

**Recommendation CM/Rec(2012)13  
of the Committee of Ministers to member States  
on ensuring quality education**

*(Adopted by the Committee of Ministers on 12 December 2012  
at the 1158th meeting of the Ministers' Deputies)*

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

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

Having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950), in particular its Protocol No. 1 (ETS No. 9, 1952) and the Universal Declaration of Human Rights (1948);

Having regard in particular to their provisions establishing the right to education;

Having regard to the European Cultural Convention (ETS No. 18, 1954);

Having regard to the European Convention on the Legal Status of Migrant Workers (ETS No. 93, 1977);

Having regard to the European Charter for Regional and Minority Languages (ETS No. 148, 1992);

Having regard to the Framework Convention for the Protection of National Minorities (ETS No. 157, 1995);

Having regard to the European Social Charter (revised) (ETS No. 163, 1996);

Having regard to the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (ETS No. 165, 1997);

Having regard to the United Nations Convention on the Rights of the Child (1989);

Having regard to Recommendation Rec(2006)5 of the Committee of Ministers to member States on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015;

Having regard to Recommendation CM/Rec(2007)6 of the Committee of Ministers to member States on the public responsibility for higher education and research;

Having regard to Recommendation CM/Rec(2007)13 of the Committee of Ministers to member States on gender mainstreaming in education;

Having regard to Recommendation CM/Rec(2009)4 of the Committee of Ministers to member States on the education of Roma and Travellers in Europe;

Having regard to 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;

Having regard to the Council of Europe White Paper on Intercultural Dialogue "Living Together as Equals in Dignity" (2008);

Noting the Report of the Group of Eminent Persons on "Living together – Combining diversity and freedom in 21st-century Europe" (2011);

Considering that the right to education can only be fully exercised if the education is of adequate quality;

Considering that quality education serves a variety of purposes and that it plays a crucial role in developing European societies;

Considering that ensuring that everyone can benefit from a quality education is a matter of individual justice as well as the best possible use of the resources of our societies;

Considering that ensuring quality education is a public responsibility;

Considering that member States are responsible for the organisation and content of their education systems;

Considering that while access to education is in itself an important right, the true value of this right can only be realised if education is of adequate quality and if learning opportunities and arrangements enable pupils and students to complete their education in reasonable time and under conditions conducive to quality education;

Considering that education must prepare children and young people for democratic citizenship as well as for economic activity; that it must further the personal development of pupils and students as well as their growth as active members of society; that it must develop and secure the linguistic, numerical and cognitive abilities that are the basis of successful learning in all subjects;

Considering that education is crucial to developing the democratic culture that democratic institutions and societies need to function;

Considering that education must enable pupils and students to develop proficiency in intercultural dialogue;

Considering that in democratic societies, everybody should enjoy equal opportunities so that they can exercise their right to education and benefit from a quality education, commensurate with their aspirations and abilities;

Considering that in complex, modern democracies, public authorities may fulfil this responsibility in a variety of ways;

Considering that measures to ensure quality education should be articulated in relation to the level of education concerned as well as the age and profile of pupils and students,

1. Recommends that the governments of member States:

*a.* take steps to implement in their policy, law and practice the provisions set out in the appendix to this recommendation;

*b.* promote the implementation of the provisions contained in the appendix where this is not their direct responsibility;

*c.* promote the implementation of these provisions by educational institutions;

*d.* as appropriate, promote the implementation of these provisions by relevant stakeholders;

*e.* ensure that this recommendation is distributed as widely as possible among all persons and bodies concerned;

*f.* evaluate the implementation of the provisions of this recommendation in their policies, and inform the Steering Committee for Education Policy and Practice (CDPPE) of the measures undertaken and progress achieved;

2. Instructs the Secretary General of the Council of Europe to transmit this recommendation to the governments of those States Parties to the European Cultural Convention which are not members of the Council of Europe.

