisation claims that it is recognised by the EQAR or a national authority when it is not;
- few, if any, standards for quality assurance are published by the organisation;
- the period of time required for an external review by the organisation is very short;
- the external quality assurance procedure does not require a review by an external review panel;

12. See the Council for Higher Accreditation (CHEA), <https://www.chea.org/>, and the European Network of Information Centres in the European Region (ENIC) and National Academic Recognition Information Centres in the European Union (NARIC), www.enic-naric.net/.

- the organisation grants “permanent” quality assurance labels without any requirement for subsequent periodic external quality assurance;
- the organisation’s name is similar to that of another recognised and well-established quality assurance agency.¹³

Reference should also be made to the “Guide on diploma mills and other dubious institutions” published in the framework of the FRAUDOC project entitled “Guidelines on Diploma Mills and Document Fraud for Credential Evaluators”.¹⁴

“Visa mills” may be considered as a type of diploma mill. By claiming to be a recognised education provider, such as a university or college, visa mills circumvent or break visa laws by offering student visas to foreign nationals which allow them to stay and work in a country. Visa mills typically use temporary addresses and premises which are wholly unsuited to the delivery of education.

According to the UK Quality Assurance Agency for Higher Education (QAA), “contract cheating” is when a third party completes work for a student who then submits it to an education provider as his or her own, where such input is not authorised or permitted. Individuals, organisations or companies, which have become known as “essay mills”, are paid to undertake this work. Some may supply a range of educational services such as generic study aids to give the appearance of legitimacy. Typically, a company or organisation will outsource the commissioned work to individual writers. The term contract cheating may also refer to the situation when family members, or more often fellow students or friends, complete assignments for students in whole or in part and therefore contact cheating does not always involve the payment of money.

Essay mills are almost exclusively online entities. They operate across the globe and threaten the integrity of global education. According to the QAA, extortion and blackmail are becoming greater threats to students who use essay mills. Personal data may be stored online with minimal, if any, security, thus exposing customers to identity theft and bank fraud.

Like all forms of education fraud, contract cheating represents a threat to the ability of education providers to assure the standards of their qualifications and also a threat to the reputation of national education and host countries.

13. See CHEA ibid.

14. <https://www.cimea.it/Upload/Documenti/Guidelines-on-Diploma-Mills.pdf>.

There are significant risks to the public of individual countries, as individuals in national settings may be practising with inadequate professional skills.¹⁵

An “essay bank” is a company or organisation at which students may purchase pre-written essays. This may be a service offered by an essay mill.

A useful glossary of relevant terms¹⁶ can be found on the Erasmus+ website.

The term “education stakeholders” is broadly defined to reinforce the principle that all relevant members of society are responsible for ensuring the development of ethical behaviour and for addressing education fraud.

3. Awareness raising and information

Initiatives that focus on awareness raising and the provision of information within education settings are the first step in the prevention of education fraud. In this regard, the World Higher Education Database (WHED), created by the International Association of Universities in co-operation with UNESCO, provides authoritative information on higher education systems, credentials and accredited or recognised higher education institutions worldwide. Awareness raising facilitates the adoption and improvement of relevant policies, regulations and laws that enable deliberate and targeted action to combat education fraud. Such action complements the development of codes of ethics and strategies for disseminating knowledge and best practice and facilitates access to new research and findings by those with relevant expertise.

Awareness raising and other activities should be adapted to the national context and make use of existing policies and quality assurance agencies as well as new initiatives to support ethical behaviour and quality education. An important step is to ensure that policies and regulations affecting education systems and institutions and aiming to counter education fraud are monitored and enforced in compliance with common standards. This requires oversight by an appropriate national agency in reports containing recommendations for action. These recommendations should be subject to periodic monitoring, allowing for a cycle of continuous improvement and strengthening of measures as education fraud adapts and evolves. Reports should be publicly available to ensure transparency and accountability.

15. www.qaa.ac.uk/docs/qaa/guidance/contracting-to-cheat-in-higher-education-2nd-edition.pdf.

16. <https://erasmus-plus.ec.europa.eu/node/76/printable/pdf>.

The role of independent and autonomous quality assurance is crucial in supporting education systems and institutions to respond to the challenges of education fraud and ensure that the qualifications obtained by students are legitimately achieved and that those institutions and organisations issuing awards, qualifications and certificates are legitimately established as authorised providers. Effective internal and external quality assurance procedures should help to identify any form of education fraud, whether intentional or unintentional, carried out by legitimate institutions, any part of such institutions or by a commercial activity associated with them.

By engaging in quality assurance processes, national education systems demonstrate their quality and increase transparency and accountability through publicly available and accessible reporting. This helps to build mutual trust and better recognition of awards, qualifications and certification and other forms of recognition within and across national borders.

