

*Legal instruments*



## **Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education**

Recommendation CM/Rec(2010)7  
and explanatory memorandum

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# **Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education**

Recommendation CM/Rec(2010)7  
adopted by the Committee of Ministers  
of the Council of Europe  
on 11 May 2010  
and explanatory memorandum

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1. Recommendation CM/Rec(2010)7 adopted by the Committee of Ministers of the Council of Europe on 11 May 2010 as proposed by the Steering Committee for Education (CDED)

2. This publication contains the text of Recommendation CM/Rec(2010)7 and its explanatory memorandum.



## **Recommendation CM/Rec(2010)7**

### **of the Committee of Ministers to member states on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education**

*(Adopted by the Committee of Ministers on 11 May 2010  
at the 120th Session)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Recalling the core mission of the Council of Europe to promote human rights, democracy and the rule of law;

Firmly convinced that education and training play a central role in furthering this mission;

Having regard to the right to education conferred in international law, and particularly in the European Convention on Human Rights (ETS No. 5), the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Rights of the Child;

Recalling that the World Conference on Human Rights meeting in Vienna in 1993 called on states to include human rights, democracy and the rule of law as subjects in the curricula of all learning institutions in formal and non-formal education;

Having regard to the decision taken at the 2nd Summit of Heads of State and Government of the Council of Europe (1997) to launch an initiative for education for democratic citizenship with a view to promoting citizens' awareness of their rights and responsibilities in a democratic society;

Recalling Recommendation Rec(2002)12 of the Committee of Ministers on education for democratic citizenship and wishing to build on it;

Having regard to Recommendation Rec(2003)8 of the Committee of Ministers on the promotion and recognition of non-formal education/ learning of young people and to Recommendation Rec(2004)4 on the

European Convention on Human Rights in university education and professional training;

Having regard to Parliamentary Assembly Recommendation 1682 (2004) calling for a European framework convention on education for democratic citizenship and human rights education to be drafted;

Responding to the call by the 7th Conference of European Ministers responsible for Youth, meeting in Budapest in 2005, for a framework policy document on education for democratic citizenship and human rights education;

Desiring to contribute to the achievement of the aims of the World Programme for Human Rights Education adopted by the General Assembly of the United Nations in 2005, for which the Council of Europe is the regional partner in Europe;

Desiring to build on the experience of the 2005 European Year of Citizenship through Education, during which states and non-governmental organisations reported numerous examples of good practice in education for democratic citizenship and human rights education, and to consolidate, codify and spread such good practice throughout Europe;

Bearing in mind that member states are responsible for the organisation and content of their educational systems;

Recognising the key role played by non-governmental organisations and youth organisations in this area of education and anxious to support them in it,

Recommends that the governments of member states:

- implement measures based on the provisions of the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education, as set out in the appendix to this recommendation;
- ensure that the Charter is widely disseminated to their authorities responsible for education and youth;

Instructs the Secretary General to transmit this recommendation to:

- the governments of States Parties to the European Cultural Convention (ETS No. 18) which are not member states of the Council of Europe;
- to international organisations.

## **Appendix to Recommendation CM/Rec(2010)7**

### *Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education*

Adopted in the framework of Recommendation CM/Rec(2010)7 of the Committee of Ministers

#### *Section I – General provisions*

##### 1. Scope

The present Charter is concerned with education for democratic citizenship and human rights education as defined in paragraph 2. It does not deal explicitly with related areas such as intercultural education, equality education, education for sustainable development and peace education, except where they overlap and interact with education for democratic citizenship and human rights education.

##### 2. Definitions

For the purposes of the present Charter:

*a.* “Education for democratic citizenship” means education, training, awareness raising, information, practices and activities which aim, by equipping learners with knowledge, skills and understanding and developing their attitudes and behaviour, to empower them to exercise and defend their democratic rights and responsibilities in society, to value diversity and to play an active part in democratic life, with a view to the promotion and protection of democracy and the rule of law.

*b.* “Human rights education” means education, training, awareness raising, information, practices and activities which aim, by equipping learners with knowledge, skills and understanding and developing their attitudes and behaviour, to empower learners to contribute to the building and defence of a universal culture of human rights in society, with a view to the promotion and protection of human rights and fundamental freedoms.

*c.* “Formal education” means the structured education and training system that runs from pre-primary and primary through secondary school and on to university. It takes place, as a rule, at general or vocational educational institutions and leads to certification.



d. "Non-formal education" means any planned programme of education designed to improve a range of skills and competences, outside the formal educational setting.

e. "Informal education" means the lifelong process whereby every individual acquires attitudes, values, skills and knowledge from the educational influences and resources in his or her own environment and from daily experience (family, peer group, neighbours, encounters, library, mass media, work, play, etc.).

### 3. Relationship between education for democratic citizenship and human rights education

Education for democratic citizenship and human rights education are closely inter-related and mutually supportive. They differ in focus and scope rather than in goals and practices. Education for democratic citizenship focuses primarily on democratic rights and responsibilities and active participation, in relation to the civic, political, social, economic, legal and cultural spheres of society, while human rights education is concerned with the broader spectrum of human rights and fundamental freedoms in every aspect of people's lives.

### 4. Constitutional structures and member state priorities

The objectives, principles and policies set out below are to be applied:

a. with due respect for the constitutional structures of each member state, using means appropriate to those structures;

b. having regard to the priorities and needs of each member state.

### *Section II – Objectives and principles*

#### 5. Objectives and principles

The following objectives and principles should guide member states in the framing of their policies, legislation and practice.

a. The aim of providing every person within their territory with the opportunity of education for democratic citizenship and human rights education.

b. Learning in education for democratic citizenship and human rights education is a lifelong process. Effective learning in this area involves a wide

range of stakeholders including policy makers, educational professionals, learners, parents, educational institutions, educational authorities, civil servants, non-governmental organisations, youth organisations, media and the general public.

