



Doc. 12364

27 September 2010

Contribution of the Council of Europe to the development of the European Higher Education Area

Reply to Recommendation¹: Recommendation 1892 (2009)
Committee of Ministers

1. The Committee of Ministers has attentively considered Parliamentary Assembly [Recommendation 1892 \(2009\)](#) on the “Contribution of the Council of Europe to the development of the European Higher Education Area”. It drew the attention of the member state governments to the recommendation and transmitted it for information and possible comments to the Steering Committee for Higher Education and Research (CDESR), the European Committee of Social Rights (ECSR) and to the Governmental Committee of the European Social Charter. The three committees have provided relevant items of information on various aspects of the recommendation, which the Committee of Ministers brings to the Assembly’s attention in the appendices to this reply.

2. The Committee of Ministers notes the keen interest taken by the Assembly in the development and application of a European Higher Education Area (EHEA) and welcomes the support which it gives to the Council of Europe contribution in that respect. It notes with interest the invitation issued to the national parliaments to concern themselves with higher education policies generally and with the European Higher Education Area in particular (paragraph 5 of the recommendation).

3. 2010 marks a milestone in the action of the Bologna Process which led to the establishment of the EHEA. The Committee of Ministers recognises that this development does not mark a break or the end of a process; rather, the establishment of the EHEA is a call for further development of higher education in Europe. It welcomes the substantial contribution made by the Council of Europe to the EHEA by providing it with the legal and political foundations needed for the continuation of its development in Europe and its outreach to other countries. Through the European Cultural Convention and its higher education programme, the Council of Europe plays an important role in ensuring that, as stated in paragraph 7, “non-member states of the European Union must not be left behind”. The Committee of Ministers is aware that the ongoing development of the area will benefit from co-operation between public authorities, higher education institutions, students, staff and international institutions and organisations. The Committee of Ministers also shares the view that “academic freedom and university autonomy have been essential for the foundation of universities in Europe and the admission of students from abroad for many centuries” (paragraph 4). In that regard and with reference to paragraphs 15.5 and 15.6 of the recommendation, the Committee of Ministers informs the Assembly that it has initiated reflection on reshaping the structure of the Council of Europe programme on education, which seeks to accommodate the non-governmental dimension while making optimum use of the available budgetary resources. This is also the spirit in which the proposal to launch a European campaign, as set out in paragraph 15.1 of the recommendation, should be considered.

4. Concerning the appeal made by the Assembly in paragraph 15.2 of its recommendation, the Committee of Ministers informs it that in 2009 Belgium and Spain ratified the Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region (ETS No. 165). It invites Greece and Italy, together with the interested non-member states, to envisage ratifying the convention as soon as possible.

1. adopted at the 1091st meeting of the Ministers’ Deputies (16 September 2010)



5. The Committee of Ministers has taken note of the recommendations in paragraphs 15.3 and 15.4 to analyse the present Council of Europe instruments in order to guarantee the social rights of students and encourage academic mobility. It observes that the CDESR envisages proposing in due course possible amendments to the European Agreement on continued Payment of Scholarships to Students Studying Abroad (ETS No. 69). Furthermore, the Secretary General announced, in his proposals for 2011 priorities, his intention to conduct, in the framework of the Council of Europe reform, a critical scrutiny of the relevance of the Organisation's conventions.

6. Concerning the Assembly's request to examine the expediency of amending the revised European Social Charter (ETS No. 163) to ensure social rights, including access to higher education, as set out in paragraph 15.3 of the recommendation, the Committee of Ministers considers that the text of the Charter contains the adequate fundamental groundwork on which the European Higher Education Area can henceforth substantially rely for its development. It does not rule out the possibility of amending the present text at a later stage as regards certain specific aspects of higher education, but points out that such adjustments are not necessary today.

