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SPANISH EDUCATION
FOR CITIZENSHIP:

**AN ASSAULT ON FREEDOM
OF EDUCATION
AND CONSCIENCE**



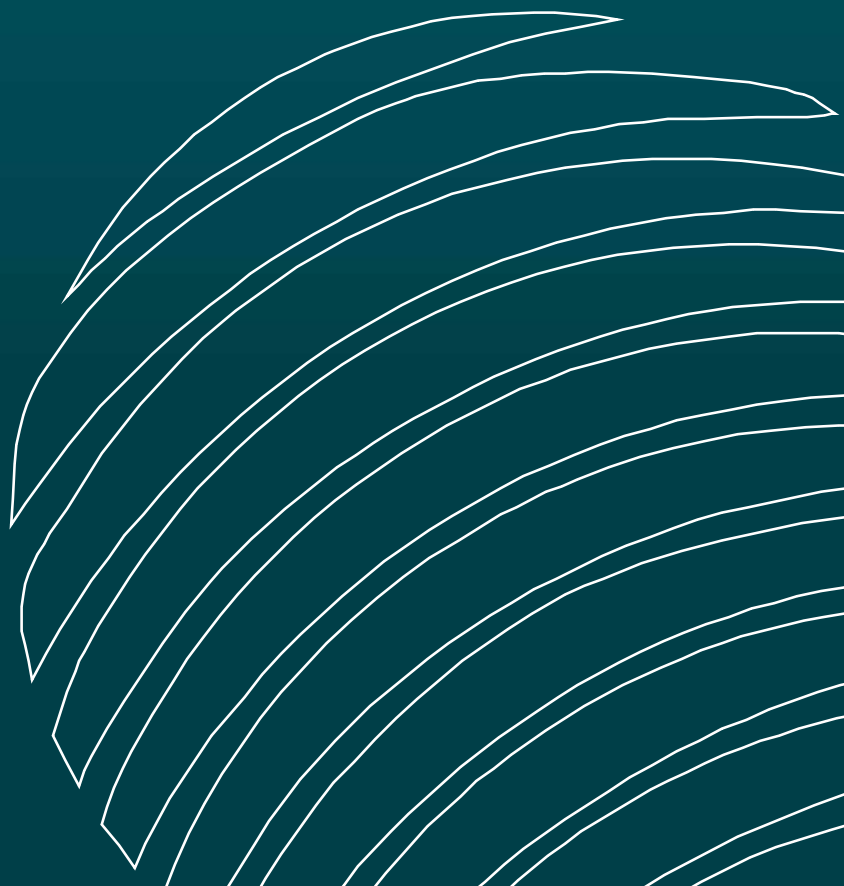
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C/ Juan Bravo, 58 - 60 / E-25
28006 Madrid - SPAIN
Tel. +34 91 402 27 21
Fax. +34 91 309 32 28
info@profesionalesetica.org

www.profesionalesetica.org



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III PRECEDINGS

Under the pretext of meeting Recommendation 12/2002 of the Council of Europe, the Spanish Government introduced in 2006, without the desirable consensus, a set of mandatory and graded school subjects under the generic category of Education for Citizenship (EfC). Up until that very moment, the subject-matter regarding the promotion of values and principles that shape the basis of democracy were part of other subjects or were included in other school activities.

Although the name of these newly introduced Spanish subjects may coincide with the ones in other European countries, the differences are remarkable. As it is commonly known, there is no common pattern of Education in Citizenship, but the 2005 EURYDICE report called *Education for Citizenship in the European school context*, for example, verifies the anomalies in the Spanish curriculum in relation to the rest of the European approaches.

There are, in fact, major differences between the Spanish EfC and similar subjects in other European countries, not only in the contents, but also in the mandatory character and the means of grading used.