*c.* All means of education and training, whether formal, non-formal or informal, have a part to play in this learning process and are valuable in promoting its principles and achieving its objectives.

*d.* Non-governmental organisations and youth organisations have a valuable contribution to make to education for democratic citizenship and human rights education, particularly through non-formal and informal education, and accordingly need opportunities and support in order to make this contribution.

*e.* Teaching and learning practices and activities should follow and promote democratic and human rights values and principles; in particular, the governance of educational institutions, including schools, should reflect and promote human rights values and foster the empowerment and active participation of learners, educational staff and stakeholders, including parents.

*f.* An essential element of all education for democratic citizenship and human rights education is the promotion of social cohesion and intercultural dialogue and the valuing of diversity and equality, including gender equality; to this end, it is essential to develop knowledge, personal and social skills and understanding that reduce conflict, increase appreciation and understanding of the differences between faith and ethnic groups, build mutual respect for human dignity and shared values, encourage dialogue and promote non-violence in the resolution of problems and disputes.

*g.* One of the fundamental goals of all education for democratic citizenship and human rights education is not just equipping learners with knowledge, understanding and skills, but also empowering them with the readiness to take action in society in the defence and promotion of human rights, democracy and the rule of law.

*h.* Ongoing training and development for education professionals and youth leaders, as well as for trainers themselves, in the principles and practices of education for democratic citizenship and human rights education are a vital part of the delivery and sustainability of effective education in this area and should accordingly be adequately planned and resourced.

i. Partnership and collaboration should be encouraged among the wide range of stakeholders involved in education for democratic citizenship and human rights education at state, regional and local level so as to make the most of their contributions, including among policy makers, educational professionals, learners, parents, educational institutions, non-governmental organisations, youth organisations, media and the general public.

j. Given the international nature of human rights values and obligations and the common principles underpinning democracy and the rule of law, it is important for member states to pursue and encourage international and regional co-operation in the activities covered by the present Charter and the identification and exchange of good practice.

### *Section III – Policies*

#### 6. Formal general and vocational education

Member states should include education for democratic citizenship and human rights education in the curricula for formal education at pre-primary, primary and secondary school level as well as in general and vocational education and training. Member states should also continue to support, review and update education for democratic citizenship and human rights education in these curricula in order to ensure their relevance and encourage the sustainability of this area.

#### 7. Higher education

Member states should promote, with due respect for the principle of academic freedom, the inclusion of education for democratic citizenship and human rights education in higher education institutions, in particular for future education professionals.

#### 8. Democratic governance

Member states should promote democratic governance in all educational institutions both as a desirable and beneficial method of governance in its own right and as a practical means of learning and experiencing democracy and respect for human rights. They should encourage and facilitate, by appropriate means, the active participation of learners, educational staff and stakeholders, including parents, in the governance of educational institutions.

## 9. Training

Member states should provide teachers, other educational staff, youth leaders and trainers with the necessary initial and ongoing training and development in education for democratic citizenship and human rights education. This should ensure that they have a thorough knowledge and understanding of the discipline's objectives and principles and of appropriate teaching and learning methods, as well as other key skills appropriate to their area of education.

## 10. Role of non-governmental organisations, youth organisations and other stakeholders

Member states should foster the role of non-governmental organisations and youth organisations in education for democratic citizenship and human rights education, especially in non-formal education. They should recognise these organisations and their activities as a valued part of the educational system, provide them where possible with the support they need and make full use of the expertise they can contribute to all forms of education. Member states should also promote and publicise education for democratic citizenship and human rights education to other stakeholders, notably the media and general public, in order to maximise the contribution that they can make to this area.

## 11. Criteria for evaluation

Member states should develop criteria for the evaluation of the effectiveness of programmes on education for democratic citizenship and human rights education. Feedback from learners should form an integral part of all such evaluations.

## 12. Research

Member states should initiate and promote research on education for democratic citizenship and human rights education to take stock of the current situation in the area and to provide stakeholders including policy makers, educational institutions, school leaders, teachers, learners, non-governmental organisations and youth organisations with comparative information to help them measure and increase their effectiveness and efficiency and improve their practices. This research could include, *inter alia*, research on curricula, innovative practices, teaching methods and

development of evaluation systems, including evaluation criteria and indicators. Member states should share the results of their research with other member states and stakeholders where appropriate.

### 13. Skills for promoting social cohesion, valuing diversity and handling differences and conflict

In all areas of education, member states should promote educational approaches and teaching methods which aim at learning to live together in a democratic and multicultural society and at enabling learners to acquire the knowledge and skills to promote social cohesion, value diversity and equality, appreciate differences – particularly between different faith and ethnic groups – and settle disagreements and conflicts in a non-violent manner with respect for each others' rights, as well as to combat all forms of discrimination and violence, especially bullying and harassment.

## *Section IV – Evaluation and co-operation*

### 14. Evaluation and review

Member states should regularly evaluate the strategies and policies they have undertaken with respect to the present Charter and adapt these strategies and policies as appropriate. They may do so in co-operation with other member states, for example on a regional basis. Any member state may also request assistance from the Council of Europe.

### 15. Co-operation in follow-up activities

Member states should, where appropriate, co-operate with each other and through the Council of Europe in pursuing the aims and principles of the present Charter by:

- a. pursuing the topics of common interest and priorities identified;
- b. fostering multilateral and transfrontier activities, including the existing network of co-ordinators on education for democratic citizenship and human rights education;
- c. exchanging, developing, codifying and assuring the dissemination of good practices;
- d. informing all stakeholders, including the public, about the aims and implementation of the Charter;

e. supporting European networks of non-governmental organisations, youth organisations and education professionals and co-operation among them.

#### 16. International co-operation

Member states should share the results of their work on education for democratic citizenship and human rights education in the framework of the Council of Europe with other international organisations.



# Explanatory memorandum

## I. Background, origins and negotiating history

1. The Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education (the Charter), adopted in the framework of Committee of Ministers Recommendation CM/Rec(2010)7, marks an important stage in the work of the Council of Europe in this field.