As individuals migrate across national borders, a common understanding of quality assurance in education by all national and international stakeholders is required to ensure the development of national and institutional quality assurance systems and cross-border co-operation that facilitates the transfer and recognition of the legitimacy of qualifications and certification.

A common understanding does not mean that all policies, regulations and laws must be identical, and it is recognised that the principles in this Recommendation may be used and implemented in different ways by different countries, as appropriate to the national context. However, a broad acceptance of common standards is a necessary precondition for creating a common understanding of quality assurance and a culture of quality across national settings and borders. These standards should be publicly available and accessible to support transparency and accountability through monitoring and reporting. A clear distinction should be made between standards and guidelines, and the consequences of non-compliance should be clearly identified. Standards must be met whereas guidelines, as evidenced best practice, should be followed.

Further reference may be made to the Standards and Guidelines for Quality Assurance in the European Higher Education Area and the QAA Guidance on Contracting to Cheat in Higher Education.

4. Training

Member States and their education agencies and institutions should ensure the capacity of their education professionals to prevent and detect education fraud through the development of relevant knowledge, skills and competences.

The Council of Europe places great importance on public responsibility within education so that references to education professionals include not only those who deliver education but also managers and employers, relevant public officials and the political leaders and representatives of broader civil society in national settings.

The basic premise is that issues regarding quality education and corruption can only be effectively addressed if all relevant sections of civil society commit fully to fundamental ethical principles for public and professional life rather than relying only on top-down regulatory measures.

There is a distinction between the development of ethical principles and ethical behaviour which has been explored in the Council of Europe publication on the ethical behaviour of all actors in education.¹⁷ Ethical principles are also listed and described in the framework document developed by the Council of Europe's ETINED Platform.¹⁸

Education professionals may have specific roles in relation to the education system, such as involvement in the inspection of schools or quality assurance in higher education. The main role of other educational professionals may be in policy formulation and providing advice to elected politicians in relation to education.

Member States should take appropriate measures to ensure that education professionals and those involved in recruitment and employment are aware of education fraud and receive training in order to recognise its different forms and how fraudulent education service providers operate so that education fraud can be prevented.

For example, an understanding of the processes at work in education fraud may be achieved by incorporating the subject into initial training or induction for teachers, researchers, education professionals and those involved in recruitment and employment, continuous professional development and

17. <https://rm.coe.int/16806d2b6f>.

18. www.coe.int/en/web/ethics-transparency-integrity-in-education.

opportunities for research, in order to encourage innovation in assessment methods and the use of new technologies.

All training that institutions offer to their staff relating to learning, teaching assessment design and use of technologies should involve the consideration of ethics and academic integrity. It is important to place a positive emphasis on the development of ethical principles, behaviour and academic integrity rather than simply focus on issues of education fraud.

Equally, the training offered to those who inspect and provide quality assurance of institutions must also include a reference to education fraud and fraudulent education service providers within relevant quality codes, so that the quality assurance process is comprehensive and supports the reporting of progress and a continuous cycle of improvement in relation to ethical behaviour and academic integrity. Ethics, transparency and integrity are key conditions for achieving quality in education and therefore must be addressed in quality assurance processes. Relevant reporting of quality assurance processes that is made publicly available and accessible will inform the development of national policies and legal intervention to prevent education fraud and the operation of fraudulent education service providers in national settings.

Accreditation and quality assurance agencies should be empowered to monitor the quality of education and academic integrity in both public and private educational settings.

Where institutional policies in relation to education fraud are deficient, continued accreditation should be conditional on their improvement so that they comply with approved standards.

5. Plagiarism and the use of plagiarised documents and content

To counter plagiarism and the use of plagiarised work, pupils and students should be supported by education institutions in the development of appropriate skills in critical thinking, academic writing and research, in accordance with the different education stages within the education systems of each member State, to ensure awareness of and increasing protection against fraudulent education service providers.

References to pupils and students in this section include all learners in education and training, and the term "education institutions" comprises all those

delivering education at all levels, including kindergarten, primary, secondary and higher education and professional training.

Pupils and students require support to gain the necessary skills for studying, academic writing, use and acknowledgement of academic sources, correct referencing, paraphrasing and research to enable them to succeed without resorting to education fraud. A clear understanding of what plagiarism is and what it entails is required. Plagiarism is the act of passing off someone else's work or idea, either intentionally or unintentionally, as your own. In the context of education, this will involve a failure in whole or in part to acknowledge or attribute work to its original source or author as part of a submission for academic credit or progression.

