
*MEMORANDUM TO THE COUNCIL OF EUROPE REGARDING THE
SPANISH GOVERNMENT'S PROJECT TO REMOVE DEMOCRATIC
CITIZENSHIP AND HUMAN RIGHTS EDUCATION IN SCHOOL CURRICULUM*

1. THE COUNCIL OF EUROPE PROMOTES CITIZENSHIP AND HUMAN RIGHTS EDUCATION

Since 1997 the Council of Europe has promoted and recommended the inclusion of Democratic Citizenship and Human Rights education programs in its educational policies. The movement to support civic education initially began because of the need to **correct the deterioration of, and dissatisfaction with, democratic practices in Europe.** Democracy, in its deepest sense, is considered a great achievement of civilization because it extends citizen's civil, political, and social rights and these must be preserved to benefit all. Therefore, States have the duty to promote change in civic and political culture through education.

The Council of Europe has stressed this idea through numerous recommendations, conferences, and declarations which have been adopted by all of the democratic Spanish governments. Among these are the Recommendation Rec(2002)12 of the Committee of Ministers to Member States on Education for Democratic Citizenship and the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education CM/Rec(2010)7 in which European Union countries are called upon to:

"Make Education for Democratic Citizenship and Human Rights a **priority objective of educational policy and reforms** – Rec(2002)12" and include "informal education programs in the levels of infant, primary and secondary well as in teaching and education and vocational – CM/Rec(2010)7 "

The meaning of this education is clearly defined:

'Education for Democratic Citizenship' as a way to give students the means "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" and **'Human Rights education'** as a way 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." CM/Rec(2010)7'

The European Union has also shown preoccupation for promoting democratic citizenship through education. Precisely, it was one of the educative directives in the 2010 Lisbon strategy: "Ensure that the school community is effectively promoting the learning of democratic values and democratic participation in order to prepare individuals for active citizenship"

2. EDUCATION FOR DEMOCRATIC CITIZENSHIP AND HUMAN RIGHTS HAS BEEN INCORPORATED INTO ALL OF THE EUROPEAN EDUCATIONAL SYSTEMS, EACH TIME GAINING MORE IMPORTANCE IN NATIONAL CURRICULA

Following the European recommendations, according to the latest report “Citizenship Education in Europe” published by The Eurydice Network in May 2012, the Education for Democratic Citizenship and Human Rights has reached high levels in majority of European Union countries. The Eurydice Network report states: **1) Education for Citizenship is present in all education systems at all stages. 2) The European countries share a common vision of both the content and the objectives of Education for Citizenship.** Furthermore, human rights contents are included in the curricula of more than 20 European countries including Germany, Denmark, Holland, Portugal and France.

3. FOLLOWING THE EUROPEAN RECOMMENDATIONS, SPAIN INCORPORATED DEMOCRATIC CITIZENSHIP AND HUMAN RIGHTS EDUCATION IN 2006

In 2006, the Spanish government proposed, and the Parliament approved, the Education Act 2/2006 (LOE) which incorporated into the Spanish educational system the recommendations agreed upon by the Council of Europe, through the creation of a course titled “Education for Citizenship and Human Rights”. In addition to incorporating the subject in primary, secondary, and baccalaureate programs, and its transversality in all stages, the law incorporated the ‘social and civic competences’ into the ‘basic competences’ as “those which must be acquired by all students by the end of their compulsory education in order to join the workforce, personally develop, and participate as citizens.”

4. IDEOLOGICAL CAMPAIGN AGAINST THE COURSE DEMANDING ITS DISAPPEARANCE

From the moment the law was adopted, there was an unwarranted assault on the course by the Catholic Church, the Popular Party, and certain sectors and conservative groups, who encouraged campaigns demanding its removal among schoolchildren and their families. They claimed their right to conscientious objection to the program and, therefore, the exemption from attending this particular course. With arguments such as “the authorities are not entitled to intervene in a matter that affects the moral education of the students, which is the responsibility of only parents”, “the State is void of ethical values”, “Education for Citizenship and Human Rights is a subject of indoctrination” or “tackles controversial issues that should not be included in education”, these sectors went to court to challenge the program, claiming conscientious objection and students’ rights to not attend citizenship and human rights classes.