That work was given impetus at the 2nd Summit of Heads of State and Government of the Council of Europe held in Strasbourg on 10 and 11 October 1997, when the heads of state and government of the member states decided to:

launch an initiative for education for democratic citizenship with a view to promoting citizens' awareness of their rights and responsibilities in a democratic society. (Final Declaration of the 2nd Summit of Heads of State and Government of the Council of Europe)

This decision reflected the growing awareness of the role of education in the promotion of core values of the Council of Europe – democracy, human rights and the rule of law, and in the prevention of human rights violations. More generally, education was increasingly seen as a defence mechanism against the rise of violence, racism, extremism, xenophobia, discrimination and intolerance. It was also broadly acknowledged that education makes a major contribution to social cohesion and social justice. The decision of the 2nd Summit gave the Organisation a mandate to develop a broad range of co-operation programmes in the field of citizenship and human rights education, both in the field of formal and non-formal education.

2. The decision of the 2nd Summit was put into practice, at political level, by the preparation of a Declaration and Programme of Action on Education for Democratic Citizenship, adopted by the Committee of Ministers' meeting in Budapest on 7 May 1999. At operational level, during the first phase of the project from 1997 to 2000, the various sectors of the Council of Europe worked together to explore definitions, basic concepts, methods, practices and materials and to support grassroots projects ("sites of citizenship"). In October 2000 the results of the first phase of the project were endorsed



by the ministers for education, meeting in Cracow. They confirmed that the project should continue, and also called for a Committee of Ministers recommendation in the field.

3. The second phase of the project from 2001 to 2004 saw the development of policies, the establishment of a network of member state co-ordinators for education for democratic citizenship and preparations for the European Year of Citizenship through Education (the Year) to be held in 2005. During this second phase there was also an important development, with the adoption in October 2002, in response to the request of the education ministers referred to above, of Recommendation Rec(2002)12 to member states on education for democratic citizenship by the Committee of Ministers.

4. The Year was held successfully in 2005 and saw a further considerable raising of awareness across the member states of the value of education for democratic citizenship, together with an increase in the number of countries where such education formed part of the curriculum and part of lifelong learning programmes. The Year, and the evaluation conference in Sinaia, Romania which concluded it, provided an opportunity for countries and non-governmental organisations to share many examples of good practice in the area.

5. While the progress in member states' policies and practice apparent during the Year was evidence that states were responding to the recommendations in Recommendation Rec(2002)12, from an early stage there were calls for a more substantial framework policy document in this field, which could possibly take a binding form. In October 2004 the Parliamentary Assembly recommended that a European framework convention on education for democratic citizenship and human rights be drafted by the Committee of Ministers (Assembly Recommendation 1682 (2004) on education for Europe). In December 2004, the Wroclaw Declaration on 50 Years of Cultural Co-operation, adopted by the ministers responsible for culture, education, youth and sport from the States Parties to the European Cultural Convention (ETS No. 18) stated that, "the Council of Europe should strengthen its role as a centre of excellence for policies to equip people with the knowledge, skills and attitudes for life in democratic societies ... To this end, consideration should be given to the setting of European standards by means of appropriate conventional mechanisms ...". At the 3rd Summit of Heads of State and Government of the Council of Europe held in Warsaw in May 2005, the heads of state and government called for "increased efforts of the Council

of Europe in the field of education aimed at ensuring access to education for all young people across Europe, improving its quality and promoting, *inter alia*, comprehensive human rights education". At the 22nd session of the Standing Conference of European Ministers of Education (Istanbul, May 2007), the President of the Standing Conference of Ministers of Education and Cultural Affairs of the *Länder*, Germany, pointed out that the idea of preparing a framework policy document on education for democratic citizenship/human rights education (EDC/HRE) did not particularly interest Germany since situations in the member states differed radically. However, Germany could very well see that many countries would need guidance from the Council of Europe, and was sure that a compromise acceptable to all could be found.

6. At the same time, there were parallel developments in the field of youth policy. The Human Rights Education Youth Programme was launched in 2000 with the ambition to "mainstream human rights education in youth policy and youth work practice". At the 7th Conference of European Ministers responsible for Youth, the ministers encouraged the Council of Europe to prepare a draft recommendation for the Committee of Ministers to the member states on human rights education with young people, including notably provisions for strengthening European co-operation in the field of violence prevention and building on the experience of the Council of Europe Human Rights Education Youth Programme. The Committee of Ministers in its Resolution (2008) 23 on the youth policy of the Council of Europe further strengthened the central role of human rights education in youth policy, setting human rights and democracy as a priority for youth policy, including "ensuring young people's full enjoyment of human rights and human dignity, and encouraging their commitment in this regard".

7. Another important and linked political development in the Council of Europe was the rise in interest in intercultural dialogue. This is increasingly gaining prominence in the member states, and is presently being addressed by the Council of Europe alongside its traditional priority areas. In particular, the importance of education for democratic citizenship and human rights for fostering intercultural dialogue was acknowledged in the "White Paper on Intercultural Dialogue" launched in 2008.<sup>1</sup>

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1. "White Paper on Intercultural Dialogue: Living together as equals in dignity" launched by the Ministers for Foreign Affairs of the 47 member states of the Council of Europe at their 118th Ministerial Session (Strasbourg, 6-7 May 2008).

8. At the same time global developments were following the same trend, particularly in the United Nations (UN). The World Programme for Human Rights Education, approved by the UN General Assembly on 10 December 2004, set ambitious targets for strengthening and developing human rights education, in the first phase in primary and secondary schools at member state level. The Council of Europe assists the United Nations with the implementation of the World Programme for Human Rights Education in Europe in the framework of a formal agreement.