Information and support are critical to any strategy aimed at encouraging ethical behaviour, academic integrity and reducing education fraud. Education institutions can promote ethical behaviour and academic integrity through their internal regulations. It is important to ensure that academic and professional staff are aware of and adhere to a set of common aims and objectives in order to inform discussions with pupils and students. It is helpful to give pupils and students clear information, orally and in writing, on the importance of ethical behaviour and academic integrity, as well as the likelihood of detection and the potential consequences of education fraud, including plagiarism. As part of the curriculum, education institutions should discuss ethical behaviour and professional expectations with pupils and students. Education institutions should develop systems of academic support within the curriculum that promote independent learning by pupils and so enhance students' confidence in their academic abilities, thus providing them with the means to reject education fraud. In particular, the public interest in ethical behaviour should be emphasised to those studying in vocational training.

Member States should ensure that knowledge and understanding of ethical behaviour and education fraud are an integral part of professional development in education and encourage ethical behaviour through empowerment (by providing adequate support and resources), high professional standards and awareness of rights and responsibilities.

Member States should also ensure that the systems and procedures for the appointment and promotion of education and research professionals are capable of identifying fraudulent qualifications and certification. This will support the adoption of high professional standards and raise awareness of obligations in those responsible for the delivery of quality education. There

have been instances in which high-ranking officials have been forced to resign from their position as a result of having obtained employment, in whole or in part, on the basis of academic awards achieved through the submission of plagiarised academic work or fraudulent qualifications and certification.

Member States should facilitate the development of technical solutions and their introduction into education and employment settings for the identification and prevention of education fraud. National governments should consider engaging with software companies involved in text matching/similarity checking in order to negotiate an affordable nationwide licence. Education ministries should facilitate communication between institutions within national settings and across national borders in order to learn from positive experiences and share ideas that have proved effective in countering education fraud. Similarly, technical solutions, including the development and support of databases and verification systems, should be implemented to assess the validity of awards, qualifications and certification.

The Council of Europe and UNESCO have established the European Network of National Information Centres (ENIC Network) on academic recognition and mobility to develop policy and practice for the recognition of qualifications. The centres provide information on the education systems in their own and other countries, including the recognition of foreign diplomas, degrees and other qualifications.¹⁹

6. Advertising and promotion of education fraud

Fraudulent education service providers, as defined in Article 2 of the appendix to the Recommendation, are a form of business enterprise whose ultimate goal is financial gain. Their business, advertising and marketing strategies play a crucial role in increasing sales and attracting “customers”. Fraudulent education service providers exploit several channels and tools to reach potential clients and sell their products, with the internet and social media playing an increasingly relevant role. The phenomenon of education fraud is not new, but the internet, social media outreach and new technologies give fraudulent education service providers the possibility to offer their services to a potentially global market and on an industrial scale.

19. www.qaa.ac.uk/docs/qaa/guidance/contracting-to-cheat-in-higher-education-2nd-edition.pdf; <https://rm.coe.int/prems-016918-gbr-2512-etined-vol-5-couv-texte-recadre-8482-bat-16x24-w/168078499c>; www.enic-naric.net/.

In cases where, for a number of reasons, it is not possible to take direct action in order to shut down a provider (for instance because it is not located in the member State concerned, or the activity is not defined as illegal according to the national legislation), member States can still minimise education fraud and take action against the supply side of the phenomenon by fighting the effectiveness of the providers' promotional strategy. Examples of such action could be: promoting guidelines and policies on transparency for education providers who should, for instance, indicate on their website and on the certificates themselves whether the qualification awarded has no legal value in the country; reporting unfair and opaque practices to the competition authority or to the body in charge of customer protection in the country, which could intervene in cases of misleading advertising; in countries where relevant education terminology is protected (Article 9 of the appendix to the Recommendation), member States taking action against providers who give misleading information (for example non-accredited institutions claiming to be accredited, calling themselves universities or offering degrees using the relevant national educational terminology); prohibiting and banning the advertising of essay mills and contract cheating services; and promoting activities to raise awareness of such services among students and potential customers.

Taking action against advertising and promotion of education fraud, even if it is not always a direct way to stop a provider, could be a powerful way to minimise its activity. This type of intervention, especially in the initial phase of activity by a new provider, could hinder gains in market share, act as a preventive tool and make the general public aware of the misleading conduct of such providers.

7. Legal frameworks, laws and practices

Education fraud corrupts societies and defrauds organisations and individuals. Many fraudulent education service providers operate or claim to operate from Council of Europe member or observer States, which puts the Organisation in a unique position to do something about this threat to meritocratic values, society and to the true meaning of education. In this context, awareness-raising activities should go hand in hand with effective legal remedies, through the enforcement and review of national legislation.