5. THE SUPREME COURT RULES THAT THE COURSE ‘CITIZENSHIP AND HUMAN RIGHTS EDUCATION’ IS LEGAL AND LEGITIMATE

Various rulings of the Supreme Court rejected each and every one of the arguments presented by the opponents of citizenship and human rights education, beginning with the ruling of 11 February 2009. This ruling established that the public authorities have an obligation to intervene in order to guarantee an education that incorporates common ethics and the values that form the moral substrate of the constitutional system. It also confirms that teaching such common ethical values and morals that are encouraged in the

constitutional system is not indoctrinating and the right to conscientious objection to citizenship education does not exist, nor is it legal to establish exemptions for students whose families wish to live by their particular morals and religion, excluding common constitutional values and moral content of our constitutional law.

6. THE SPANISH GOVERNMENT'S PLAN TO SUPPRESS CITIZENSHIP AND HUMAN RIGHTS EDUCATION

Despite the legitimacy, constitutionality and legality of the program created by the Education Act of 2006 (LOE), the Popular Party government emerged from the November 2011 elections proposing in the draft education reform (Ley Organica para la Mejora de la Calidad Educativa – “Education Act for the Improvement of Educational Quality”) **to eliminate Education for Democratic Citizenship and Human Rights in primary, secondary, and baccalaureate programs both in curricula and its transversality.**

Their current proposal is as follows:

- 1.- SUPPRESSION** of the area of ‘Education for Citizenship and Human Rights’ in Primary Education. The elimination of any mention of civic education or any content related to the recommendations of the Council of Europe.
- 2.- SUPPRESSION** of the course ‘Education for Citizenship and Human Rights’ established in the LOE (2006) requiring the course in one of the first three years of obligatory secondary education
- 3.- SUPPRESSION** of the course ‘Ethical Civic Education’ in the fourth year of obligatory secondary education.
- 4.- SUPPRESSION** of the subject Philosophy and Citizenship in the first year of baccalaureate programs.
- 5.- DISAPPEARANCE** of the transversal dimension that Education for Citizenship has had to date.

Other concerns of the signatory organizations, which undermine the recommendations of the Council of Europe and the United Nations, are the restrictions regarding democratic participation in the schools and more importantly involvement in schools: the School Council would become merely advisory. Also, the bill does not define the NGOs and social organizations as part of the fundamental instruments of the educational system, and instead allow business aspects to take prevalence.

7. COMPLAINTS OF THE SIGNATORY ORGANIZATIONS

7.1 The educational reform proposal presented by the Spanish Government in the draft Education Act for the Improvement of Educational Quality (LOMCE) is a clear **departure from the educational model promoted and sponsored by the Council of Europe.**

7.2 It explicitly deviates from both the recommendations from the Council of Europe Charter on Education for Citizenship and Human Rights (2010) and from the Recommendation of the Committee of Ministers on Education for Democratic Citizenship (2002) in recognizing the importance of education for building democracy and human rights. If the law comes into action, consequently, it would be **a serious breach by the Spanish government from their commitments to incorporate into the education**

system the Education for Democratic Citizenship and Human Rights as had been agreed within the Council of Europe.

7.3 We therefore want to inform the highest representative bodies of the Council of Europe of this serious breach by the Spanish government which, if perpetrated, would be a major setback and would set a serious precedent of ignoring the Council of Europe agreements for the implementation of Education for Democratic Citizenship and Human Rights among other member countries. This would also mean the collapse of the growth that this educational goal has had to date.

7.4 Similarly, we demand that the Council of Europe urge the Spanish government to fulfill their formally signed commitments and, therefore, adjust the planned educational reform to maintain the essential principles of the various recommendations of the Council of Europe:

- A. The Education for Democratic Citizenship and Human Rights must be a **priority objective of educational policy** of the Spanish State and, therefore, should be incorporated into the bill that is being prepared for new school curriculum regulation.
- B. The Education for Democratic Citizenship and Human Rights must be included in **all components and levels of the Spanish educational system**: Kindergarten, Primary, Secondary, Baccalaureate, Vocational, University, and Adult Education.
- C. The Education for Democratic Citizenship and Human Rights, which must be incorporated explicitly into the Spanish education system, **must conform to curriculum development in definitions and objectives set in the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education CM/Rec(2010)7**.
- D. The Education for Democratic Citizenship and Human Rights must be reflected in an area or course in the educational levels mentioned in the previous paragraph and at the same time, **maintain a transversal theme and enhance the acquisition of social and civic competence by all students**.
- E. To provide stability to our educational system, and not subject it to free questioning for ideological reasons, it should fundamentally maintain curriculum planning for Education for Democratic Citizenship and Human Rights established by the Education Act of 2006, has been in effect for 6 years in the Spanish education system, achieving the best results in their experience and improving those aspects that require it, such as **the expansion of the workload and initial and ongoing training of teachers**.
- F. One should not forget that the current curriculum planning for Education for Democratic Citizenship and Human Rights also has the endorsement of **legitimacy and legality** in our educational system as they emphasize the various judgments of the Supreme Court.

