20190130 EU contribution to questions on Education, training, life-long learning

Information on the situation at European Union level, provided by the European Commission[[1]](#footnote-1)

**European Union Legal Framework**

*1. In your country/region, how is the right to education, training, life-long learning and capacity building in older age guaranteed in legal and policy frameworks?*

According to Articles 165 and 166 of the Treaty on the Functioning of the European Union, the EU fully respects the responsibility of the Member States for the content of teaching and the organisation of education and training systems, and plays a supporting role in supplementing their actions. Against this background, a framework for European cooperation in education and training is regularly agreed with Member States. ET2020, the current Strategic Framework for European cooperation in education and training since 2009, has "making lifelong learning a reality for all" as its first priority. While Member States continue to develop and organise their own policies and systems, through this strategic framework they identify priorities on which they cooperate and learn from each other, through peer learning and the exchange of good practices.

Human dignity, freedom, democracy, equality, the rule of law and respect for human rights are the core values of the EU. Since 2009, the EU's Charter of Fundamental Rights brings all these rights together in a single document. The EU's institutions are legally bound to uphold them, as are EU governments whenever they apply EU law. Article 21 of the Charter prohibits discrimination on the basis of age. Article 14 of the Charter also establishes the Right to education[[2]](#footnote-2)[1] and to have access to vocational and continuing training irrespective of age, as there is no age limit. The provisions of the Charter apply to the EU Member States when they are implementing Union law.[[3]](#footnote-3)

In the Employment Equality Directive (2000/78/EC) there is a prohibition of discrimination on grounds of, inter alia, age, in the field of employment and vocational training. This Directive has been transposed into national law by all EU Member States.

Since 1 January 2016, the 17 Sustainable Development Goals of the 2030 Agenda for Sustainable Development have focused policies on ending all forms of poverty, fighting inequalities and tackling climate change, while ensuring that no one is left behind. SDG 4 is dedicated to education and many of its goals are at the core of EU policy in education and training, in particular equal access to basic skills, such as literacy, as a foundation for lifelong learning.

Although the educational attainment levels of Europeans are relatively high, in 2017, only 59% of individuals aged 25-64 possessed basic or above basic digital skills and as many as one-fifth of adults in the EU have problems with basic literacy and numeracy. Problems of low educational attainment and lower levels of basic literacy, numeracy and digital skills are more frequent among older age cohorts, according to Eurostat and OECD data.

In June 2016, the Commission launched the New Skills Agenda for Europe with the intention to leave no one behind, followed in December 2016 by a Council Recommendation on *Upskilling Pathways: New Opportunities for Adults*.[[4]](#footnote-4)While Upskilling Pathways projects are mostly not only for older people, they can be of great help to this group.

The revised Council Recommendation on Key Competences for Lifelong Learning of May 2018[[5]](#footnote-5) provides a reference framework for the key competences needed for employability, personal fulfilment, active citizenship and social inclusion. In all mentioned policy documents, there is no age limit nor is there a particular age group targeted. The development of key competences from an early age, for all citizens, is the objective. It supports the SDG4 target on the knowledge and skills needed to promote inter alia sustainable development, equality and citizenship.

**European Pillar of Social Rights[[6]](#footnote-6)**

Since 2017, the EU Member States adhere to the 20 principles of the European Pillar of Social Rights. The first principle is that "everyone has the right to quality and inclusive education, training and life-long learning in order to maintain and acquire skills that enable them to participate fully in society and manage successfully transitions in the labour market." This is further strengthened in principle four: "the right to receive support for job search, training and requalification" and "the right to transfer… training entitlements during professional transitions", as today’s workers are much more likely to change jobs often throughout their career than workers a few decades ago. It is during those moments of transition, when people are more fragile, that they need to be supported most. This can be a particular issue for older workers.

Work on the implementation of these principles will remain an EU policy priority and is regularly discussed with the EU Member States, including for the purpose of accessing EU funding for implementation measures.

**Availability, Accessibility and Adaptability**

*2. What are the key issues and challenges faced by older persons in your country/region with regard to the enjoyment of all levels of quality education, training, life-long learning, and capacity building services?*

Older people are often at a double disadvantage in that, firstly, their level of education and training tends to be already lower than that of the younger cohorts, with whom they compete for jobs, and secondly their participation in learning activities is below the population average.