Article 7 of the appendix to the Recommendation requires member States to take legal action against fraudulent education service providers. Member States need to make the establishment, licensing and operation of fraudulent education service providers within their jurisdictions illegal and prosecute

these entities whenever possible. Furthermore, member States should restrict or ban the use of fraudulent credentials for employment and promotion. This can be done either by enforcing existing education, consumer and immigration laws and/or by introducing new legislation. Nothing in the Recommendation requires a member State to enact new legislation or prevents a member State from doing so. Member States need to find the right balance between legal measures and other measures, in accordance with their national contexts.

The Council of Europe recognises that there are several tools available to combat education fraud, including informing the public about the harm caused by fraudulent credentials. This article encourages member States to identify and use the tools that fit their national context.

Legislation is an additional tool that might be considered.²⁰ The latter includes banning the establishment, licensing and operation of fraudulent education service providers within the jurisdictions of the member States and prosecuting these entities when possible. This can be done either by enforcing existing education, consumer and immigration laws and/or by introducing new laws.

8. Codes of ethics

This article calls on member States to also explore non-legislative measures to combat education fraud such as the introduction of ethical codes.²¹

Member States need to introduce ethical codes for civil servants aimed at preventing education fraud.²² These codes should contain guidelines on what disciplinary action should be taken against employees holding fraudulent credentials.

Member States should, furthermore, encourage higher education institutions to introduce clear guidelines, procedures, ethical codes and codes of conduct that stop education fraud (including, for example academic integrity pledges).²³

20. Bergan S. and Hunt E.S. (eds) (2009), *Developing attitudes to recognition: substantial differences in an age of globalisation*, Council of Europe, p.119, <https://book.coe.int/en/higher-education-and-research/4416-developing-attitudes-to-recognition-substantial-differences-in-an-age-of-globalisation-council-of-europe-higher-education-series-no13.html>; Council for Higher Education Accreditation and UNESCO (2009), "Toward effective practice: discouraging degree mills in higher education", p. 5, www.chea.org/chea-unesco-statement-to-discourage-degree-mills-higher-education.

21. Transparency International (2013), *Global Corruption Report: Education*, pp. 15-16.

22. The Erasmus+ exchange programme could play an important role in this respect; see also Transparency International (2013), *Global Corruption Report: Education*, p. xxii.

23. See Recommendation CM/Rec(2019)9 of the Committee of Ministers to member States on fostering a culture of ethics in the teaching profession and Recommendation No. R (2000)10 of the Committee of Ministers to Member states on codes of conduct for public officials.

Higher education institutions have several functions that make them susceptible to education fraud. Against this background, they must be cautious as to who they admit, employ and co-operate with and what they are willing to accept as credit transfers.²⁴ Bona fide institutions risk potential damage to their credibility, reputation and brand name. Any legitimate institution that co-operates with a diploma mill or an accreditation mill grants these rogue agents legitimacy that they will exploit in their marketing. Ethical codes, anti-fraud guidelines and procedures, disciplinary actions for employers holding fraudulent degrees, etc. help shield institutions from fraudsters trying to capitalise on their good name.

The following university functions are at risk:

- access and admission process – admissions office;
- bilateral and multilateral agreements – international office;
- staff recruitment – human resources office;
- secondary employment/occupation – human resources office.

The formulation of policy documents can be done individually by higher education institutions or in collaboration. Such documents should contain clear guidelines regarding the handling of individuals with fraudulent credentials – taking into account, of course, their legal rights. It is necessary that such a document stipulates that the higher education institution in question only accepts individuals who present credentials from legitimate institutions.

Nevertheless, this problem is not limited to diploma mills and accreditation mills. In fact, due diligence requires higher education institutions to examine a problem that now extends to other types of “mills” (for example evaluation mills), the circulation of fake databases and lists of “recognised” institutions, and even to legitimate accreditation organisations involved in questionable activities.

Furthermore, the documents should contain guidelines for dealing with employees with fraudulent credentials who are already within an organisation. The Council of Europe can support the member States and higher education institutions in this work.

24. See the European Recognition Manual for Higher Education Institutions (3rd edition, 2020), p.34, www.nuffic.nl/en/publications/the-european-recognition-manual-for-higher-education-institutions.

9. Education terminology

This article encourages member States to introduce laws that specifically protect key educational terminology such as “university”, “college”, “accreditation”, “bachelor’s degree” and “Dr” in the national language(s) as well as in other languages (including, to the extent possible, the abbreviated forms of these terms).²⁵

Furthermore, the Council of Europe and other European regional and cross-border organisations should support and promote initiatives at the State level to introduce laws that protect vital educational terminology.²⁶

Finally, States are encouraged to publish in the national language(s), as well as other languages, updated lists of recognised higher education institutions and study programmes belonging to their higher education sector.²⁷