7.5 Similarly, we denounce the failure of the Council of Europe Recommendation CM/Rec(2010)7 and, in turn, Article 27 of the Spanish Constitution on democratic governance, to reduce the School Board from a central position to an advisory one in the draft bill.

To the attention of

The President of the Parliamentary Assembly of the Council of Europe, Mr. Jean-Claude Mignon

The President of the Conference of INGOs of the Council of Europe, Mr. Jean-Marie Heydt

The Human Rights Commissioner of the Council of Europe, Mr. Nils Muiznieks

The President of the Subcommittee of Education Youth and Sport of the Council of Europe, Mr. Tony Banks

Madrid, January 2013

SIGNATORY ORGANIZATIONS

Fundación Cives, Amnistía Internacional, Intermon Oxfam, Confederación Española de Asociaciones de Padres y Madres de Alumnos (CEAPA), Fundación Cultura de Paz, Asociación Pro Derechos Humanos de España (APDHE), Proyecto Atlántida. Educación y Cultura Democráticas, Movimiento Contra la Intolerancia (MCI), Liga Española de la Educación y la Cultura Popular, Movimiento por la Paz (MPDL), Federación de Mujeres Progresistas, Coordinadora de ONG para el Desarrollo, Periódico Escuela, Seminario Galego de Educación para la Paz, Hegoa -Instituto de Estudios sobre Desarrollo y Cooperación Internacional-, Confederación Estatal de Movimientos de Renovación Pedagógica, Educación Sin Fronteras, Plataforma Ciudadana contra la Islamofobia, Instituto de la Víctima de Odio, Discriminación e Intolerancia, Institut de Drets Humans de Catalunya, Sección de Educación del Ateneo de Madrid, Fundación IPADE, Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos –España (Asociación para las Naciones Unidas en España (ANUE), Asociación para la Defensa de la Libertad Religiosa (ADLR), Comisión Española de Ayuda al Refugiado (CEAR), Instituto de Estudios Políticos para América Latina y África (IEPALA), Justicia y Paz, Liga Española Pro Derechos Humanos, Paz y Cooperación, Mundubat, UNESCO Etxea, Plataforma de Mujeres Artistas contra la Violencia de Género, Coordinadora Estatal de Asociaciones Solidarias con el Sáhara, Federación de trabajadores y trabajadoras de la enseñanza (FETE – UGT), Habitáfrica, Solidaridad Internacional, ISI Argonauta - Derechos Humanos y Desarrollo, Iniciativas de Cooperación Internacional para el Desarrollo (ICID), Fundación Alternativas, Asamblea de Cooperación Por la Paz (ACPP), Consejo de la Juventud de España, Fundación Internacional Baltasar Garzón, Asociación Pro Derechos Humanos de Andalucía, Confederación Estatal de Asociaciones de Estudiantes (CANAE), Federación estatal de lesbianas, gays, transexuales y bisexuales, Unión de Asociaciones Familiares (UNAF), Asociación de Investigación y Especialización sobre

Temas Iberoamericanos (AIETI), Asociación Española para el Derecho Internacional de los Derechos Humanos (AEDIDH), Grupo de Estudios en Desarrollo Cooperación y Ética (GEDCE - Universidad Politécnica de Valencia), Comisión de Libertades e Informática (CLI,), Asociación de Ciudadan@s por la Educación Pública, Asociación Universitaria del Profesorado de Didáctica de las Ciencias Sociales (AUPDCS)...

European Organizations that have adhered to the memorandum:

Stop Hate Crimes, Citizens for Europe (representing 197 European organizations), European Civic Forum (representing more than 100 European organizations), DARE - Democracy and Human Rights Education in Europe (51 members from 25 countries in Europe)