
Recommendation CM/Rec(2022)18 of the Committee of Ministers to member States on countering education fraud

*(Adopted by the Committee of Ministers on 13 July 2022
at the 1440th meeting of the Ministers' Deputies)*

Preamble

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe (ETS No. 1),

Considering that the aim of the Council of Europe is to achieve greater unity between its members and that this aim can be pursued notably by common action in educational and cultural matters;

Considering that countering education fraud and promoting ethics, transparency and integrity in education is the responsibility of public authorities;

Having regard to:

- the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and its Protocol (ETS No. 9), in particular Article 2 of the latter on the right to education;
- the European Cultural Convention (ETS No. 18);
- the European Social Charter (revised) (ETS No. 163);
- the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (ETS No. 165, Lisbon Recognition Convention);
- the Final Declaration of the 24th Session of the Council of Europe Standing Conference of Ministers of Education, which met in Helsinki on 26 and 27 April 2013;
- Recommendation CM/Rec(2007)6 of the Committee of Ministers to member States on the public responsibility for higher education and research;
- Recommendation CM/Rec(2012)7 of the Committee of Ministers to member States on the responsibility of public authorities for academic freedom and institutional autonomy;
- Recommendation CM/Rec(2012)13 of the Committee of Ministers to member States on ensuring quality education, and noting that ethics, transparency and integrity are preconditions for achieving quality in education;
- Recommendation CM/Rec(2019)9 of the Committee of Ministers to member States on fostering a culture of ethics in the teaching profession;
- the United Nations Educational, Scientific and Cultural Organization (UNESCO)/Organisation for Economic Co-operation and Development (OECD) Guidelines for Quality Provision in Cross-border Higher Education (2005);
- the United Nations International Covenant on Economic, Social and Cultural Rights (1966);

– Recommendation CM/Rec(2014)7 of the Committee of Ministers to member States on the protection of whistle-blowers and Parliamentary Assembly Recommendation 2162 (2019) “Improving the protection of whistle-blowers all over Europe”, as well as the reply to this recommendation adopted by the Committee of Ministers;

Bearing in mind the development of the education sector and the emergence of new forms of qualifications, including certification by higher education institutions, vocational education institutions or other providers and industry;

Considering that member States are responsible for the organisation and content of their education systems, in accordance with national legislation, regulations, competences, practices and international agreements;

Considering that education fraud has always existed, but that the development of new technologies has facilitated the proliferation of this phenomenon;

Considering that these technologies can also be used to counter education fraud and to promote ethics, transparency and integrity in education;

Considering that education fraud is a threat to:

- the right to quality education at both national and international level and equal opportunities for learning and protection of all citizens;
- the trust placed in the quality, fairness and professionalism of the education systems and institutions of each member State and hence to transparency, quality assurance, international mobility of students and employability;
- the economy of each member State;
- the credibility of regulated professions, including the medical sector, as well as of public-service employment in each member State;
- the international reputation of each member State and the trust placed in its democratic system, national security and public safety, as well as in the mechanisms of mutual recognition of degrees and qualifications;

Convinced of the need to have a European response and solution to this phenomenon;

Convinced of the need to have a comprehensive international instrument on countering education fraud and promoting ethics, transparency and integrity in education,

1. Recommends that member States’ governments, in accordance with the definitions and actions described in the appendix, and while respecting their constitutional structures, national and local contexts, and educational systems:

- i. effectively develop, promote and encourage quality education by eliminating, on their territory and as far as possible at transnational level, actions and activities which contribute to education fraud;
- ii. take the necessary measures to protect pupils, students, researchers and staff at all levels of education from organisations and individuals engaged in marketing and promoting education services that constitute fraud through use of the internet, social media, advertising and other means;
- iii. provide support for the implementation of preventative and protective measures by educational institutions and relevant stakeholders in education and employment, as well as a culture of equality of opportunity at all levels and in all sectors of education and training and in the transition between these sectors;
- iv. keep under review technological developments which may add to the list of activities constituting education fraud;
- v. facilitate international co-operation and peer learning in this area through the Council of Europe Platform on Ethics, Transparency and Integrity in Education (ETINED);

- vi. ensure that this recommendation is translated into the official language(s) of their respective countries and widely disseminated.
- 2. Commits to reviewing the implementation of this recommendation five years after its adoption.

Appendix to Recommendation CM/Rec(2022)18

1. Aim and scope

This recommendation aims to assist member States to counter education fraud and promote and support ethics, transparency and integrity in education, and therefore to help them ensure the right to education for all learners.

All measures contained in this recommendation apply to access to education and all levels and forms of education, from pre-primary to higher education, including vocational education and work-based learning, lifelong learning and adult learning, delivered by all education institutions – whether public, private, for-profit or not-for-profit – foundations or any other recognised form of education establishment.

The recommendation underlines the responsibility of public authorities and/or professional bodies and private organisations and companies to foster the principles of ethics, transparency and integrity in education and to address education fraud.

2. Definitions

For the purposes of this text, the main terms relating to fraud in education are listed below.