10. Public health, safety and the education of future generations

Although the effort to counter fraud aspires to cover the entire education sector, even more attention should be paid to academic and/or professional qualifications and credentials that have a direct or indirect impact on the health, safety and well-being of individuals. In the member States, a number of professions are regulated by national legislation precisely because they touch on the basic rights of citizens, such as the right to health or safety, thus representing a public interest. Examples of regulated professions range from the health sector (medical doctor, dentist, midwife, nurse, surgeon, physiotherapist, psychologist), to law, justice and accountancy (lawyer, chartered accountant), education and childcare (teachers and other staff), construction and technical professions (engineer, architect), transport (aircraft maintenance

25. The following Council of Europe member States have introduced laws that protect the word “university”: Andorra, Austria, Belgium (Flemish Region and German-speaking Community of Belgium), the Czech Republic, Denmark, Estonia, France, Germany, Hungary, Iceland, Ireland, the Netherlands, Norway, Portugal, Romania, Switzerland and the United Kingdom. See also the recommendations in the “Guide on diploma mills and other dubious institutions”, FRAUDOC project, CIMEA – NARIC Italia (2018), p.43, www.cimea.it/Upload/Documenti/Guidelines-on-Diploma-Mills.pdf.

26. For example, the European Union could expand the number of professions included in the Services Directive Alert Mechanism within the Internal Market Information System.

27. See *Standards for recognition: the Lisbon Recognition Convention and its subsidiary texts* (2006), Council of Europe higher education series No. 3, pp. 66-67.

engineer, ship's deck officer) and control and security (installer of electrical systems, fire prevention expert).

For regulated professions, member States usually have a regulatory framework at national level to ensure that professionals meet the required standards to practise their profession. Regulatory frameworks may often include the establishment of both the minimum qualification necessary and further requisite training in the practice of the profession (for example an internship and/or State exam for a professional licence), the existence of professional and regulatory bodies and the norms laid down in the professional code of ethics. In many member States, individuals who practise a regulated profession without a professional licence or without fulfilling the requirements set in the country concerned commit an offence. If professional qualifications are acquired in an irregular way, without following a proper study path and without acquiring authentic knowledge and real technical and professional competences, the person practising the profession constitutes a threat to those who require his or her services. An engineer, an architect or a medical doctor who has fraudulently obtained his or her title and practises the profession puts at risk the lives of the people they care for and work for on a daily basis. In the same way, a teacher without the necessary competences poses a serious threat to the well-being of students and the quality of education. In the same way, professions that deal with environment at different levels (water management, agriculture, renewable energy, etc.) have a clear impact on the ecological balance and ultimately on the well-being of people and the planet.

Regulatory and professional bodies, where they exist, have the role of overseeing the practice of the profession. They usually set the requirements to be fulfilled, can assess the credentials of applicants, keep a register of members and can also regulate the code of conduct, with sanctions for members who break the rules. They can play a strategic role in preventing fraud. By keeping a list of members, they can inform citizens whether or not a person is a genuine professional, thus giving guarantees to users and clients. To effectively fight fraud in education, it is crucial to define a co-ordinated strategy at national level involving the national competent authorities, professional bodies, education stakeholders and all those who, at different levels, deal with academic and/or professional qualifications.

11. Whistle-blowers

In the context of Recommendation CM/Rec(2014)7 of the Committee of Ministers to member States on the protection of whistleblowers,²⁸ “whistle-blower” means “any person who reports or discloses information on a threat or harm to the public interest in the context of their work-based relationship, whether it be in the public or private sector”. The same recommendation recognises that “individuals who report or disclose information on threats or harm to the public interest … can contribute to strengthening transparency and democratic accountability” and recommends that member States have in place a normative, institutional and judicial framework to protect individuals, including those who are subject to malicious allegations.

According to the survey on education fraud conducted among ETINED members (presented at the 3rd ETINED Plenary Session in 2019), more than 60% of respondents indicated that there was no specific legislation to protect individuals providing information on education fraud. While there are, however, a number of policies and practices in the field, it is important to define at national level relevant legislation and procedures covering the process for raising issues, the person raising them and the procedures for persons and organisations accused of education fraud.

Member States could support the adoption of procedures and practices to protect whistle-blowers at the institutional level of education providers, by helping to define the channels for reporting and disclosure in the educational context, the stakeholders involved (for example ombudsperson institutions). By the same token, they could also support the development of practices and procedures to ensure a fair and impartial process for persons and organisations accused of education fraud.