The ET2020 benchmark on adult participation in learning set the target to have 15% of adults aged 25 to 64 participating in learning (in any four-week period, based on LFS data). In 2017, the EU average was 10.9%, still substantially below the 2020 target. The average participation among 55 to 74 year olds was only 4.9%. While still very low, the participation rate of this age group has been growing faster than for the population as a whole. In 2005, participation among people aged 55 to 74 was 3.2%, it rose to 3.7% in 2010 and in 2017 to 4.9%. There are however significant differences between EU countries, ranging from 18.6% to as little as 0.2%. The employment rate of people aged 55 to 74 has been growing correspondingly, from 6.9% in 2005 to 8.1% in 2017, again with large variation between EU countries ranging from 22.2% to 1.8%.

*3. What steps have been taken to ensure that education, training, life-long learning, and capacity building services are available and accessible to all older persons, adapted to their needs, suited to their preferences and motivations, and of high quality?*

 For the period 2014 to 2020, €7.2 billion from the European Social Fund has been earmarked for "Enhancing equal access to lifelong learning for all age groups…., and promoting flexible learning pathways including through career guidance and validation of acquired competences", while €6,8 billion more is available for "improving the labour market relevance of education and training systems".The use of this funding is decided at national and regional levels. Increasingly, the European Social Fund has been used to finance measures to cope with demographic change and the need to upskill and reskill an ageing population and an ageing workforce .

*4. In your country/region, are there studies and/or data available on the access of older persons to the right to education, training, life-long learning and capacity building in older age?*

The EU Labour Force Survey (LFS) and Adult Education Survey (AES) are the main Eurostat data sources on work-related and broader education and learning participation trends. LSF is annual, while the Adult Education Survey is carried out every five years.

**Equality and non-discrimination**

*5. In your country, is age one of the prohibited grounds for discrimination in relation to education in older age?*

At EU level, the Employment Equality Directive (2000/78/EC) prohibits discrimination on grounds of, inter alia, age, in the field of employment and vocational training. This Directive has been transposed into national law by all EU Member States.

**Accountability**

*6. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to education, training, lifelong learning and capacity building?*

Any claim, declaration or appeal with regard to the application of the relevant national legislation of a particular Member State may be submitted to a corresponding authority, institution or tribunal of that Member State in accordance with its national rules of procedure. If the litigation concerns (the interpretation of) EU law, the plaintiff may, after having used the national legal recourse procedures, submit the matter to the Court of Justice of the European Union.

The European Ombudsman investigates complaints about maladministration by EU institutions. People or organisations who have encountered problems with the EU administration, bodies and agencies, and have unsuccessfully tried to resolve the problem with the institution or body in question, can submit a complaint to the European Ombudsman. At the national level, EU Member States provide a similar Ombudsman service with regard to maladministration by national public bodies.

1. The European Union shares responsibilities and competences with its Member States when it comes to the promotion and protection of the rights of older persons. Many of the policies and related implementation instruments are in the direct remit of the Member States. In a number of areas the EU has its own responsibilities and actions, often to support the action of its Member States. Individual EU Member States give in their own contributions information on the situation and legislation at the level of their country. [↑](#footnote-ref-1)
2. [1] **Right to education**:

1. Everyone has the right to education and to have access to vocational and continuing training.
2. This right includes the possibility to receive free compulsory education.
3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right. [↑](#footnote-ref-2)
3. The Charter does not extend the field of application of European Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks as defined in the EU Treaties. [↑](#footnote-ref-3)
4. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOC_2016_484_R_000>: **Upskilling Pathways**

	* Calls on the Member States to create opportunities to give low-skilled adults a second chance to assess their current knowledge and skills (step 1), develop the basic reading, writing and digital skills or wider skills they may need thanks to a tailored and flexible learning offer (step 2), and have the opportunity to obtain an further qualification if they wish (step 3).
	* Member States may already have in place some elements related to these three steps, but the added value of the Recommendation lies in the bridges to be established between those steps; the aim is to enhance the coherence of mechanisms and the coordination of stakeholders involved to provide low-skilled adults with a smooth pathway enabling them to acquire more skills, to improve their opportunities (whether professional or personal). [↑](#footnote-ref-4)
5. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018H0604(01)&rid=7 [↑](#footnote-ref-5)
6. <https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights/european-pillar-social-rights-20-principles_en> [↑](#footnote-ref-6)