9. In response to these developments, when the Council of Europe's Steering Committee for Education (CDED) adopted the Council's programme of activities on EDC/HRE for the third phase of the project, 2006-9, they provided for the preparation of a "study on the feasibility of a reference framework for education for democratic citizenship/human rights education (appropriate conventional mechanisms)". The terms of reference for this study required that it examine the need for a European framework policy document in this field; provide an overview of the existing framework documents and mechanisms both within the Council of Europe and other international organisations, identifying gaps and shortcomings; advise on the added value a potential new framework document could bring; and advise on the scope and options for the form and content of such a document.

10. An expert was commissioned to prepare the feasibility study with the assistance of an informal group of experts from several countries, both educational specialists and representatives of youth organisations. He submitted the study in April 2007.

11. The study took the term "framework policy document" to mean an international instrument (binding or non-binding), addressed to states and containing agreed standards and policies to follow in the field of EDC/HRE. It reviewed the origins of the Council of Europe's work in the field of education for democratic citizenship, rooted in the core mission of the Organisation to promote human rights, democracy and the rule of law. It noted that the constant practice of the Council of Europe, in every field of common interest and action by its member states (human rights, national minorities, social policy, counter-terrorism, etc.), has been to conclude framework policy documents in various forms, which provide a focus and spur for action at member state level and a way of disseminating good practice and raising standards throughout Europe. The study also reviewed the existing instruments, identifying gaps and shortcomings and the value

that a new instrument could add. It looked at the forms a new instrument could take, binding and non-binding, at the options for its scope and what its contents might be.

12. In its conclusions the study recommended that a decision of principle to move to negotiation of the form and content of a new framework policy document in this field would be appropriate.

13. During 2007 to 2008 the study was first presented to the Ad hoc Advisory Group on Education for Democratic Citizenship and Human Rights (ED-EDCHR), and then to numerous other Council of Europe bodies, all of which considered and commented on it: the Steering Committee on Human Rights (CDDH), the Joint Council on Youth (JCY), the Steering Committee for Higher Education (CDESR), the Bureau of the Steering Committee for Education (CDED) and finally, in March 2008, the plenary CDED. All the consulted bodies gave written opinions to the CDED, as the body with primary responsibility for education. The member states' EDC/HRE co-ordinators were also consulted and gave their views to the CDED.

14. During this consideration period certain trends of opinion developed. The analysis in the study of the political and legal background, of the current situation and of the gaps and shortcomings of the existing framework policy documents, was generally shared. So too was the conclusion that a new document could bring significant added value. With regard to the content of such a document, there was much agreement on its scope and the need for clear definitions of the key terms, and that there would need to be sections setting out objectives, principles and policies, the precise content of which would need substantial later discussion. There was less agreement on the suggestion of an external monitoring mechanism, with requirements that states submit regular reports on their implementation of the new document, for consideration by a Council of Europe expert committee, which could comment and make recommendations. Some thought this would bring considerable benefits, others that it would impose unnecessary burdens. As to the form of the document, opinion was also divided, some preferring the binding option and others the non-binding option.

15. At its plenary meeting on 10 March 2008, the CDED, as the body which had commissioned the study, having taken into account all the comments of the other bodies, welcomed it and decided "to continue the debate on the framework policy document by preparing a draft document comprising

two variants, one binding and the other not, and taking into account the work going on in the Ad Hoc Advisory Group on Education for Democratic Citizenship and Human Rights (ED-EDHCR) on the instrument on key issues for policy makers". The CDED also appointed some of its members to be part of a drafting group and asked the Secretariat to appoint other members with expertise in education and youth to the group. It asked for the two draft variants to be submitted to it in good time for consideration at its meeting in March 2009.

16. The drafting group met three times, in June, September and November 2009. At the first meeting it exchanged views on the legal form and the general shape and content of the two drafts and decided to ask the author of the feasibility study to prepare first drafts of the two texts. At the second meeting it gave a first consideration to the two alternative drafts and made numerous comments. These were taken into account in the redrafts presented to the third meeting, which revised the texts further, reaching compromises on almost all the contentious issues. Only some variants were left for the Bureau of the CDED to decide at its December meeting. The Bureau made its choice and approved the drafts for submission to the plenary CDED.

17. At the CDED plenary meeting in March 2009 the two draft texts were presented to the members. In substance they were almost identical, given that the needs to be met and the aims to be accomplished were the same. The differences were in form and legal effect, one being a binding framework convention, using the language of obligation, the other a non-binding charter using softer forms of language (in English "should" rather than "shall"). The only substantial difference in content was in the monitoring section, with the draft convention providing for a mechanism involving reporting by states and external supervision, albeit light, while the draft charter relied on self-evaluation by states.

18. In the ensuing debate all the representatives of states who spoke agreed that a new document should be adopted and the overwhelming majority preferred the non-binding charter form. The committee accordingly took a decision on 20 March 2009, which was formally recorded:

The committee:

- noted with satisfaction the results of the work of the drafting group which had prepared the framework policy document;

- considered the two proposals put forward by the group and expressed a preference for a charter on EDC/HRE;
- stressed the usefulness of such a charter for ensuring the sustainable development of EDC/HRE policies and practices in the member states;
- drew up a road map for the finalisation of the charter before the 2010 plenary session of the CDED ...”

19. The first stage in the road map was the invitation to all delegations to submit any proposals for amendment to the current text of the charter by a deadline. These would be considered by a small group consisting of the current and former chairs of the CDED, assisted by the author of the feasibility study, and open to participation by delegations which had proposed amendments and wished to participate in the drafting process. This group met in June 2009 and considered all the amendments proposed, accepting some and rejecting others. In a few cases it made a more substantial redraft, taking a proposed amendment as its starting point, or made changes on its own initiative.

20. The Bureau of the CDED met on 9 and 10 September 2009 and considered the text as modified at the June meeting in the light of advice from the Legal Advice Department of the Council of Europe dated 4 September 2009. The main point of this advice was that in order to conform with the practice of the Council of Europe the Charter would need to be adopted in the framework of a recommendation of the Committee of Ministers. The Bureau forwarded both the revised draft and the legal advice to an extraordinary meeting of the CDED held on 10 and 11 December 2009. It also took note of the first draft of this explanatory memorandum and forwarded it to the plenary meeting. Members of the CDED were invited to comment and propose amendments to either text.