Regarding fraudulent education service providers, it is worth mentioning that their typical modus operandi is very aggressive towards those who try to stop or minimise their activities. They usually try to intimidate, frighten and deceive both clients and professionals, also by using lawyers. For this reason, it is very important that education professionals are well aware of the phenomenon and are trained in how to deal with such providers; in their communications with them, for example, they need to know what can be said and how to formulate it, especially in written form, in order to avoid grounds for legal disputes and

28. Recommendation CM/Rec(2014)7 adopted by the Committee of Ministers of the Council of Europe on 30 April 2014.

to protect themselves and their organisation, where applicable. It would be advisable that member States, as part of their comprehensive strategy of building ethics, integrity and transparency into education, also support training in this field. While training should increase awareness of the issues and enable officials to quickly detect fraudulent operations, they should also be provided with guidelines on dealing with and minimising the activities of fraudulent education service providers. National stakeholders can be of help in this process by providing guidance and toolkits for professionals, for instance on how to deal with diploma mills or with websites selling fraudulent qualifications that appear to be from an authentic institution in the country. Furthermore, it is crucial to have a standard protocol for action so that no individual is left to face fraudulent education service providers alone and that institutional support is available to help them respond.

12. Use of digital solutions

Contemporary technologies and their continuous development and innovation can be considered part of the problem of education fraud. The widespread use of technology offers the possibility to easily forge documents and to create sophisticated fake qualifications that look almost authentic at little or no cost. Fraudulent education service providers and different “mills” operating in a global market are just a click away from any client; online assessments, too, may be subject to cheating and misrepresentation.

At the same time, new information technology tools could be a powerful part of the solution in preventing and countering education fraud, for instance by providing tools for the secure exchange of digital student data and offering online platforms and tools for verifying the authenticity of qualifications. Examples of digital solutions could be the use of blockchain technology for the secure exchange of student data, digital signatures and encrypted pdf files as a way to verify the authenticity of documents and the use of QR (quick response) codes and bar codes during examinations to avoid corruption. In general, digitalisation could support the prevention of fraud throughout the entire educational process, from access to education to the awarding of the final qualification and its subsequent use.

Member States could:

- create and support the development of tools for secure student data exchange, both at national level and at the level of the education institution. These solutions should move towards improvements in the security, speed, consistency and reliability of such data. As far as possible

the solutions should be centred on the student, on the one hand giving him or her the possibility to easily share his or her qualification(s) and relevant documents (such as transcripts of records) and, on the other hand, guaranteeing the integrity and authenticity of the data. These solutions should be aimed at supporting the mobility of students and graduates and the portability of their qualifications;

- create and support the development of tools for the secure award and exchange of professional certificates and qualifications. With reference to Article 10 of the appendix to the Recommendation, these solutions can support trust and minimise fraud in qualifications related to the practice of professions, with particular reference to those that are regulated because they touch on the basic rights of citizens;
- support the development and adoption of technological solutions and digital education ecosystems designed to be flexible, scalable and open to possible future innovation;
- adopt policies and practices to support the transparency of information on technological solutions used in education (where the data are stored, who controls them, etc.);
- exchange information and good practices and discuss technology solutions, standards and the interoperability of digital tools, giving priority to open and common standards whenever possible;
- adopt new legislation and/or adapt existing legislation to support the use of digital student data, instead of only paper documents, in order to foster their acceptance;
- create and support the creation of online verification tools and platforms, thus providing trustworthy diploma verification services that are simple, accessible and multilingual;
- establish policies and practices to ensure the privacy and protection of personal data in the digitalisation process;
- promote a culture of digital ethics among education stakeholders with the aim of using digitalisation as a means to promote ethics, integrity and transparency in education;
- consider digitalisation as a basic transversal skill for education professionals and support training in the field of digital literacy;
- foster the use of new technologies and support research in the technological innovation field with the aim of eradicating all forms of education fraud and the activities of fraudulent education service

providers. Examples can range from the development of anti-plagiarism software to research in the field of artificial intelligence.

Ethics is not technology: technology could be a powerful way to counter education fraud, but it should serve a comprehensive and systemic strategy of policies, legislation and practices to promote ethics, integrity and transparency in education.

13. Research

Research is a way to understand, monitor the evolution of and ultimately support the effort to prevent, minimise and fight education fraud. In conjunction with the collection of quantitative data and statistics (Article 15 of the appendix to the Recommendation), research and analysis of such data on the characteristics of the phenomenon, especially at international level, represent a first step towards awareness and knowledge of all forms of education fraud and their continuous evolution. In this context, it may be advisable to encourage the creation of a network, whether formal or informal, of researchers, higher education institutions, research centres and institutions, to investigate education fraud at different levels.