As the Supreme Justice Tribunal of Castilla y León (at Regional Court Level) recently highlighted that (and I quote) these subjects due to their "high ethical, moral and ideological weight, slide towards indoctrination, proselytism or manipulation of wills of students on moral issues on which there is no consensus in the Spanish society".

In Spain, the core subjects of EfC are both evaluable and compulsory and have been designed (as the official curriculum admits) to shape the conscience of children, getting deep into their values and their personal and family privacy.

- I. PRECEDINGS
- II. THE SOCIAL AND LEGAL CONFLICT
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- IV. CONCLUSION

The compulsory contents of the curriculum include topics such as “human condition”, “personal identity”, “emotional and affective education” or “the building up of moral conscience”. These topics are tackled in the curriculum from a perspective of relativism, while ideas such as truth, good and evil are not even considered as a possibility.

The Spanish government has custom-built, *de facto*, the content of Recommendation 12/2002 in order to justify its educational policy.

Amongst others, some of the curricular objectives of EfC in secondary education read as follows (as set in the Royal Decree 1631/2006, of 29th of December):

“To identify and analyse the main ethical theories, to recognise the principal social and moral conflicts of contemporary society and to develop a critical attitude towards the different patterns passed on through the mass media”

And in order to achieve these goals,

“it goes more deeply into the principles of both social and personal ethics and, amongst other contents, they are included those related to human relationships and emotional and affective education, the rights, duties and personal liberties that guarantee democratic regimes, ethical theories and human rights as the universal relating for human behaviour”.

Being essential to include,

“an ethical reflection that starts in affective relationships with the closest social setting to contribute, through moral debate, to the building up of civic moral conscience”.

EfC also intends to evaluate student attitudes, invading the privacy of both the student and their family. For example, objective 1 for the subject matter in the first and third course of secondary education reads as follows:

“1.- To identify and reject, starting from the analysis of real or figured facts, the different discriminatory situations towards people of a different origin, gender, ideology, religion, affective or sexual orientation and others, respecting personal differences and showing independence of opinion.

This opinion allows to check whether the students, facing a real or figured case or situation, are able to recognise the discrimination that, due to various reasons, are suffered by people in contemporary societies and whether they show independence of opinion, rejection of attitudes towards discrimination and respect for personal differences”.

The course's contents and method of grading have led to several formal complaints against text books and educational materials with high ideological content. In fact, only last October a regional Court, the Supreme Justice Tribunal of Andalucía, rendered a judgement which declared the text book by the editorial Mc Graw-Hill as "indoctrinatory". The complaint had been set by a family who had previously objected to the subject. This shows that the official definition of the subject is not under the neutrality criterion to which education authorities are bound to by the Spanish Constitution and the international treaties on human rights signed by Spain. Some of these materials that go against student's privacy and ideological freedom have been promoted by public administrations. The cases of *Axial, a world of values*, an education portal dependent on the Ministry of Education, and Sexpresan, a multimedia resource recommended by the Ministry of Education for the teaching of EfC, are both significant due to the social repercussion caused by the complaint set through the media.

| III | THE SOCIAL AND LEGAL CONFLICT

Even before its introduction in the curriculum, the core subjects of EfC have been controversial, leading to social conflict caused by the disparity in relation to the above mentioned Recommendation and the conflict between the EfC curriculum and the rights contained in articles 8 and 9 of the European convention for Human Rights and article 2 of its Protocol 1, as well as the International Covenant on Civil and Political Rights (Article 18.4) and the International Covenant on Economic, Social and Cultural Rights (Article 13.3)

The social conflict has spread for more than three years to reach every area of the educational community and Spanish public opinion. Parents' associations, teaching employer's associations, teacher's trade unions, intellectuals, academicians, politicians, religious authorities and all kinds of civic associations are part of a major national controversy on these school subjects that have deeply divided Spanish society.