“Codes of ethics” are expressions of moral and ethical values and principles that serve to develop and maintain the ethics of the education process at all levels and in all aspects. Based on the core values of the Council of Europe, they aim at furthering democracy, human rights and the rule of law and reflect a strong and effective commitment to equity, justice and inclusion in education.

“ETINED principles” are those principles and values developed by the Council of Europe Platform on Ethics, Transparency and Integrity (ETINED) in accordance with its mandate, based on the concept that quality education will only be achieved, and education fraud effectively addressed, if all relevant sectors of society fully adhere to a set of fundamental ethical principles, both in public and professional life, while relying upon legal norms and structures. The ETINED mandate seeks to develop and support a culture of democracy and participation based on the principles of ethics, transparency and integrity in education.

“Education fraud” is behaviour or action occurring in the field of education intended to deceive and obtain an unfair advantage. It includes: (i) the activities of diploma mills, accreditation mills, visa mills, essay mills and essay banks, as defined below; (ii) impersonation by undertaking in whole or in part any work or assessment required as part of a programme in the place of an enrolled learner; (iii) illegal or irregular use of authentic documents; (iv) plagiarism; (v) production or use of forged, plagiarised or counterfeit documents; and (vi) the offer of unrecognised or unaccredited qualifications with the intention of deceiving another.

“Fraudulent education service providers” include accreditation mills, diploma mills, essay mills, essay banks and visa mills, whether stand-alone or part of larger undertakings.

An “accreditation mill” is an institution or organisation (in any legal form) which is neither recognised by national competent authorities nor authorised by the law of any member State to provide accreditation for education programmes or awards, and which intends to mislead employers, students or the public.

A “diploma mill” (also known as a “degree mill”) is an institution or organisation which is not recognised by national competent authorities or organisations as an institution accredited or authorised by the law of any member State to confer awards or qualifications, and which purports, by means of misrepresentation, to issue such awards or qualifications.

An “essay mill” (otherwise referred to as a provider of contract cheating services) is an organisation or an individual, usually with a web presence, which enters into contracts with students or their representatives to complete, in full or in part, one or more assignments (including student work such as essays, projects, theses and dissertations) for financial gain, whether or not the content is plagiarised, leading to a form of academic misconduct. For the avoidance of doubt, an essay mill does not include providers of private tutoring services lawfully operating within national legislation or regulations.

An “essay bank” is an organisation or an individual from which or whom students can purchase pre-written essays on topics relevant to their studies.

A “visa mill” is an institution or organisation (in any legal form) which is neither recognised by national competent authorities nor authorised by the law of any member State as an education institution, and which misrepresents itself as such with the objective of circumventing immigration law by supporting applications for visas or other permits which allow students to stay, study, work or access public funds in a given member State or in a group of member States (for example the Schengen area) with a common visa scheme.

“Education stakeholders” refers to schoolteachers, academic staff in higher or other forms of post-school education, pupils and students at all levels of education, parents, guardians or carers of pupils and students, employers, governors and managers within the education system and in all sectors of education and training in the context of formal and/or informal learning processes, representatives of conferences of heads of institutions and similar bodies, relevant public officials, representatives of trades unions, political leaders and representatives of broader civil society.

“Plagiarism” means using work, ideas, content, structures or images without giving appropriate credit or acknowledgment to the original source(s), especially where originality is expected. The term “plagiarised” applies to the ideas, content, structures or images in question.

“Qualifications” includes all forms of certification issued by a competent authority attesting to the successful completion of an education programme, including certificates issued by service providers, professional and employment organisations and associations. This term covers new forms of certification that may be developed in the future.

As technology is constantly evolving, the list of terms and definitions relating to education fraud is not exhaustive and should be subject to regular review.

3. Awareness raising and information

Member States should ensure that the ETINED principles are promoted consistently by all education institutions and to all education stakeholders, and that education systems should set the same standards of quality and ethics for all institutions, regardless of their formal status in national education systems. This should be achieved by taking appropriate measures to provide information on and raise awareness about the prevention of education fraud and, through linking, in theory and in practice, quality assurance and other appropriate regulatory mechanisms, to promote ethics, transparency and integrity in education at all levels in accordance with national legislation.

Member States should provide guidelines on how to prevent education fraud and promote ethics, transparency and integrity in education to all education institutions, pupils and students – and their representatives – at all levels, as well as to professional organisations and other education stakeholders.

4. Training

Member States should take appropriate measures to ensure the provision of adequate training, on a continuing basis, on the prevention of education fraud and on fostering ethics, transparency and integrity for all professionals in the education, recruitment and employment sectors.

5. Plagiarism and the use of plagiarised documents and content

To counter plagiarism and the use of plagiarised work, pupils, students, researchers and staff should be supported by education institutions in the development of appropriate skills in critical thinking, academic writing and research, in accordance with the different stages of learning within the education systems of each member State, thus ensuring awareness of and increasing protection against education fraud. All curriculums, whether or not prescribed by law, should place strong emphasis on building students' confidence in their academic ability and on preventing activities which constitute education fraud.