21. At its December meeting the CDED considered amendments proposed to the Charter text. It approved a revision in line with the legal advice received, under which the Charter became an appendix to a Committee of Ministers recommendation and the preamble of the Charter became the preamble of the recommendation. It was noted that this format would put beyond doubt the non-binding nature of the Charter, since all recommendations are non-binding. A few other amendments to the Charter text were agreed. The CDED discussed the amendments proposed to the explanatory memorandum and asked that a redraft be prepared.

22. At its meeting of 24 to 26 February 2010, the Committee considered the final version of the draft Committee of Ministers recommendation to member states on the European Charter on education for democratic citizenship (EDC) and human rights education (HRE) and its explanatory memorandum. It decided to approve the draft recommendation and to forward it to the Committee of Ministers with a view to its adoption. The committee took note of the explanatory memorandum to the draft recommendation and decided to forward it to the Committee of Ministers for information.

## **II. Comments on the provisions of the recommendation and charter**

### *Recommendation: preamble and formal clauses*

23. The recommendation begins with the formal opening clauses and recites in paragraph 1<sup>1</sup> the power under which the Charter is adopted, a power used previously on a number of occasions to adopt Charters particularly in the field of sport. Thereafter, as is customary, the remainder of the preamble indicates the considerations which led the member states to adopt the Charter, and explains its origins and aims to the reader. The form, a series of paragraphs beginning with a present participle, “Recalling”, “Having regard”, etc., is also found in documents of treaty status, but is not an indicator of such status: it is also the normal form employed in Committee of Ministers recommendations which are always non-binding.

24. Preambular paragraphs 2 and 3 recall the core mission of the Council of Europe to promote human rights, democracy and the rule of law, and the conviction that education can play a central role in furthering this aim. This is the foundation of the whole EDC/HRE project since 1997, and of the Charter as an expression of the member states’ commitment to that project and of the standards they are setting themselves to achieve.

25. Preambular paragraphs 4 and 5 look back to the legal origins of the rights to education, both in the European Convention on Human Rights and the United Nations instruments, which require, for example, that education “strengthen the respect for human rights and fundamental freedoms” and “enable all persons to participate effectively in a free society” (International Covenant on Economic, Social and Cultural Rights 1996, Article 13(1)), and

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1. The preambular paragraphs do not actually have numbers in the text, but are numbered in sequence in the explanatory memorandum to facilitate reference (1 for the first preambular paragraph, 2 for the second and so on).

to the Vienna Declaration of 1993, which emphasised the importance of incorporating the subject of human rights into education programmes and called upon states to do so.

26. Preambular paragraphs 7 to 10 cite the main political declarations of ministers and recommendations of Council of Europe bodies, which constituted important stages on the path which led to the adoption of the Charter. In many ways the most important precursor of the Charter is Recommendation (2002) 12 of the Committee of Ministers on education for democratic citizenship, referred to above, which covered similar ground and had similar aims.

27. Preambular paragraph 11 puts the Charter into a global context, expressing the desire that it will contribute to the achievement of the aims of the World Programme for Human Rights Education, which are very similar, given that the Council of Europe is the United Nations' regional partner for the programme in Europe.

28. Preambular paragraph 12 looks back to the European Year of Citizenship through Education held in 2005, a landmark event in the EDC/HRE project, and highlights one of the key aims of the Charter, namely to build on the good practice in education policy established among many member states as evidenced during the Year, by codifying that practice and enabling its dissemination throughout Europe.

29. Preambular paragraph 13 acknowledges a feature of education which informs the whole of the Charter, while being specifically stated in paragraph 4, namely that it is a subject where member states' systems differ widely, and that those differences must always be respected. The differences may be constitutional, as well as in the way education is organised. Accordingly, all the policies and practices set out in the Charter are to be applied by individual states with due respect to those constitutional and structural systems.

30. Preambular paragraph 14 recognises the key role played by non-governmental organisations and youth organisations in this field of education. Indeed, non-formal education is increasingly carried out by such organisations, and they also play a large role in formal education, and are relied upon by many states to do so. In this paragraph of the preamble, as



well as in paragraph 10, the value of their contribution and their need for support is recognised.

31. There follow the formal final clauses of the recommendation, which are operative rather than preambular and accordingly in the indicative mood. The committee recommends that the governments of member states implement measures based on the annexed Charter and ensure that it is widely disseminated to their authorities responsible for education and youth. Finally, the Secretary General is instructed to transmit the recommendation to the governments of States Parties to the European Cultural Convention who are not also members of the Council of Europe, and to international organisations. This reflects the wider international character of the movement for education in democratic citizenship and human rights, and the desire that the new Charter will have an influence beyond the borders of Europe as well as within them.

## **Charter**

### *Title*

32. The term “charter” is used in international practice both for binding instruments, the most celebrated example being the Charter of the United Nations, and non-binding instruments, such as the European Union Charter of Fundamental Rights and Duties (as originally adopted in 2000: under the Lisbon Treaty 2005 most member states of the European Union (EU) have agreed that this charter should become binding on them, while for some member states it remains non-binding). In Council of Europe practice also the term is ambiguous: the European Social Charter (1961, revised in 1996) is binding, but the European Charter on the Participation of Young People in Local and Regional Life (2003) is non-binding. The title and form of a charter was chosen to indicate a desire for a more “weighty” document than those previously adopted in this field by the Council of Europe, implying a stronger commitment. Nevertheless, because it was the clear intention of the member states that the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education should be non-binding as a matter of public international law, it was originally agreed to put that beyond doubt by adding the sub-title “Charter without the status of a convention”. Once, however, it was decided the Charter would be adopted in the framework of a recommendation, that sub-title was no longer necessary,

since recommendations and anything appended to them are by definition non-binding. Accordingly it was agreed to follow the title with the words “Adopted in the framework of Recommendation CM/Rec(2010)7 of the Committee of Ministers”. If, as is likely, the Charter is frequently published without the text of the adopting recommendation, these words will make its non-binding character completely clear.

