Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1904 (2012)[1]
Final version

The right to freedom of choice in education in Europe

Parliamentary Assembly

1. The Parliamentary Assembly points out that the effective enjoyment of the right to education is a necessary precondition to enable every individual to fully develop and carry out his or her role in society. In order to guarantee the fundamental right to education, every education system must ensure equal opportunities and provide high-quality education for all pupils, seeking to transmit not only the knowledge required to enable them to find employment and play a full part in society, but also the values nurturing the protection and promotion of fundamental rights, democratic citizenship and social cohesion. In this respect, public authorities (at national, regional and local level) have a fundamental and irreplaceable role which they accomplish in particular through a network of educational institutions that they run (hereafter "public-run schools").

2. It is on the basis of the right to education as explained above that the right to freedom of choice in education should be understood. This right, which is intimately linked to freedom of conscience, is enshrined in Article 2 of the Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 9). It carries with it the obligation for all Council of Europe member States, in the exercise of their functions in the field of education and teaching, to "respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions", in so far as these are compatible with the fundamental values of the Council of Europe.

3. The Assembly welcomes the fact that the right to freedom of choice in education is recognised in the constitutions and laws of most Council of Europe member States. It considers that, within a sound national legal framework, schools which are not run by public authorities (hereafter "private schools", irrespective of terminology and specific arrangements in different countries) can foster the development of high-quality education and bring the education possibilities available into line with families' demands.

4. Accordingly, the Assembly recommends that the Council of Europe member States:

4.1. uphold the role of public authorities in the field of education and the availability of public-run schools in all parts of the country, as well as the principle of State neutrality and pluralism in the national education system;

4.2. ensure the viability and quality of the network of public-run schools;

4.3. recognise clearly in law, where this has not already been done:

4.3.1. the right to establish and run private schools, at least at primary and secondary level;

4.3.2. the possibility for these schools to be part of the national education system;

4.3.3. the possibility for their pupils to obtain the same qualifications as those awarded following the successful completion of studies in public-run schools;

4.4. ensure that this recognition is subject only to objective, fair and non-discriminatory conditions;

1. Assembly debate on 4 October 2012 (35th Sitting) (see Doc. 13010, report of the Committee on Culture, Science, Education and Media, rapporteur: Ms Quintanilla). Text adopted by the Assembly on 4 October 2012 (35th Sitting).

4.5. guarantee, through these conditions, the standards applicable to private schools and a system of regular inspections, accreditation processes and quality assurance assessments, that:

4.5.1. the content of the curricula and the teaching methods are not based on conceptions or do not advocate attitudes which conflict with the values of the Council of Europe;

4.5.2. no aspect of the school environment violates the rights of children, and in particular their dignity and physical and psychological integrity;

4.5.3. private schools do not encourage, through the message they deliver or the policy they implement, communitarian segregation;

4.5.4. pupils are provided with suitable and secure premises;

4.5.5. the quality of teaching complies with the standards applied to public-run schools;

4.5.6. the nurturing of critical thinking and cultural openness are an integral part of any educational project.

5. The Assembly recommends that the Council of Europe member States, while guaranteeing the viability and quality of the network of public-run schools, ensure that sufficient funding is made available to allow all children to access statutory education provision in private education establishments if sufficient provision is not available within the public-run school sector.

6. Finally, the Assembly recommends that the Council of Europe member States:

6.1. carry out as soon as possible the analyses required to identify the reforms needed to effectively guarantee the right to freedom of choice in education;

6.2. ensure the gradual implementation of these reforms at each level of government concerned (central government, regions and local authorities) in line with the competencies of each level, in order to achieve the desired systemic improvements within a reasonable time, with due regard for the necessary budgetary implications.