Member States should take measures within their national legislative frameworks to ensure, as far as reasonably possible, that education institutions prohibit and eradicate, through their internal regulations, education fraud through plagiarism and misuse of plagiarised, falsified or unverifiable materials in the appointment of, and promotion procedures for, academic staff, teachers and other education professionals.

Member States should take steps, either on a national or institutional level, to introduce and develop technical solutions for the identification of education fraud, including in light of the increasing provision of online learning and assessment opportunities.

6. Advertising and promotion of education fraud

Member States should, in accordance with national legislation, take steps to prohibit the advertising and promotion of fraudulent education services, whether in printed form or via online media, including through social media and the internet.

7. Legal frameworks, laws and practices

Member States should take all necessary and appropriate action to use existing legislation, guidelines or practices to eradicate education fraud and the activities of fraudulent education service providers. They should also consider introducing new legislation or policy measures where required and encourage all education institutions to adopt regulations consistent with that aim. In doing so, member States and education or training organisations should take appropriate steps to protect the rights of pupils, students, researchers and staff.

8. Codes of ethics

Member States and education institutions, through national legislation and/or institutional regulations, should establish clear codes of ethics, based on the ETINED principles, governing all aspects of education affected by education fraud, including governance, management and human resources. Legislation or regulations should ensure a fair process for the enforcement of codes of ethics.

9. Education terminology

To eradicate all forms of misrepresentation by fraudulent education service providers, member States should take any necessary steps, in accordance with their national legislative framework, to ensure effective protection of all relevant terminology, and translations of that terminology, from misuse and misrepresentation within their education systems, paying particular attention to institutional and academic titles and nomenclature of awards and qualifications.

Member States should record, periodically update and provide, in a publicly available format, relevant data and information on institutions that are recognised or accredited as education providers within their education systems. In addition, member States should publish, in their national legislation, accurate and reliable information about the recognition of awards and qualifications, including, where applicable, awards with State-recognised and/or institutional status.

10. Public health, safety and the education of future generations

Member States should take all appropriate measures to protect society from education fraud by ensuring the authenticity and integrity of academic and/or professional qualifications and credentials that have a direct or indirect impact on the health, safety and physical, mental and socio-economic well-being of present and future generations.

11. Whistle-blowers

Member States and education institutions should ensure the freedom to raise issues linked to education fraud and academic integrity by providing a fair process for doing so, in addition to the protection provided under relevant national legislation for whistle-blowers. They should also ensure a fair and impartial process for persons and organisations accused of education fraud.

12. Use of digital solutions

Member States should take all necessary measures to ensure the accessibility and integrity of data relating to students, qualifications and awards through digital solutions compliant with privacy laws, including secure digital records for students' use and secure document exchange. Wherever technically possible, they should also provide services for verifying the authenticity of diplomas and professional certificates that are simple, accessible and multilingual.

Member States should explore the potential of existing digital tools and, where possible, adopt new technologies with the aim of eradicating all forms of education fraud and the activities of fraudulent education service providers.

13. Research

Member States should facilitate and encourage research on education fraud in order to study its causes and effects, as well as the efficacy of measures taken to prevent and/or address it, and co-operate with individuals, organisations and member States undertaking international research in this area.

14. International co-operation

Member States should co-operate in the fight against education fraud and the prosecution of offences, or regarding any other forms of legal redress, so that any organisation or entity which carries out all or part of its business in a member State may be prosecuted or otherwise held to account for the provision of services related to education fraud; this applies even where the provision of, or contract for, such services takes place wholly outside the member State concerned and the benefit or advantage envisaged by the organisation or entity is expected to be received elsewhere.

In addition, member States should co-operate with international efforts to put a stop to the activities of fraudulent education service providers operating within and outside their borders, including those activities accessible through the internet or carried out by other means on their territories but originating elsewhere. This objective should be achieved through a process of monitoring national and transnational activities, exchange of information and co-operation, including legal enforcement through law-enforcement authorities and agencies. Member States agree to commit themselves to exchanging information through existing international frameworks.

15. Data collection

In order to stimulate and support international co-operation on the prevention of education fraud and enable reporting and comparative studies, member States should facilitate and encourage the systematic collection of statistical data on the activities of fraudulent education service providers in a consistent format that will be provided by the Council of Europe.

16. Monitoring

Member States should establish a system for monitoring education fraud and the activities of fraudulent education service providers. This should include reporting by education institutions and other education stakeholders to a designated quality assurance agency, ombudsperson institution or other central body created under national legislation, with particular reference to the role of ENIC/NARIC (European Network of Information Centres in the European Region/National Academic Recognition Information Centres in the European Union) offices in each member State and their networks, as well as that of the Lisbon Recognition Convention Committee.

17. Evaluation and review

Member States should regularly evaluate the strategies and policies they have adopted in respect of this Recommendation and adapt them as appropriate. Member States should share the results of these evaluations within the ETINED Platform. They may request assistance from the Council of Europe and the ETINED Platform when needed.