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Part I

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MONITORING OF THE IMPLEMENTATION OF UNESCO'S STANDARD-SETTING INSTRUMENTS

Part I

Proposed new procedures specifically for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided

SUMMARY

In accordance with 175 EX/Decision 28 (II) of the Executive Board, this document contains a revised version of the proposals contained in paragraph 46 of the Annex to document 175 EX/27 Part II, which relate to the establishment of new procedures specifically for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided. This revised version takes into account the exchanges of views that took place at the two previous meetings of the Committee on Conventions and Recommendations (CR).

Decision proposed: paragraph 7.

1. At the 175th session of the Executive Board, the Committee members continued their debate on this matter, initiated at the 174th session. They examined in particular the proposals contained in paragraph 46 of the Annex to document 175 EX/27 Part II, which sets out proposals relating to the establishment of new procedures specifically for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided.
2. Most of the Committee members were in favour of the major stages defined by the Secretariat regarding the promotion of standard-setting texts and the monitoring of the effective implementation of standard-setting texts. They also made preliminary observations on some of the ten points proposed by the Secretariat in respect of monitoring methods.

3. Following the debate, the Committee considered it necessary to continue, at the 176th session, its examination of the second part of the item on the monitoring of the implementation of UNESCO's standard-setting instruments on the basis of a revised version of paragraph 46 of the Annex to document 175 EX/27 Part II, taking into account the various observations made by members of the Committee at its previous two sessions (paras. 9 to 14 of document 175 EX/19 and 175 EX/Decision 28 (II)).

4. Pursuant to the decision of the Committee, the Secretariat revised the proposals for the establishment of new procedures accordingly, taking into account the comments of the members of the Committee and giving them a legal framework in the form of a multi-stage procedure built on the following main points:

- When adopting conventions and recommendations without any specific institutional monitoring mechanism, the General Conference will request Member States to submit to it a report, in principle every four years, on the action that they have taken in relation to the newly adopted convention or recommendation.
- While transmitting a certified copy of any convention or recommendation to Member States, the Director-General will formally remind them of their obligation to submit the convention or recommendation in question to their competent national authorities. The Secretariat will ensure that the standard-setting texts adopted by the General Conference are widely disseminated to Member States and the public.
- In the preparation of reports, a distinction will be made between conventions and recommendations; reports relating to the first category will be based on guidelines previously approved by the Executive Board. The Secretariat will provide Member States with assistance on request.
- Finally, an analytical summary, in the case of conventions, and a consolidated report, in the case of recommendations, prepared by the Secretariat, will be examined by the Executive Board and then by the General Conference.

5. It should be noted that the stage concerning the establishment of the reports is related to the point concerning the model guidelines that the Committee will also be examining (176 EX/33 Part II) at this session.

6. The Committee is therefore invited to examine in particular the Annex to the present document, which contains the revised version of the proposals, presented in the form of a multi-stage procedure entitled "Specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided".

7. In the light of the foregoing, the Executive Board may wish to adopt a decision along the following lines:

The Executive Board,

1. Recalling 15 C/Resolution 12.2, 23 C/Resolution 29.1, 32 C/Resolution 77 and 165 EX/Decision 6.2, 170 EX/Decision 6.2, 171 EX/Decision 27 and 175 EX/Decision 28 on the first aspect of the terms of reference of the Committee on Conventions and Recommendations (CR) relating to the implementation of UNESCO's standard-setting instruments,
2. Having examined documents 176 EX/33 Parts I and II, and the report of the CR Committee thereon (176 EX/...),

3. Decides to approve the specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided, as set out in the Annex to this decision.