Alongside this, member States should encourage a multidisciplinary approach to research in order to strengthen the culture of ethics and prevent education fraud. This issue should be studied from different perspectives (legal, socio-logical, economic, geopolitical, etc.). A non-exhaustive list of topics where further analysis and research could bring added value in the effort to minimise education fraud includes: comparative analysis of national legislation on different types of education fraud and its effectiveness; comparative analysis of the key principles of codes of ethics in education and their adoption and practice; the economic and political implications of the phenomenon, for instance in terms of the loss of revenue for quality and legal forms of education and for other common education services, as the amounts diverted are not subject to value added tax; the role that digitalisation can play in fighting education fraud; digital ethics in education; from the point of view of social sciences, an analysis of the demand for fraudulent education services by identifying the different categories of clients of such services (who they are and why they use them, for instance) to understand whether (and if so, why) there is a shift away from gaining authentic knowledge towards obtaining the formal attributes of education such as certificates; the role of codes of honour in minimising fraud, also with a focus on online teaching and learning.

Furthermore, research should also be carried out in the area of comparative studies with other regions, to see how different academic cultures can play a role in promoting ethics in education and to monitor and detect new trends (if any) and to exchange good practices and lessons learned.

14. International co-operation

With the awareness that education fraud does not stop at national borders and that it represents a threat to member States in many ways, as described in the preamble to the Recommendation, international co-operation in protecting democracy, legality and quality education represents a mutual interest for countries. In the context of the ETINED Platform, the effort of building a culture of ethics, transparency and integrity in education is a shared responsibility of all those involved – a responsibility that also does not stop at national borders.

For these reasons, international co-operation represents a key factor in monitoring, understanding and fighting education fraud. Policies and practices, where they exist, are mainly at institutional and national levels, with extensive room for improvement in international co-ordination and action.

The first step towards international co-operation is to ensure the consistent and continuous monitoring of education fraud phenomena and the activities of fraudulent education service providers. The second step is to have a forum for exchange of information, such as the ETINED Platform, to exchange information within a framework where there is a clear and shared commitment to ethics, integrity and transparency. Monitoring and exchange of information are relevant, *inter alia*, in order to form a complete picture of the phenomenon. Fraudulent education service providers increasingly operate in an international market and use the internationalisation of education as an opportunity to maximise their financial gains and increase their business. For instance, fraudulent education service providers can be located in one country and offer their services in many others in order to circumvent legal action being taken against them; they can claim to be “international” providers having headquarters in different countries to legitimise themselves and again to prevent prosecution; they can use the existence of different national legislation as a way to protect themselves by moving to where the legal requirements are seen as more tolerant. Exchange of information at international level plays a central role in forming the full picture and understanding such activities and in building on other countries’ experience in the field.

The third step is co-operation. Evidence from member States shows that where a co-operation mechanism is in place, this can be of great help in dealing with education fraud: one example is the co-operation with and among centres in the ENIC Network in the national and international context, especially on the exchange of information on fraudulent qualifications and diploma mills. Co-operation, which in the context of the Recommendation is at the level of member States, could benefit from and be strengthened by collaboration between the different national and international stakeholders already working in this field. Furthermore, such co-operation is relevant in order to guarantee the use and acceptance of certificates, such as the European Qualification Passport for Refugees, which are awarded in a truly international context.

Well-functioning mechanisms of international co-operation in education are also relevant in periods of crisis (such as the recent Covid-19 pandemic): crises can be used by fraudulent education service providers to better position themselves in the market or can represent a boost for their business. International co-operation and exchange of information can be of help to quickly detect such opaque operations, which can appear still unclear in one country but already well defined in others.

Another dimension where international co-operation is essential is in regard to the so-called grey areas, that is, areas of action by fraudulent education service providers that may not be illegal as such (or that are illegal only in one member State and not in others), but that represent a threat to the principles of ethics, transparency and integrity in education. Examples are “backdoor accreditation”, in which an institution that is not accredited in one country manages to obtain accreditation in another and continues to offer its “qualifications” in both; or the situation in which a provider that is legitimised to operate in one country also offers non-legitimised and different services in other countries. Exchange of information and co-ordinated activities among different countries could be very effective in preventing and minimising such phenomena. It is also relevant to underline that, on the one hand, there are legitimate institutions without accreditation and, on the other, that accreditation does not represent a self-imposed ethical standard. International co-operation could play a relevant role in addressing quality transnational education, in line with the 2007 “Revised code of good practice in the provision of transnational education”.²⁹

29. Adopted by the Lisbon Recognition Convention Committee in June 2007: www.enic-naric.net/fileusers/73_Revised_Code_of_Good_Practice_TNE.pdf.

Exchange of information and co-operation among member States is crucial, on the one hand in order to form a comprehensive picture of the phenomenon and to learn lessons and to follow up on the strategy to prevent and combat education fraud and, on the other hand, to pursue education fraud at national level by taking action against providers who offer their services in one country but are located elsewhere.