7. The Committee of Ministers takes note of the suggestion made by the Assembly to the member states which are to host the future ministerial conferences of the Bologna Process to establish a more stable secretariat of the European Higher Education Area at the Council of Europe (paragraph 16.3). It informs the Assembly that the discussions in the Bologna Follow-up Group have shown a lack of support for this proposal among the members of the Bologna Process. Thus the Ministers, in their Leuven/Louvain-la-Neuve Communiqué, confirmed that the present setup, which arranges for a secretariat to be provided by the host country of the forthcoming ministerial conference, should continue. Consequently the Committee of Ministers cannot support the recommendation on this specific issue.

Appendix 1 to the reply

Comments of the Steering Committee for Higher Education and Research (CDESР)

1. The Steering Committee for Higher Education and Research (CDESР) welcomes the interest of the Parliamentary Assembly in the European Higher Education Area (EHEA) and its support for the Council of Europe's contribution to this endeavour. It notes with satisfaction that this is the second Parliamentary Assembly recommendation on this topic, following [Recommendation 1620 \(2003\)](#), and that the Assembly has considered a key aspect of the EHEA in [Recommendation 1762 \(2006\)](#) on "Academic freedom and university autonomy". The CDESР fully supports the call for national parliaments to engage with higher education policies in general and the EHEA in particular (paragraph 5).
2. As pointed out in paragraph 7, 2010 marks an important milestone that makes the recommendation particularly timely. The fact that in this year the Bologna Process will lead to the establishment of the EHEA, does not mark a break or the end of a process. Rather, the establishment of the EHEA is a call for further development of higher education in Europe and the recommendation demonstrates why the Council of Europe's contribution is essential in this effort. In this context, the CDESР points to the importance of the continuous development of the EHEA through co-operation between public authorities, higher education institutions, students, staff and international institutions and organisations.
3. The development of the EHEA has brought higher education policies to the centre of European policy making and the Council of Europe, with its substantial contributions to the Bologna Process, has left its mark on the shaping of the EHEA. As pointed out in the recommendation, Council of Europe initiatives and its legal instruments have played an important role in developing the EHEA. The Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region (ETS No. 165) remains the only legally binding treaty of the EHEA. Its relevance is shown by the fact that all members of the EHEA, except Greece and Italy, have now ratified it. At the same time, the convention plays a major role in developing good practice in the recognition of qualifications between the EHEA and other parts of the world, both because it acts as a guide for good practice and because it has now been signed or ratified by a number of countries outside of the EHEA, such as Australia, Belarus, Canada, Israel, Kyrgyzstan, Kazakhstan,² New Zealand and the United States.
4. The European Cultural Convention (ETS No. 18) provides the institutional framework for the EHEA in that members must be Party to this convention (paragraph 6), while their political authorities must also commit to implementing the goals and policies of the EHEA in their respective countries. In 2003, the Council of Europe played an important role in modifying the framework of the EHEA from participation in specified European Union programmes to accession to the European Cultural Convention. It is this important change that has enabled the EHEA to become truly European with the accession of Albania, Andorra, Bosnia and Herzegovina, the Holy See, Russia, Serbia and "the former Yugoslav Republic of Macedonia" in 2003, Armenia, Azerbaijan, Georgia, Moldova and Ukraine in 2005, Montenegro in 2007 and Kazakhstan in 2010. The Council of Europe has therefore played a key role in making sure that, as stated in paragraph 7, "non-member states of the European Union must not be left behind". Only three States Party to the European Cultural Convention are now not also members of the EHEA, which has also attracted great interest from other countries.
5. Like the Assembly, the CDESР welcomes the progress made over the past decade by the states participating in the Bologna Process in defining common policies for European higher education (paragraph 6). The CDESР recalls that the EHEA builds on the basic values of the Council of Europe, as underlined also by the reference in the recommendation to the importance of academic freedom and institutional autonomy, without which societies cannot be fully democratic. The CDESР shares the conviction that "Academic freedom and university autonomy have been essential for the foundation of universities in Europe and the admission of students from abroad for many centuries." (paragraph 4) . In this context, it would like to reiterate its support for the suggestion made in Parliamentary Assembly [Recommendation 1762 \(2006\)](#) that recognition of academic freedom and university autonomy be required as a condition for membership of the Council of Europe.
6. The Council of Europe has contributed substantially to the three main areas of structural reform that have characterised the development of the EHEA since 1999, in particular to the recognition of qualifications and to the development of qualifications frameworks, but also to improving quality assurance (paragraph 7). In

