

Departamento de Europa

Council of Europe

Committee of Ministers

120th Session, 11 May 2010

Volume of Decisions

Addendum 1 to the Minutes

of the sitting held at the Palais de l'Europe, Strasbourg

Decisions adopted

Item 2

Follow-up to the High-level Conference on the Future of the European Court of Human Rights

(Interlaken, 18-19 February 2010)

Decisions

The Committee of Ministers

1. endorsed the Declaration and Action Plan unanimously adopted at the High-level Conference on the Future of the European Court of Human Rights held in Interlaken on 18 and 19 February 2010, paid tribute to the Swiss authorities for this initiative and expressed its determination to implement the Interlaken outcome in a timely manner;

2. recalled the shared responsibility between the States Parties, the Court and the Committee of Ministers for the full and effective implementation of the Interlaken Declaration and Action Plan, as well as the subsidiary nature of the system of the European Convention on Human Rights;

3. welcomed the first steps made by the Court to follow up the Interlaken Declaration and invited the Court to take further steps to this end;

4. encouraged States Parties to implement the measures in the Action Plan addressed to them, in particular by providing effective remedies in case of violation of the Convention rights and freedoms and taking measures to enhance knowledge of the Convention system and the Court's case law;

5. encouraged member states to respond favourably to the call for secondments of national lawyers, particularly judges, to the Registry of the Court;

6. recalling the fundamental importance of the right to individual petition, encouraged the Court to pursue its efforts to provide better information about the Convention system and invited the Secretary General to investigate possible means of providing comprehensive and objective information to potential applicants to the Court on the Convention and the Court's case law, in particular on the application procedures and admissibility, including through independent national human rights institutions or Ombudspersons. The Committee invited the Secretary General to make proposals to this end by December 2010;

7. also invited the Secretary General to make proposals by the end of 2010 on how to grant the Court, in the interest of its efficient functioning, the necessary level of administrative autonomy within the Council of Europe;

8. reaffirmed that prompt and effective execution of the judgments and decisions delivered by the Court is essential for the credibility and effectiveness of the Convention system and a determining factor in reducing the pressure on the Court. This requires the joint efforts of member states and the Committee of Ministers. The Committee instructed

its Deputies to step up their efforts to make execution supervision more effective and transparent and to bring this work to a conclusion by December 2010;

9. instructed its Deputies to pursue the follow-up to the Interlaken Declaration and Action Plan in a swift and effective manner, through an open and constructive dialogue and engagement with all relevant stakeholders, to ensure that the agreed deadlines are met;

10. welcomed the intention of the future Turkish Chairmanship of the Committee of Ministers to organise in April 2011 a further High-level Conference on the Future of the European Court of Human Rights to review the progress made in the follow-up to the Interlaken Declaration and, as appropriate, provide further guidance for its successful completion;

11. welcomed the forthcoming entry into force of Protocol No. 14 to the European Convention on Human Rights on 1 June 2010 and the preparations made by the European Court of Human Rights for its implementation."

12. adopted 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, as it appears at Appendix 1 to the present volume of Decisions and took note of the Explanatory Memorandum thereto (CM(2010)32 add).

Item 4

Reform process of the Council of Europe

Decisions

The Committee of Ministers

1. took note of the report by the Secretary General on the implementation of the reform process;

2. Having regard to the declaration made by the 16th Session of the Council of Europe Conference of Ministers responsible for Local and Regional Government (Utrecht, 16-17 November 2009) and the wish expressed therein to develop proposals for a partnership between the conference and the Committee of Ministers, instructed the Deputies, with the input of the European Committee on Local and Regional Democracy (CDLR), to initiate a dialogue with the conference in order to formulate proposals and to report back at the 121st Ministerial Session.

Decision 2 above has no wider implications on the relationship between the Committee of Ministers and the Conferences of Specialised Ministers and the issue of this relationship should be touched on again in the framework of the future discussions on the reform of the Council of Europe.

Item 5

Relations between the Council of Europe and the European Union

Decisions

The Committee of Ministers

1. welcomed the substantial progress in the co-operation between the Council of Europe and the European Union based on the Memorandum of Understanding, as reflected in the report prepared in accordance with the decisions adopted at their 119th Session (documents CM(2010)52 final, CM(2010)52 add final), and emphasised the importance of ongoing and forward looking co-operation. The Committee of Ministers will continue to give priority to the implementation of the Memorandum of Understanding;

2. noted that the entry into force of the Lisbon Treaty and the Charter of Fundamental Rights on 1 December 2009 has created new opportunities to enhance further the values-based partnership between the Council of Europe and the European Union, with a view to achieving a strong and coherent system of human rights protection in Europe; it welcomed the commitment of the European Union to accede to the European Convention on Human

Rights (ECHR), confirmed its own commitment to this process, facilitated by the entry into force on 1 June 2010 of Protocol No. 14 to the ECHR, and called for the early completion of negotiations and a rapid accession;

3. recalled that co-operation should also ensure coherence in the drafting of Council of Europe standards and European Union legislation, through consultations at an early stage; it called for stronger synergies between Council of Europe monitoring mechanisms and the European Union, in particular in the context of the implementation of its Stockholm programme;

4. noted with satisfaction the co-operation between the Council of Europe and the European Union in the countries participating in the European Neighbourhood Policy, in particular those in its Eastern Partnership, or the Enlargement Process;

5. decided to explore, where appropriate and in close co-operation with the European Union, how the accession of the European Union to relevant Council of Europe conventions may be facilitated, and welcomed the further promotion of Council of Europe standards by the European Union in its relations with third countries;

6. welcomed the increase in the volume of Joint Programmes between the Council of Europe and the European Union, which are an efficient co-operation tool to support the reform agenda of the partner countries and thus to promote and protect human rights, democracy and the rule of law in Europe; noted that the current reform of the Council of Europe's external presence should have a positive impact on the design and implementation of Joint Programmes;

7. encouraged the further development of dialogue and co-operation between all relevant bodies of the two organisations, in accordance with the Memorandum of Understanding, in particular between the Commissioner for Human Rights and the European Union, in order to foster their strategic and complementary partnership;

8. encouraged the continuation of co-operation in the field of intercultural dialogue and social cohesion on the basis of the Memorandum of Understanding.

Item 7a

Draft Council of Europe Convention on the Counterfeiting of Medical Products and Similar Crimes involving Threats to Public Health

Decision

The Committee of Ministers welcomed the progress made under the Swiss Chairmanship in the preparation of the draft Council of Europe Convention on the Counterfeiting of Medical Products and Similar Crimes involving Threats to Public Health and encouraged its relevant bodies to finalise their work with a view to opening the Convention for signature before the end of this year.

Item 9

Date and venue of the next Session

Decision

The Committee of Ministers took note of Turkey's invitation to hold the 121st Ministerial Session in May 2011 in Istanbul under its chairmanship.

Appendix 1

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 Second Summit of the 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 coordinators 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.