ANNEX

SPECIFIC MULTI-STAGE PROCEDURE FOR THE MONITORING OF THE IMPLEMENTATION OF UNESCO CONVENTIONS AND RECOMMENDATIONS FOR WHICH NO SPECIFIC INSTITUTIONAL MECHANISM IS PROVIDED

Stage 1: Adoption by the General Conference of conventions and recommendations without any specific institutional monitoring mechanism

When adopting any convention or recommendation for which no specific institutional monitoring mechanism is provided, the General Conference shall request Member States to submit to it a report on the action that they have taken in relation to the convention or recommendation thus adopted, in accordance with the provisions of Article IV, paragraph 4, and Article VIII of the Constitution.

The frequency of these reports shall be every four years unless the General Conference, in the case of certain conventions or recommendations, decides otherwise.

Stage 2: Transmission of conventions and recommendations to Member States

Pursuant to the provisions of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4 of the Constitution, while transmitting a certified copy of any convention or recommendation to Member States, the Director-General shall formally remind them of their obligation to submit the convention or recommendation in question to their competent national authorities in accordance with Article IV, paragraph 4, of the Constitution, drawing also their attention to the difference in the legal nature of conventions and recommendations.

The Secretariat will ensure that the standard-setting texts adopted by the General Conference are widely disseminated to Member States and the public.

Stage 3: Establishment of reports for monitoring the effective implementation of conventions and recommendations

(a) Consultations concerning conventions

The Secretariat shall submit to the Executive Board its proposals concerning the modalities of consultation of Member States on measures that they have adopted in relation to the implementation of the conventions and of recommendations on the same subject as the conventions in question. To this effect, it shall prepare draft guidelines for the preparation of reports based on the model guidelines adopted by the Executive Board, to which the Secretariat will add, in view of the wide variety of UNESCO's standard-setting instruments, specific questions addressed to each Member State for its report in the light either of the conclusions of the previous consultation or of the information available.

The Executive Board shall entrust the examination of these proposals to its Committee on Conventions and Recommendations (CR).

After the guidelines have been approved by the Executive Board, the Director-General will invite the Member States to submit their report on the action taken on the convention, within a period of six months. Each Member State must submit such a report pursuant to Article 17, paragraph 1, of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution.

(b) *Collection of information concerning recommendations*

The Secretariat will collect from Member States and National Commissions, and also from the various partners of the Organization such as non-governmental organizations (NGOs), information on the implementation of the recommendation in question, with the exception of recommendations relating to the same subject as the conventions (see above).

This collection of information may be conducted on the basis of simplified questionnaires or using the model guidelines.

(c) *Preparation of reports*

With regard to the conventions, the Member States will, with the cooperation and support of the National Commissions, prepare reports in accordance with the model guidelines. Within the limit of available resources, the guidelines may be made accessible on the Internet to Member States to enable them to draw up and submit their report to the Secretariat by electronic means.

With regard to the recommendations, the Secretariat will prepare a report on their implementation by the Member States, on the basis of the information collected.

(d) *Technical assistance provided by the Secretariat to Member States*

In order to reduce their workload, the Secretariat will provide Member States, at their request or at the request of the General Conference, with technical assistance, which will focus both on a better understanding of the objectives of the convention or recommendation in question and on practical procedures for the preparation of their reports, in particular, the collection of information and the drafting of the reports.

Stage 4: *Consideration by the Executive Board of the reports for monitoring the effective implementation of conventions and recommendations*

The Secretariat will submit to the Executive Board, in summary form, an objective analysis of the reports received from Member States on the measures taken for the implementation of the conventions. When it so desires, the Executive Board may ask the Secretariat to submit to it for consideration all the reports for each country.

With regard to recommendations, the Secretariat will submit its consolidated report on the implementation of these instruments, which it will prepare on the basis of the information collected.

The documents prepared by the Secretariat will be examined by the Executive Board, which will entrust the task to the Committee on Conventions and Recommendations. The debates and work of the Executive Board and the CR Committee arising from their consideration of the reports will take place during public meetings.

The Executive Board will transmit these documents to the General Conference, together with its observations or comments and any that the Director-General may make, following their consideration by the Executive Board.