2. At the Ministers meeting of the Bologna Process of 11-12 March 2010, in which they marked the establishment of the European Higher Education Area (EHEA), Kazakhstan was welcomed as a member of the EHEA.

the area of recognition, the Council of Europe/UNESCO convention is the only legally binding text of the EHEA and the ENIC Network³ plays an important role in developing the good practice that is needed for this convention to function in practice. Nevertheless, a recent analysis of national action plans for recognition shows that much remains to be done to make the basic principle of the convention – that applicants have the right to fair and timely recognition of their qualifications – a reality. This underscores the importance of the suggestion made in paragraph 13 that national parliaments actively contribute to an open political debate and analyse their national requirements and legislation regarding the creation of the EHEA. Further Council of Europe engagement in the development of common professional practice in quality assurance is also worth considering.

7. In the area of qualifications frameworks, the Council of Europe has been an important actor since the concept was first brought into the European policy debate in 2003 and since 2007 the Council of Europe has taken the lead in “supporting the sharing of experience in the elaboration of national qualifications frameworks” (Communiqué of the Ministerial Conference of the Bologna Process held in London in 2007). As such, the Council of Europe chairs the Bologna working group on qualifications frameworks and it has developed close co-operation with the European Commission (paragraph 9) which oversees the European Qualifications Framework for lifelong learning adopted in 2008. The Council of Europe’s key role in both these areas makes it one of the foremost centres of competence on issues relating to qualifications.

8. At the same time, the Council of Europe has underlined the need to see structural reform in relation to the broader purposes of higher education. Whereas public debate on higher education in Europe tends to focus mainly on one mission – strengthening the economy – the Council of Europe has identified four main purposes of higher education, each of which are equally important and each of which reinforce the others:

- 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.⁴

9. Also within the EHEA, the Council of Europe is therefore arguing the need for higher education to contribute to building democratic societies based on human rights and the rule of law and fostering fluency in intercultural dialogue.⁵

10. The CDESIR fully supports the assertion that the realisation of the EHEA depends on higher education institutions and students and that they must become the driving force and owners of European standards in higher education. In this context, the CDESIR would like to echo the point made by the recommendation that it constitutes the only pan-European forum with equal participation of academic and ministry representatives (paragraph 11) and that it also benefits from the participation as observers by the main European NGOs in the field. The CDESIR co-operates closely with the European University Association (EUA), the European Association of Institutions in Higher Education (EURASHE), the European Students’ Union (ESU), Education International (EI) and the European Association for Quality Assurance in Higher Education (ENQA), as well as with the International Association of Universities (IAU), and it has carried out activities on student participation in higher education governance. The joint activities of the CDESIR with the US Steering Committee of the International Consortium for Higher Education, Civic Responsibility and Democracy, including two major Higher Education Fora held in Strasbourg, constitute a valuable trans-Atlantic co-operation and sharing of experience on the role of institutions, staff and students in institutional governance as well as in developing the role of higher education in relation to broader societal issues and goals.

11. The CDESIR fully supports the call on Greece and Italy to ratify the Council of Europe/UNESCO Convention on the Recognition of Qualification concerning Higher Education in the European Region (ETS No. 165) (paragraph 15.2) and notes with satisfaction that Belgium and Spain ratified the convention in 2009.

3. European Network of National Information Centres on academic mobility and recognition, served jointly by the Council of Europe and UNESCO.

4. Recommendation CM/Rec(2007)6 to member states on the public responsibility for higher education and research, paragraph 5.

5. See also the Statement on the role of higher education in furthering intercultural dialogue adopted by the CDESIR in 2006.

12. The CDESIR also supports the suggestions made in paragraphs 15.3 and 15.4 that current Council of Europe instruments be analysed with a view to ensuring the social rights of students and encourage academic mobility. In particular, the CDESIR undertakes to consider proposing possible amendments to the European Agreement on continued Payment of Scholarships to Students Studying Abroad (ETS No. 69).

