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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Respect for human rights in education for democratic citizenship in Spain

Motion for a resolution
tabled by Mr Luca VOLONTÈ and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

The support given by the Council of Europe, in Committee of Ministers Recommendation R(2002)12, to education for democratic citizenship plays a vital part in promoting the values and principles which are the foundations of democracy.

Consequently, member States must, when developing such education, ensure that the fundamental rights of children and their parents are fully protected.

In this context, the Spanish initiative of introducing four compulsory "Education for Citizenship" subjects into the national educational system has given rise to a lasting dispute, as these were not in line with the aforementioned recommendation and because some of the syllabus was incompatible with the rights enshrined in Articles 8 and 9 of the European Convention on Human Rights and in Article 2 of the first Protocol thereto.

53 020 parents declared themselves to be conscientious objectors to prevent their children from attending the classes and Spanish courts are dealing with over 2 000 cases relating to "Education for Citizenship", but there has been no judicial solution to the problem. At least 1 034 students are still not attending the classes, without any recognition from the educational authorities. Other pupils are forced to attend, notwithstanding their parents' objection for reasons of conscience.

In view of the seriousness and urgency of this issue, 305 parents and children lodged an application with the European Court of Human Rights on 19 March 2010, also requesting provisional protection.

It is therefore necessary to discuss ways of achieving a negotiated solution and guaranteeing the fundamental rights of the children and their parents, in the context of Recommendation 1401 (1999) on "Education in the responsibilities of the individual", in which the Parliamentary Assembly recommends (in para 10.iv) to "refrain from interfering in citizens' private lives by prescribing rules of behaviour which could infringe on individual freedoms (…)."

Signed (see overleaf)

Signed[1]*:*

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