Stage 5: *Decision of the General Conference concerning the reports for monitoring the effective implementation of conventions and recommendations*

The General Conference shall adopt any decision that it deems necessary with regard to the analytical summaries and consolidated reports on the implementation of the conventions and recommendations.

The Director-General shall regularly inform the General Conference and the Executive Board with respect to the implementation of the decisions adopted by the General Conference.

The Secretariat will assist Member States in implementing all measures considered necessary by the General Conference, after consideration of the reports. In this capacity, it will endeavour, in particular, to hold meetings with government officials concerning any problems encountered by their States in the implementation of the standard-setting instruments, with a view to giving them technical advice on how to implement the conventions and how to draft legislation or develop national practices that will give effect to the principles set out in the recommendations.



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**MONITORING OF THE IMPLEMENTATION OF UNESCO'S
STANDARD-SETTING INSTRUMENTS**

PART II

Model guidelines

SUMMARY

As part of efforts to strengthen the first aspect of the terms of reference of the Committee on Conventions and Recommendations of the Executive Board (CR) relating to the implementation of UNESCO's standard-setting instruments for which no specific institutional mechanism is provided, the Board requested the Committee, in 171 EX/Decision 27, paragraph 5, to improve this aspect of its terms of reference and, more particularly, to formulate guidelines or forms to be sent to Member States for drawing up periodic reports. To that end, the Board requested the Committee to formulate, for the eight standard-setting instruments which are monitored by the Committee, harmonized model guidelines. The present document has been prepared by the Secretariat in conformity with 174 EX/Decision 21, paragraph 6, of the Executive Board, with a view to helping the members of the Committee to pursue the examination of this item, begun at the 174th session of the Board.

Decision proposed: paragraph 16.

Introduction

1. At the 174th session of the Executive Board, the Committee on Conventions and Recommendations began consideration of this matter (see document 174 EX/22 Part III and paragraph 7 of the report 174 EX/44) and in 174 EX/Decision 21, paragraph 6, the Board requested the Director-General:

"to submit to it at its 176th session proposed harmonized model guidelines based on information provided by the Sectors concerned by the eight conventions in question, taking into account the approach of the United Nations with regard to the harmonized guidelines on reporting under the international human rights instruments".

2. In the course of the debates, the Committee members endorsed the approach set out in document 174 EX/22 Part III, which took account of the reform process under way at the time at the United Nations concerning the harmonized guidelines for reporting under international human rights instruments. They were of the view that the Secretariat should continue to work along those lines in drawing up the new guidelines. The Committee thus validated the four sections of the model guidelines contained in paragraph 10 of that document, namely:

- I. General factual information and basic statistics (country profiles providing for each country statistics and indicators on its demographic, economic, social and cultural characteristics and its constitutional, political and legal structure);
- II. Information on the legislative, judicial, administrative and other measures taken by the State at the national level;
- III. Information on the implementation of the convention (with reference to its provisions);
- IV. Obstacles encountered and steps taken to draw the attention of the various authorities in the country to the instrument.

3. The four sections follow the United Nations approach whereby the bodies set up under international human rights treaties harmonize the wide range of rules which they impose with regard to reporting on the one hand and, on the other, each State produces a single report summarizing the way in which it complies with all the treaties to which it is a Party, by including a core document common to all the international instruments and a specific document for each instrument. In that regard, the harmonized guidelines on reporting under international human rights instruments were approved within the United Nations in June 2006 by the fifth Inter-Committee Meeting of the human rights treaty bodies and the eighteenth meeting of chairpersons of the human rights treaty bodies (HRI/MC/2006/3 and Corr.1).

4. The Committee members expressed the wish that the United Nations approach would nevertheless be adapted to the specific features of the Organization and that the model guidelines would also make reference to the challenges of implementing UNESCO's standard-setting instruments in order to draw the attention of the various national authorities to them.