#### *Appendix to Recommendation CM/Rec(2012)13*

### **Scope and definitions**

1. The present recommendation aims to ensure quality education for all individuals and to define the role of public authorities in making this a reality.
2. The recommendation recognises that for this to occur, quality education and the responsibility of public authorities to ensure it should be adapted to the requirements of modern, complex societies. Public authorities should include quality education as a prominent element of their policies.
3. The recommendation covers all areas and levels of formal education within national education systems and aims at ensuring quality education for all members of society, while recognising that access to formal education may be given on the basis of qualifications obtained through informal and non-formal learning.
4. While general in scope, the recommendation recognises that in the case of some individuals and groups, including those whose medical, social, economic or other conditions put them at particular disadvantage, special measures may be required to ensure quality education.
5. Measures to ensure that pupils and students benefit from quality education may also be exercised on their behalf by their parents or legal guardians, in particular where pupils and students for reasons of age or for other valid reasons are wholly or partly unable to make their own decisions.
6. For the purposes of this recommendation, “quality education” is understood as education which:
  - a. gives access to learning to all pupils and students, particularly those in vulnerable or disadvantaged groups, adapted to their needs as appropriate;
  - b. provides a secure and non-violent learning environment in which the rights of all are respected;
  - c. develops each pupil’s and student’s personality, talents and mental and physical abilities to their fullest potential and encourages them to complete the educational programmes in which they enrol;
  - d. promotes democracy, respect for human rights and social justice in a learning environment which recognises everyone’s learning and social needs;
  - e. enables pupils and students to develop appropriate competences, self-confidence and critical thinking to help them become responsible citizens and improve their employability;
  - f. passes on universal and local cultural values to pupils and students while equipping them also to make their own decisions;
  - g. certifies outcomes of formal and non-formal learning in a transparent way based on fair assessment enabling acquired knowledge and competences to be recognised for further study, employment and other purposes;
  - h. relies on qualified teachers who are committed to continuous professional development;
  - i. is free of corruption.

7. “Public responsibility” is understood as the responsibility of public authorities. It may be exercised in different ways and at different levels (national, regional, local or a combination of these) in different countries and at different levels of education. It may be exercised directly by the competent public authority or by other persons or bodies duly empowered to act on its behalf, for the duration of this mandate or until such time as the mandate is withdrawn.

8. “Public authority” is understood to be any body, organ, entity or other organisation, at any level, empowered to supervise, oversee or make decisions, representing or acting on behalf of the population in the territory concerned, irrespective of its legal status under public or private law. Public authorities may be competent at local, regional or national level, in accordance with the constitutional arrangements of the country concerned.

9. The terms “pupils” and “students” designate persons enrolled in an education programme.

### **Basic principle: equal opportunities**

10. 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.

### **Public responsibility for ensuring quality education**

11. Public authorities have the responsibility for ensuring the quality of all education offered as a part of the national education system, regardless of whether it is public or private. They decide which institutions and programmes, whether public or private, belong to the national system for which the public authorities are competent. Decisions should be made public and be based on transparent requirements, criteria and procedures taking into consideration the quality of the institutions and programmes.

### **General provisions aiming to ensure quality education**

#### ***Compulsory education***

12. Without exception, all school-age children should have the right and the obligation to take part in quality education, through public or private provision. Public compulsory education should be free of charge and all parents or legal guardians should have the right and the duty to enrol their children in the system. Where parents or legal guardians fail to enrol their children in school, public authorities should have the responsibility and the means to ensure the children’s right to quality education.

13. The ages and levels covered by compulsory education vary according to national legislation and practice. Where compulsory education is differentiated, access to specific education programmes should be equitable and take adequate account of the aspirations and abilities of the pupils.

#### ***Non-compulsory preschool education***

14. Where all or part of preschool education is not compulsory, public authorities should to the full extent possible provide parents or legal guardians of children in the relevant age group with the possibility to enrol them in preschool programmes. Where this offer cannot be extended to all children, access to preschool programmes should be provided on a non-discriminatory basis and as extensively as possible.

15. Preschool education should generally provide non-differentiated education programmes and seek to provide all pupils with skills and competences adapted to their age and level.

### ***Non-compulsory secondary education***

16. Where all or part of upper-secondary education is not compulsory, public authorities should endeavour to provide quality secondary education opportunities for all those interested, commensurate with their aspirations and abilities. Where, for valid reasons, this is not possible, public authorities should endeavour to provide alternatives which correspond as closely as possible to the students' preferred option(s).

17. Where the number of places available in non-compulsory secondary education is insufficient to meet reasonable demand, public authorities should ensure that access to educational programmes is given on an equitable basis.