15. Data collection

Information, data and statistics are essential for effective action against education fraud. The results of a survey on education fraud conducted among ETINED members (presented at the 3rd ETINED Plenary Session in 2019) show that systematic statistics and quantitative data on the phenomenon of education fraud, both at national and international level, are almost non-existent or at a very early stage. Whereas the perception of the phenomenon seems to be very clear in qualitative terms, collection of data and statistics on the different aspects of education fraud, where it exists, is fragmented and limited to certain sectors (for example a number of centres in the ENIC Network maintain archives on fraudulent qualifications received and on diploma mills).

In order to form a clear picture of the phenomenon, member States should facilitate and encourage the definition of the criteria, methodology and the relevant stakeholders to be involved in order to collect quantitative data on education fraud and fraudulent education service providers, as defined in the context of the Recommendation. The first step is to define the data to be collected and co-operate with stakeholders, if any, which already keep track of information and data on education fraud, such as centres within the ENIC Network, quality assurance agencies and ad hoc bodies and institutions in charge of ethics and integrity in education. It may be advisable to define a protocol for the exchange of such data due to their sensitivity, perhaps allowing for the possibility to provide them in an aggregated and anonymised fashion.

Collection of data should be done periodically in order to obtain a clear view of the progression of the phenomenon. Another step would be to discuss and find consensus on a number of common criteria that could be used to assess and analyse the data that are relevant both at national and international level, in order to draw sound conclusions. Data collection and analysis could also support the detection of new trends, so as to be able to intervene when new types of education fraud are still at an early stage. The set of indicators, the methodology and the identification of relevant stakeholders could be the basis for comparison at international level within the framework of the

ETINED Platform. This would allow the availability of comparable data both synchronically and diachronically in their temporal progression at both national and international level, with the goal of raising awareness and understanding of the phenomenon, suggesting future trends and possibly preventing and minimising education fraud.

16. Monitoring

Education is especially vulnerable to fraud and the lack of educational oversight is an invitation to fraud. Any State that fails to monitor its educational sector runs the risk of becoming a haven for rogue agents who peddle their products to local as well as international customers. If these operations are successful, they will tarnish the reputation of whole educational systems.

Member States should appoint national rapporteurs or establish equivalent mechanisms for monitoring education fraud activities. The rapporteurs should be highly qualified experts in the area of education fraud. The purpose of such a monitoring mechanism is to collect data on education fraud and make an annual report to the parliament and the Council of Europe on its findings and recommendations.

Data of this kind will enable the Council of Europe to gain a clear picture of the proliferation of education fraud in the individual member States and in Europe as a whole. This will subsequently allow the Council of Europe to make adequate legislative recommendations to the member States with the aim of combating education fraud more effectively.

The ENIC Network was established in 1994 by decision of the Committee of Ministers of the Council of Europe and the UNESCO Regional Committee for Europe to undertake activities relating to academic recognition and mobility, including collection of information. The mandate and unique role of the ENIC Network offices in the member States make them well suited to play a key role in the collection of data on fraudulent education service providers.³⁰ This notwithstanding, the arrangements for this monitoring machinery might vary between member States due to the diverse legal systems and systems of government (such as federalism).

30. Convention on the Recognition of Qualifications concerning Higher Education in the European Region (Lisbon, 1997), Council of Europe (ETS No. 165).

17. Evaluation and review

Fraud in education is not a new phenomenon. Historical chronicles testify to the fact that, as soon as the first universities were founded in Europe in the Middle Ages, corruption, “selling” of qualifications and falsification of documents flourished accordingly. But this old phenomenon is constantly taking on new forms and posing new threats; it is constantly evolving, using the wide reach of the web and technological innovations to adjust to the changing landscape of education.

Member States should regularly assess the effectiveness and consistency of their actions in the field and identify the national stakeholders involved in the process. This can be done as a self-assessment at national level. The different dimensions of education fraud contained in the Recommendation could also be seen as a way to self-assess and analyse the situation at national level, to identify strengths that could be shared with other countries and areas of weakness where there is space for further improvement towards more effective policies and practice. This exercise could also support the identification of good practices and lessons learned, which could be useful to exchange with other countries facing the same challenges.

The outcome of the evaluation will be relevant to the design and reassessment of strategies and policies if needed, in order to enhance the quality of national strategies and make them more effective and capable of following the changing landscape of education fraud and fraudulent education service providers.

The review should also be undertaken through the exchange of information, practices and lessons learned with other member States. This form of information sharing, which has direct links with international co-operation (Article 14 of the appendix to the Recommendation), would also be useful in order to adjust strategies and policies to detect and counter new trends and phenomena in education fraud while they are in their infancy.

The ETINED Platform should serve as the forum for information sharing regarding the evaluation and review of education policies and practices, in a framework of transparency, trust and respect for the sensitivity of the topic. Forms of peer support among member States can also be tested within the framework of the platform as a way to foster and improve these practices.

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ISBN 978-92-871-9281-3 (PDF)
€5/US\$10

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