5. In pursuance of paragraph 6 of 174 EX/Decision 21 of the Executive Board, the Committee's secretariat requested the programme sectors, in the light of the experience acquired over the years by the sectors concerned in formulating the guidelines and developing forms to assist Member States in the preparation of periodic reports, to provide the essential elements that would comprise the four sections of the model guidelines in connection only with the conventions for which they are responsible, from among the eight conventions which are now monitored by the Committee, pursuant to 32 C/Resolution 77 of the General Conference extending the terms of reference of the Committee.

I. Current reporting procedures for the eight conventions which are now monitored by the Committee on Conventions and Recommendations

- (i) *Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character, with Protocol of Signature and model form of certificate provided for in Article IV of the Agreement (Beirut, 10 December 1948), referred to as the "Beirut Agreement"*
- (ii) *Agreement on the Importation of Educational, Scientific and Cultural Materials, with Annexes A to E and Protocol annexed (Florence, 17 June 1950), referred to as the "Florence Agreement"*
- (iii) *Protocol to the above-named "Florence Agreement", with Annexes A to H (Nairobi, 26 November 1976), referred to as the "Nairobi Protocol"*

6. According to the Culture Sector, even if UNESCO's action has always aimed at providing information for and encouraging the accession of new Member States, in particular with regard to the Florence Agreement and the Nairobi Protocol, through the production of a guide which has been frequently updated and which is available in English, French and Spanish on the UNESCO website and in Arabic, in a paper version, no periodic report has ever been requested from States with regard to the implementation of these three texts. As a consequence, no experience has been acquired that might be used in the formulation of the guidelines.

- (iv) *Convention concerning the International Exchange of Publications (Paris, 3 December 1958)*
- (v) *Convention concerning the Exchange of Official Publications and Government Documents between States (Paris, 3 December 1958)*

7. According to the Communication and Information Sector, these two conventions have long been inactive. Moreover, their contents seem to have been superseded by the new forms of information exchange and sharing and by publications produced since the emergence of the Internet and digital publishing. According to the Sector, that is why, despite Articles 10 and 11 of the two Conventions, the Contracting States no longer submit to the Organization annual reports on the implementation of the two conventions and UNESCO no longer publishes studies on their implementation.

- (vi) *Convention against Discrimination in Education (Paris, 14 December 1960)*

8. At its 171st session, the Board approved (171 EX/Decision 28) the guidelines prepared for the seventh consultation of Member States (see Annex I) so that they could submit their reports on the implementation of the Convention, and the Recommendation on the same subject. According to the Education Sector, the next analytical report summarizing the reports from States will be submitted to the Executive Board in October 2007.

- (vii) *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Paris, 14 November 1970)*

9. In 32 C/Resolution 38, the General Conference, setting the periodicity for reporting at four-year intervals, requested the Secretariat to facilitate the work of States Parties in preparing their reports by providing them with a questionnaire and appropriate categories of information and measures to be included in their reports and emphasized that such reports should be as detailed as possible to enable an accurate understanding and evaluation of the implementation of the 1970 Convention. The questionnaire drawn up by the Culture Sector in pursuance of that resolution is contained in Annex II(a). The Secretariat has sent a different questionnaire (Annex II(b)) to States non-Parties to the Convention.

(viii) *Convention on Technical and Vocational Education (Paris, 10 November 1989)*

10. According to the Education Sector, the Convention, which entered into force on 29 August 1991 and which now has 15 States Parties, has not yet been the subject of a consultation.

II. Proposed guidelines

11. In the light of the foregoing, it emerges that unlike the United Nations texts for which the harmonized directives were established, these eight conventions do not all cover the same domain, in this case human rights, or the same rights, but concern fields as different as culture, education and communication. Furthermore, the specific nature of some of these conventions such as the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970, which has a special place among UNESCO's conventions, should be noted. It should also be noted that of the eight conventions which are now monitored by the Committee on Conventions and Recommendations, five of them are no longer, or are not, subject to a monitoring procedure, either because of their obsolescence or because of their inactive status since the emergence of the Internet and digital publishing. In the case of the three remaining conventions, which relate to the field of education and culture, guidelines or questionnaires already exist for two of them (see Annexes I and II (a) and II (b)), and those concerning the 1960 Convention against Discrimination in Education were adopted by the Executive Board in 2005. In respect of the 1970 Convention and the Convention on Technical and Vocational Education, the Culture and Education Sectors have prepared, respectively, a preliminary draft framework guidelines (Annex II (c)) and a preliminary draft questionnaire (Annex III).