The forceful response of a wide section of parents has been especially meaningful. In just over three years, Spanish parents have submitted 55,000 objections of conscience, refusing to allow their children to attend EfC classes. Some of these parents have set up, in a natural and spontaneous way, more than 70 associations both at local and regional levels to inform, support and help the parents who have objected. These parents are also provided with free legal advice and defence thanks to the creation and development of networks of lawyers involved with freedom of education.

As a result of this conflict, every year more than a thousand students remain outside of class during EfC lessons in spite of the Education Administration's discrimination and threats of not obtaining a degree, against the education ruling itself. Several of these students have been standing in the corridors during EfC lessons with no attention on the part of the school and being, in some cases, even made look silly by their own teachers. Headmasters have suggested some parents to move their children to another school and even some institutions (CEAPA, for example) have claimed that parents who have objected should be prosecuted. A large number of students have been forced, even physically, to attend the lessons over the objections of conscience of their parents.

The conflict aroused by Education for Citizenship has also been far-reaching in Spanish Courts. More than 2.300 appeals have been presented against the legality of the curriculum, against certain text books or claiming the rights of parents to object.

The legal conflict has reached Spanish judges who hold highly contradictory positions. Up until the 11th of February 2009, the majority of regional Courts (84% of the verdicts rendered) issued rulings favouring parents and declared that Education for Citizenship imposes ideological and moral opinions. Thus, EfC violates the rights for freedom of conscience, so it is possible to exercise conscientious objection against it.

In February 2009, the Supreme Court found itself deeply divided over the issue as it was highly aware of the conflict. Though it rendered four judgements which denied parents the right to object, the Court expressly warned of the risk of indoctrination that could arise from such school subjects and declared that parents are entitled to prevent their children from being indoctrinated.

After these four Supreme Court Judgments, the courts in Aragon and Castilla y León differed from the Supreme Court and issued rulings favouring parents. The most significant case is that of the Court of Castilla y León which rendered 251 deeply based judgements affecting 579 students who were legally exempted from the lessons.

Despite the attempts of the Supreme Court to close the legal conflict on Education for Citizenship by repealing all judgements from lower courts favouring parents, the regional courts of Madrid, Valencia, Castilla-La Mancha and Cataluña are admitting the claims of parents. Some other parents have also appealed to the Spanish Constitutional Court alleging that the school subject breaks fundamental rights contained in the Spanish *Carta Magna*. Some of these cases were rejected due to formal matters but some more have been recently admitted.

| III | EDUCATION FOR CITIZENSHIP AT THE EUROPEAN COURT FOR HUMAN RIGHTS

The situation of controversy and public response surrounding Education for Citizenship, together with the serious discrimination and offensive situation suffered by students and their parents, led 305 plaintiffs (parents and their children) to lodge, on March 19th, a complaint of 105 cases from 17 different Spanish areas before the ECHR against the Kingdom of Spain for some violations of their rights contained in the European Convention on Human Rights (basically, right to privacy of the children, right of freedom of thought, conscience and religion, the right of parents to educate their children according to their own convictions, and the principle of non-discrimination).

The ECHR has named the case as “*Number 15976/10 Ramos Bejarano et Autres c. España*”.

Last June 26th, the attorneys for the domestic court decisions related to the plaintiffs were sent to the ECHR together with 54 new plaintiffs representing 18 cases and some more will be sent in the near future.

| IV | CONCLUSION

The institutions at the European Union and the European citizens must be made aware of both the situation of controversy caused by the imposition of the core subjects of Education for Citizenship and the affronts currently suffered by a good number of students and their parents as a result of their firm resolution in defence of their fundamental rights. This has, unavoidably, a strong impact on our European liberties framework and this is why the case has been denounced in several international institutions, such as the European Parliament, the Council of Europe, the OSCE and the Human Right Council of the United Nations.

The appropriate safeguards for protecting the fundamental rights of minors and their parents in the whole of Europe require the initiation of debate that, together with the rest of the social actions and protests, legal actions, and political measures, guarantees a joint solution to the abnormality caused by the Spanish cases on Education for Citizenship.

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