13. The CDESIR takes note of the suggestion that the EHEA will need more permanent arrangements for its secretariat and that this secretariat be entrusted to the Council of Europe. It notes that discussions in the Bologna Follow-up Group have demonstrated that there is no support for this suggestion among members of the Bologna Process and the CDESIR recalls that Ministers in their Leuven/Louvain-la-Neuve Communiqué confirmed that the present arrangements for a secretariat to be provided by the host country of the upcoming ministerial conference shall continue. The CDESIR cannot support the recommendation on this specific issue.

14. The CDESIR is firmly convinced that the EHEA is one of the major pan-European policy initiatives over the past decade and that the Council of Europe contribution has been highly significant. The CDESIR believes that the Council of Europe contribution, as well as its potential for contributing significantly to the further development of the EHEA, fully justifies the recommendation in paragraph 15.5 to “allocate more resources to the Council of Europe’s higher education sector including the Steering Committee for Higher Education and Research, in order to provide greater support to the Bologna Process and the creation of the European Higher Education Area”.

Appendix 2 to the reply

Comments of the Governmental Committee of the European Social Charter

1. The Committee of Ministers (1073rd meeting, 9 December 2009) has invited the Governmental Committee of the European Social Charter to make comments on Parliamentary Assembly [Recommendation 1892 \(2009\)](#).
2. The Governmental Committee takes note of [Recommendation 1892 \(2009\)](#) and welcomes the opportunity to examine this important text.
3. The Governmental Committee refers, in particular, to paragraph 15.3 of the text in which the Assembly recommends that the Committee of Ministers “analyse whether the European Social Charter (revised) (ETS No. 163) should be amended to ensure social rights including access to higher education for students in their own countries and for students studying abroad, as well as social rights for researchers, teachers and other academic staff working abroad.”
4. The Governmental Committee recalls firstly that the European Social Charter has been signed by all 47 member states of the Council of Europe and ratified by 43 of them.
5. The Charter is one of the Council of Europe’s core human rights treaties. It covers a wide range of fundamental social rights and higher education is among the subjects referred to in the treaty text itself, notably under Articles 10 and 15.
6. Under Article 10, States Parties undertake, *inter alia*, “to grant facilities for access to higher technical and university education, based solely on individual aptitude.”
7. The European Committee of Social Rights (ECSR) in its case law has concluded that, in view of the current changes to national systems, in which the distinction between education and training is becoming increasingly blurred at all levels and merging into an approach based on lifelong learning, the definition of vocational training referred to in Article 10 must be understood to include university and non-university higher education.
8. According to the case law of the ECSR under Article 10, states must set up mechanisms capable of overcoming the socio-economic and/or practical obstacles which prevent or hamper access to higher education and subsequent access to the labour market.
9. Access to higher education for persons with disabilities is dealt with under Article 15 of the Charter. For this purpose, in addition to general measures relating to equal access and fair treatment of qualified candidates (to ensure that obstacles linked to social background and economic status are not causes of exclusion), states must promote educational opportunities for persons with disabilities, particularly through measures such as support and improved access to buildings so that they can be fully integrated into mainstream higher education.
10. Finally, the Governmental Committee wishes to recall that in 2004 it had occasion to consider a proposal for an additional protocol to the Charter on “the right to higher education”. At the time the Governmental Committee concluded that there was no real need for such a protocol, in particular because higher education topics were already adequately covered in the existing treaty and in the ECSR’s case law.
11. In conclusion and in view of the above, the Governmental Committee considers that the existing text of the European Social Charter (revised) contains sufficient foundational elements on which the European Higher Education Area (EHEA) can usefully build for its development. While recognising that higher education is a key factor for social, economic and democratic stability and welfare, and while not excluding the possibility that a need to amend the Charter on certain specific aspects of higher education may arise in the future, the Governmental Committee consequently does not consider it necessary to proceed to such amendments at present.

Appendix 3 to the reply

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