12. In view of these observations, consideration might then be given to the formulation of a more flexible framework guidelines to provide States with information on the main lines to be followed in preparing reports to be submitted in fulfilment of their obligation to report on implementation of the instruments to which they are Party.

13. Framework guidelines, which might take the following form, are thus being proposed to the Committee:

I. **General factual information and basic statistics (country profiles providing, for each country, statistics and indicators on its demographic, economic, social and cultural characteristics and its constitutional, political and legal structure)**

In this section, States may provide basic information about their country's characteristics.

II. **Information on the legislative, judicial, administrative and other measures taken by the State at the national level**

- (a) Each State should provide information on its status in respect of UNESCO's conventions by indicating whether it plans to accede to the instruments to which it is not yet Party or which it has signed but not yet ratified.¹
- (b) States should describe the specific legal framework governing the protection on their territory of the rights guaranteed by the UNESCO convention. They should indicate, *inter alia*, whether the rights set forth in the convention are protected by the Constitution, by a basic legislative text or by any other national provision and whether the UNESCO convention has been incorporated into national legislation and should make reference to the legal, administrative or other authorities competent in relation to the rights guaranteed by the convention and the scope of such competence.

¹ In the case of the conventions on education, States Parties may wish to include information on their endorsement of other international human rights standards, in particular when such information is directly related to States' implementation of the provisions of UNESCO's conventions. States could indicate if they are Parties to regional human rights instruments.

III. Information on the implementation of the convention (with reference to its provisions)

This part of the report will provide States with the opportunity to concentrate on more specific questions pertaining to the implementation of the instrument concerned. It should contain the information requested by the Committee on Conventions and Recommendations in its most recent guidelines for the preparation of reports and should set out the specific measures taken to respond to any concerns expressed by the Committee in its observations made at the conclusion of the examination of the State Party's previous report.

(a) Convention against Discrimination in Education

States should provide detailed information on:

- (i) the means employed to proscribe discrimination in education for the reasons set out in the Convention and the Recommendation on the same subject and to ensure equality of treatment in education;
- (ii) the measures taken to ensure gender parity in education and to implement the strategies and programmes with a view to achieving in the country the full exercise for all of the right to education without discrimination or exclusion, ensuring equality of educational opportunities, and achieving the goal of Education for All (EFA);
- (iii) progress made with respect to ensuring universal access to primary and secondary education, including technical and vocational education, and the means employed to protect the right of national minorities to carry out their own educational activities.

(b) Convention on Technical and Vocational Education

States should provide detailed information on:

- (i) the measures taken to define strategies and implement programmes and curricula for technical and vocational education designed for young people and adults, within the framework of their respective education systems;
- (ii) the measures taken to review periodically the structure of technical and vocational education, study programmes, plans, training methods and materials, as well as the forms of cooperation between the school system and the world of work, and the measures taken to give persons teaching in the field of technical and vocational education the opportunity to update their knowledge;
- (iii) the measures taken to facilitate international cooperation and to participate actively in international exchanges dealing with study and teacher-training programmes, methods, equipment standards and textbooks in the field of technical and vocational education.

(c) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

States should provide detailed information on the measures taken to:

- (i) prevent the illicit transfer of ownership, such as setting up one or more national services for the protection of the cultural heritage, and establishing and updating a national inventory of protected cultural property whose export would constitute an appreciable impoverishment of the national cultural heritage;
- (ii) prevent illicit excavations, such as supervising archaeological excavations, ensuring the preservation "in situ" of certain cultural property, and protecting certain areas reserved for future archaeological research;
- (iii) control the export of cultural property, such as introducing an appropriate certificate by which the exporting State would specify that the export of the cultural property in question is authorized.