### *Section I – General provisions*

#### 1. Scope

33. This provision deals with the material scope of the Charter. One of the shortcomings noted in previous instruments during the considerations and negotiations which led up to the Charter was that many of them tended to deal just with education for democratic citizenship or just human rights education. It was a conscious decision to treat them together, as distinct but very closely linked topics. This comprehensiveness was seen as one of the aspects where the new instrument would bring added value. An issue which then arose was how to deal with several related but different subjects, four of which are mentioned in the text. “Intercultural education” aims to protect democracy and foster human rights through the development of the knowledge, competences, skills and attitudes necessary for mutual understanding and respect in multicultural societies. “Equality education” and “peace education” are self-explanatory. “Education for sustainable development” is, according to a report of the Director-General of UNESCO in August 2005, “part of preparing for responsible citizenship, committed to the ideals of a sustainable world, a world that is just, equitable and peaceable, in which individuals care for the environment to contribute to intergenerational equity”. The aim of the UN Decade of Education for Sustainable Development (2005-14) is to encourage such education and its incorporation into formal, non-formal and informal education curricula and programmes. Education for sustainable development has clear similarities to EDC/HRE, but its roots are in the environmental movement within the UN, and its main focus is also environmental. Similarly, all the topics mentioned have a specific focus that is covered to a large extent by the overarching concept of EDC/HRE, but tends to concentrate particularly on one area of the subject. It was agreed that the Charter should not address these related topics explicitly and they should only be covered by it where they overlapped and interacted with EDC/HRE.

## 2. Definitions

34. Although the first phase of the project had worked to a large extent on definitions, concepts and so on, there was still a lack of clear definitions of key terms like “education for democratic citizenship” and “human rights education” in the existing framework policy documents. If they were defined at all it tended to be in lengthy statements of what the term included rather than what it meant, in other words, not a true definition but a description. In the discussions with regard to the drafting of a new document, there was absolutely no disagreement on the need for clear, concise definitions, so that all policy makers and others seeking to understand and implement the new document knew what was meant by the key terms.

35. The two key definitions in sub-paragraphs *a* and *b* drew on existing definitions: in the case of education for democratic citizenship the definition used for the Year; in the case of human rights education one used by the office of the UN Commissioner for Human Rights. With further consideration, however, they were extended and refined, so that they are identical down to the words “to empower them” and thereafter differ according to the different focuses, on skills for life in a democratic society on the one hand, and the promotion and defence of human rights across the board on the other. In both there is an emphasis on the outcome of such education being not simply knowledge but empowerment, leading to appropriate action.

36. The definitions in sub-paragraphs *c*, *d* and *e* are based on those in COMPASS, the manual on human rights education with young people published by the Council of Europe in 2002. During the drafting stage these definitions were expanded and refined. For instance, it was agreed that a defining characteristic of formal education is that it leads to certification and words were added to that effect. Non-formal education leads to certification, more frequently than informal education, but it was agreed not to make this rather more complicated point explicit in the text.

## 3. Relationship between EDC and HRE

37. The important relationship between EDC and HRE has never been defined before as far as those who drafted the text of the Charter are aware. In most Council of Europe documents concerned with the rolling programme which began in 1997, where both terms are used, they are normally joined simply by a “/” (EDC/HRE), which of course leaves the relationship unclear. That

was also true of the terms of reference for the feasibility study, which led to the comment in the study that the issue could no longer be avoided and would have to be addressed in any new instrument. The two terms overlap, because the rights important to citizenship, for example, the rights to vote, to freedom of speech and to freedom of assembly, are classic human rights, which are as much the field of HRE as of EDC. Nevertheless there is a distinction, which the text of paragraph 3 aims to clarify. As stated, it is a difference of focus and scope rather than in goals and practices.

#### 4. Constitutional structures and member state priorities

38. This substantive provision picks up the considerations discussed above in relation to preambular paragraph 13. Throughout the drafting and negotiation it was recognised that member states needed to enjoy wide discretion as to the means they used to apply the provisions of the Charter because their constitutional structures and educational systems vary very widely – more widely on education than in most other fields of European co-operation. For example, some educational systems are very centralised, with curricula and methods determined at member state level; others are very decentralised, with local authorities and individual schools having considerable autonomy within an overall framework of objectives; in federal states the responsibility for education matters lies with the governments of different states that form the federation. Hence the need for sub-paragraph *a*. Sub-paragraph *b* recognises, as became apparent throughout the programme and especially during the Year, that different member states are at very different stages in their legislation and practice on EDC and HRE. In some states the subjects have been part of curricula and practice for many years, in others it is just beginning. So their priorities and needs will differ, and they may therefore concentrate on different parts of the Charter and tackle them in a different order.

#### *Section II – Objectives and principles*

#### 5. Objectives and principles

39. The structure of the Charter from this point on is that a series of objectives and principles are generally stated in paragraph 5 and many of them are picked up and fleshed out in more detail in the substantive provisions, which follow in paragraphs 6 to 16. The breadth and generality of the provisions of paragraph 5 remain important, however, because not every

point is picked up later and they still inform the whole of member states' activity on EDC/HRE.

40. In the opening formula the word "guide" is significant: the objectives and principles provide guidance, which is neither a prescriptive blueprint for policies, legislation and practice, nor a mere background consideration. The drafters considered other options, both stronger ("should base their legislation, etc. on the following objectives and principles") and weaker ("should take into account the following objectives and principles in framing..."), but deliberately chose the present formula.

*a.* This objective recalls the United Nations Vienna Declaration of 1993 with regard to providing the opportunity of EDC and HRE for all, and the European Convention on Human Rights (Article 1) in extending that to everyone on the state's territory, not just citizens.