### ***Higher education***

18. Students should be granted effective and equitable access to higher education institutions and programmes on the basis of their aspirations and abilities. Their qualifications should be suited to address the major objectives of higher education as defined in paragraph 6. Moreover, students should be entitled to contribute fully to and participate in the governance of the institution as responsible members of an academic community.

19. Public authorities have a leading responsibility for establishing a coherent framework which ensures equal opportunities of access to and in higher education for all citizens and which is based on the principle of institutional autonomy. The development of quality-assurance criteria, while based on the Standards and Guidelines for Quality Assurance in the European Higher Education Area, should take account of the concept of quality education as defined above.

### ***Private education provision***

20. Both public and private provision may be a part of national education systems. In all cases, public authorities are responsible for the national education system, for setting the general framework within which education is provided and for ensuring its quality.

21. For all stages of education, whether compulsory or non-compulsory, parents and legal guardians should have the right to enrol their children in private educational institutions and programmes which meet the standards and requirements stipulated by public authorities. The same rights should be enjoyed by pupils and students who are legally or otherwise competent to make their own decisions.

22. In the event that public authorities choose to provide financial or other assistance to private educational institutions that fulfil the requirements stipulated for compulsory education, this assistance should be given on a fair basis and be subject to the recipient implementing fair-access policies.

### ***Lifelong learning***

23. Individuals should also have access to quality education in lifelong learning which develops and updates their competences and ensures that their full potential as citizens is developed.

24. Therefore, public authorities should provide a framework within their education systems which encourages lifelong learning through alternative learning paths, recognition of prior learning qualifications and other measures. Special efforts should be directed at those who have been unable or unwilling to make adequate use of other opportunities for education, including those who have left the education system with inadequate qualifications, or none at all.

## **Learning paths and qualifications frameworks**

25. In developing and implementing their national qualifications frameworks, public authorities should ensure that they provide for the possibility for pupils and students to modify their education pathways without undue loss of time and repetition of learning already acquired. Public authorities should fully explore the potential of qualifications frameworks to allow pupils and students, as well as those engaged in informal and non-formal education, to follow different learning paths towards qualifications and, more broadly, as instruments facilitating quality education.

## **Measures for vulnerable groups**

26. Quality education should seek to be inclusive. Public authorities have the responsibility for ensuring quality education also for those who are unable to make successful use of mainstream education programmes for very diverse reasons, which range from lack of proficiency in the language(s) of instruction or substantial differences in previous educational curricula to severe mental or physical disability.

27. In deciding whether special education provision is required, public authorities and educational institutions should do so with a view to ensuring the rights and meeting the needs of individuals as well as with a concern to include them in mainstream educational programmes as far as possible.

28. Public authorities and educational institutions should assess the needs for special measures at regular intervals. Learners who lack a stimulating and rich environment outside of school which would allow them to develop strong literacy skills are also considered as having special needs. Public authorities should ensure that cultural or linguistic factors are acknowledged as a student's heritage and are not interpreted as a permanent inability to follow regular education programmes.

29. Where the inability of pupils and students to follow regular educational programmes is due to temporary factors such as lack of proficiency in the language(s) of instruction or substantial differences in previous educational curricula, public authorities should ensure that those concerned are provided with opportunities to remedy the causes for their difficulty as rapidly as possible. In cases where specially adapted provision is necessary, public authorities should provide education opportunities which ensure provision for all ages concerned by compulsory education.

## **Education for persons deprived of their liberty**

30. Public authorities should seek to provide all persons deprived of their liberty, including juveniles subject to sanctions or measures with access to educational programmes which are as comprehensive as possible and which meet their individual needs while taking into account their aspirations. As far as possible, the education of persons deprived of their liberty should be integrated into the education system of the country so that after their release they may continue their education without difficulty. Such education should take place under the auspices of recognised educational institutions.

## **Combating corruption in education**

31. Corruption in education constitutes a violation of the basic principle of equal rights. Public authorities should develop policies to combat corruption at all levels of education. The measures should address the diverse forms of corruption and should address the roles of all key stakeholders. Public authorities should ensure that national legislation includes adequate provision to combat corruption in education and that these are enforced. Anti-corruption measures should also include the development of an environment in which corruption is considered unacceptable by stakeholders and the public at large and in which those who engage in corruption meet with disapproval and are brought to justice.