*b.* That education, especially in the field of citizenship and human rights, is a lifelong process, is an enduring theme of the Council of Europe programmes. The list of stakeholders in the process is deliberately long and open-ended ("including"), and all types of institutions, non-governmental organisations (NGOs), etc., are covered.

*c.* This principle is a reminder that all forms of learning have value in this process, even though states will understandably put more resources into the form they can most influence and fund, that is, formal education.

*d.* The indispensable contribution of NGOs and youth organisations has been stressed above in relation to preambular paragraph 14. The reference to "support" is general: there is no entitlement to support, financial or any other, but the principle recognises that NGOs and youth organisations need it, whether from the state or other sources. The specific reference to youth organisations also includes student organisations as important partners in human rights education.

*e.* It makes no sense for educational institutions on the one hand to teach respect for democratic principles and human rights and on the other to be run in a totally undemocratic way. The need for democratic governance in schools and other educational institutions has been consistently stressed in the Council of Europe programme. The principle is picked up in substantive paragraph 8.

f. Respect for diversity is also a core Council of Europe principle (see, for example, the youth campaigns “All different, all equal”) and one of the main aims and benefits of EDC/HRE is in increasing understanding and avoiding conflict. The examples of different faith and ethnic groups are given in the context of building understanding and respect, but the same principle applies to other groups between which misunderstanding and conflict can arise.

g. As in the definitions of EDC and HRE, the emphasis in this principle is on action, not just acquiring knowledge and skills.

h. This principle applies to all stages of training, before service as well as in service, as substantive paragraph 9 makes clear. It is of particular importance to the non-governmental and youth sector, whose possibilities for training volunteers and facilitators of learning are often very limited, temporary and reliant on donor support.

i. The aim of partnership and collaboration between such a wide variety of stakeholders is not easy to achieve, especially as some of their interests will certainly tend to conflict and there will be competition for limited resources. Nevertheless, stakeholder collaboration can deliver such benefits that it is worth every effort states can devote to it.

j. The Charter itself is the outcome of international co-operation among the 47 member states of the Council of Europe – and in the education field, between all the States Parties to the European Cultural Convention – its legal and political underpinnings lie in co-operation so the emphasis on the aim and principle of continuing such co-operation in the future is to be expected. Apart from its intrinsic merit, such co-operation and sharing of good practice can bring significant practical benefits, for example, reducing duplication, promoting synergy and reducing costs.

### *Section III – Policies*

41. Paragraphs 6 to 16 of the Charter contain its main operational provisions. They set out policies in specific areas to give practical effect to the objectives and principles listed in paragraph 5. The policies are set out in general terms,

which give member states considerable discretion as to how they implement them, and, of course, paragraph 4 also applies (see paragraph 38 above).

## 6. Formal general and vocational education

42. As noted above this has been the core focus of the Council of Europe's efforts in this field, not to the exclusion of other forms of education, but because it tends to yield significant benefits as an area where states are well placed to make a difference and achieve results. This provision is a good example of the application of the provisions of paragraph 4, because in some states their constitutions and structures will allow central government to introduce changes to the curricula directly, while in others central government can only request and encourage the other authorities which have the power to do so. In federal states the federal government has hardly any responsibility at all to introduce or request anything in education. Similarly, some states have already done this long ago, so will have other priorities, whereas for others this will be their priority. The Charter allows freedom for these different methods to be used and different choices to be made. Another area where there are differences is in the organisation of formal education between general and vocational streams. The text seeks to adopt a wording that can be applied by each state to suit its system.

43. The drafters considered a suggestion by international educational NGOs to speak of including "competences" in EDC and HRE in the various levels of education, instead of including those subjects in the curricula. The term "competences" (or, in the US spelling and usage, "competencies") is used increasingly in academic literature and in practice to describe a cluster of skills, knowledge and attitudes. It focuses on outcomes rather than learner objectives, and recognises that those outcomes can be complex. The drafting group saw the attraction of this modern terminology, but came to the conclusion that it was not yet sufficiently well established and understood, unlike "curricula" which would be universally understood. Nevertheless, the aim of this provision, read with the definitions in paragraph 2 above, is undoubtedly that the education given would be a matter not simply of imparting knowledge, but also of developing skills, and influencing attitudes with a view to encouraging active participation in society and defence of human rights.

44. The second sentence underlines that establishing EDC and HRE in the curricula is not a one-off action: there is an ongoing need to review the curriculum to keep it relevant and the teaching methods effective. This is true for all states, regardless of how long they have had these subjects in their curricula.

## 7. Higher education

45. The difference in the situation of higher education institutions as compared to the lower levels is reflected in the introductory verbs, “should promote the inclusion” rather than “should include”. This reflects the fact that in most, if not all, states, higher education institutions generally have autonomy over their curricula. The same point is made by the reference to academic freedom, which was the main subject of concern to the Steering Committee on Higher Education when it considered the proposal for a new framework policy document in 2007. “Higher education institutions” of course includes, but is not limited to, universities.

## 8. Democratic governance

46. The first sentence of the paragraph emphasises the twin merits of democratic governance in educational institutions: it is worthwhile and beneficial in its own right as an effective method of governance, and it gives learners in particular an opportunity of putting democracy and respect for human rights into practice. The second sentence is concerned with encouragement of active participation in such governance of the listed stakeholders “by appropriate means”, which could include guidance circulars and training. It could also include structures for meaningful and sustainable student participation at all levels of education, which is widely acknowledged as a most effective way of practising democratic citizenship.

47. The concept of “governance” in English (which was the language in which the Charter was negotiated) is a complex one, making it hard to translate into other languages by a single word. It goes beyond mere management and the processes of decision making to the relationship of these processes and decisions to agreed values and preferences. One definition is “the processes and institutions by which revealed values and preferences translate into collective actions that enhance the security, prosperity and moral development of a group and its individual membership”.



For further explanation, the report of a Council of Europe conference on Governance in Higher Education held in 2005, where there was considerable discussion of the term, its meaning, translation and practical implementation, is very illuminating. Although the conference dealt primarily with higher education, and governance of other institutions will have some differences, many of the principles apply across the board.

## 9. Training

48. Without training in EDC/HRE of teachers and others both in the educational system and outside it, for example youth leaders, such education will be ineffective and worse than useless. The subject is very different from traditional subjects. Those who will teach it must first be taught it themselves. The best methods of teaching it are also different, and have to be learned. This provision emphasises the importance of training, not only of teachers, but also of those who train the teachers.

## 10. Role of non-governmental organisations, youth organisations and other stakeholders

49. The importance of the role of NGOs and youth organisations in EDC/HRE has been emphasised already in preambular paragraph 14 and subparagraph *d* of paragraph 5. It is not simply that they do much of the actual work of education, they are also active in research and in lobbying governments and raising public awareness. Furthermore, very often they provide the only space where learners, children and young people alike, can exercise and practice human rights and democracy. Their work and its value need to be recognised, and that is the main aim of this provision. The first two sentences focus on the states' commitment to foster their role and value it. As in paragraph 5.*d*, there is no commitment to any particular form of support, and the support given will vary according to states' resources and priorities. The last sentence is cast more widely, to bring in other players, notably the media and the general public, to help promote and publicise EDC and HRE. The wording here is deliberately general, to allow for states to implement it as they see fit in their own situations. It could, for example include placing of articles in newspapers, television advertising campaigns, Internet websites, working with parent-teacher associations, trades unions, faith groups and so on.

## 11. Criteria for evaluation

50. As with any form of education there have to be criteria for evaluating its effectiveness. Developing such criteria is not easy, but there have been international attempts to develop criteria and indicators. Ultimately it will be for each state to adopt its own criteria, but there is considerable help to be had from international co-operation to share experience and develop common criteria especially within the Council of Europe, within regional groupings of European states, or through the co-ordinators' networks (see paragraphs 12, 14, 15 and 16 below). The second sentence emphasises the important role of feedback from learners in developing criteria.

## 12. Research

51. Research is closely linked to evaluation. As the first sentence makes clear, research does not have to be carried out by governments; indeed the experience in the field of education is that much of it is done by NGOs, at international and member state level, and by other agencies, which are independent of government, even if they may enjoy government funding for particular projects. Research has many purposes and beneficiaries. The principal purposes are to provide an assessment of the current situation and supply comparative information to help those involved in EDC/HRE measure their performance and increase their effectiveness and efficiency, thereby reducing unproductive effort and saving costs. The second sentence provides a long but not exhaustive ("*inter alia*") list of examples of possible areas of research. The last sentence on sharing research with other member states links with the provisions on co-operation in paragraphs 15 and 16.

## 13. Skills for promoting social cohesion, valuing diversity and handling differences and conflict

52. This provision fleshes out the principle in paragraph 5. *f*, and the comments also apply here. It goes beyond a narrow concept of teaching EDC/HRE as subjects to encourage the application of the principles of EDC/HRE in every other sphere of education. The essence of it is learning to live together in a diverse society, respecting differences and settling conflicts without violence. As the definitions of EDC/HRE make clear, they are not only or even principally about knowledge, but about acquiring skills and changing attitudes. There is a specific reference to combating all forms of discrimination and violence, particularly the types of discrimination

and violence which can blight schools, namely bullying and harassment, whether physical, psychological or, increasingly commonly, through the Internet (“cyber-bullying”).

#### *Section IV – Evaluation and co-operation*

##### 14. Evaluation and review

53. The drafting group decided to opt for a system of self-evaluation by each member state, bearing in mind that most of the member states were not in favour of an external monitoring system for various reasons, including the cost it would entail. That evaluation needs to be both regular and thorough, and to have a follow up. This provision has links with paragraph 11 on criteria for evaluation, paragraph 12 on research and with paragraph 15 on co-operation. The second sentence specifically mentions the option states have to co-operate with others in the evaluation process and the third sentence that they may also request assistance from the Council of Europe. Both these courses of action could be very beneficial but are entirely voluntary.

##### 15. Co-operation in follow-up activities

54. This provision seeks to build on the excellent record of co-operation on this subject among the Council of Europe member states experienced during the period since 1997, and to focus it on the follow-up to the Charter. Three of the sub-paragraphs, *a*, *c* and *d*, are primarily for governments themselves, while *b* and *e* are about governments fostering and supporting co-operation by people and organisations within their territory. Europe-wide networks of member states’ EDC/HRE co-ordinators and of NGOs and youth organisations have achieved much over many years, and the aim is to encourage these links and the synergies they promote. Similarly, by acting together governments can avoid wasteful duplication and use scarce resources more efficiently.

55. The term “codifying” in sub-paragraph *c* means transforming instances of good practice into some kind of norm to be applied more widely, which could be regulatory in character but is more likely to be in the form of guidelines or recommendations. By its nature, such codification is primarily for individual member states to adopt for application within their jurisdiction, but commonly agreed guidance or rules to be applied by several mem-

ber states are also possible. Indeed the Charter itself is an example of the codification of good practice.

#### 16. International co-operation

56. This provision widens the ambit of co-operation to take in other international organisations who partner the Council of Europe in work on EDC/HRE, principally the United Nations, the European Union and the Organisation for Security and Co-operation in Europe. The four organisations have close links at secretariat level, and have jointly organised significant meetings on the subject, but this provision aims to encourage closer links between the member states, and indeed within member states, since it too often happens that civil servants working on this subject in one international organisation are unaware of the work on the same subject going on in another. The aim of this provision is to spread the benefits of the Charter and the policies and practices adopted as a result more widely, both around Europe and beyond. Of course, this provision in no way prevents member states who are also members of other international organisations from sharing their experiences and good practices directly with those organisations.

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