IV. Obstacles encountered and steps taken to draw the attention of the various authorities in the country to the instrument

- (a) The report should contain an assessment of the positive results as well as the shortcomings. It should highlight the difficulties encountered in implementing the substantive provisions of the Convention and the legal and practical obstacles encountered by States in implementing the Convention.
- (b) States should describe briefly the main issues that need to be resolved in order to promote the implementation of the substantive provisions of the Convention in the country, what measures have been taken to launch an awareness-raising campaign to promote ratification.
- (c) States should describe the measures taken to raise awareness of the basic principles of the Convention, including their translation into national and, where necessary, local languages, and their national or local dissemination. States should specify the activities undertaken or supported by the National Commission with a view to promoting the Convention and fostering debate on critical issues, in relation to the rights enshrined in the Convention.

Conclusion

14. The framework guidelines are among the components of the “Specific multi-stage procedure” proposed in the item regarding “Proposed new procedures specifically for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided” that will also be examined by the Committee (176 EX/33 Part I) at this session.

15. If the Committee considers that the framework guidelines should be submitted to the Board for adoption, it will then be dealt with as follows:

- the Secretariat will use the framework guidelines to draw up draft guidelines for the preparation of reports that will be submitted to the CR to be examined and then adopted by the Executive Board before the Director-General invites Member States, by circular letter, to submit, within a period of six months, their report on action taken on the Convention;
- Member States will, with the cooperation and support of the National Commissions, prepare the reports in accordance with these guidelines. Within the limit of available resources, the guidelines may be posted on the Internet to enable Member States to draw up and submit their report to the Secretariat by electronic means. In that regard, the electronic processing of the questionnaire concerning the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property seems particularly appropriate.

16. In the light of the above, the Executive Board may wish to adopt a decision along the following lines:

The Executive Board,

1. Recalling 15 C/Resolution 12.2, 23 C/Resolution 29.1, 32 C/Resolution 77, 165 EX/Decision 6.2, 170 EX/Decision 6.2, 171 EX/Decision 27, 174 EX/Decision 21 and 175 EX/Decision 28 on the first aspect of the terms of reference of the Committee on Conventions and Recommendations (CR) relating to the implementation of UNESCO's standard-setting instruments,
2. Having examined documents 176 EX/33 Parts I and II and the report of the CR Committee thereon (176 EX/...),
3. Decides to approve the framework guidelines as set out in document 176 EX/33 Part II, paragraph 13.

ANNEX I

GUIDELINES FOR THE PREPARATION OF REPORTS ON THE IMPLEMENTATION OF THE CONVENTION AGAINST DISCRIMINATION IN EDUCATION (1960)

I. Preliminary remarks

1. These Guidelines are intended to assist Member States in the preparation of the reports on the implementation of the Convention against Discrimination in Education as well as the Recommendation against Discrimination in Education. Adopted by UNESCO's General Conference in 1960, the Convention¹ and the Recommendation correspond to UNESCO's constitutional mandate to "advance the ideal of equality of educational opportunities without regard to race, sex or any distinctions, economic or social". The Recommendation sought to take into account the difficulties that certain States might experience, for various reasons and in particular on account of their federal structure, in ratifying the Convention. Barring differences in wording and in legal scope inherent to the nature of these two categories of instrument, the content of the Recommendation is identical to that of the Convention. Articles 1 to 7 of the Convention and the Recommendation are identical in wording and contain similar provisions. Like UNESCO's Constitution, the Convention and the Recommendation prohibit discrimination in education "based on race, colour, sex, language, religion, political or other opinion, national or social origins, economic condition or birth".

II. Reporting obligations

2. Article 7 of the Convention against Discrimination in Education provides that "The States Parties to this Convention shall in their periodic reports submitted to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, including that taken for the formulation and the development of the national policy defined in Article 4 as well as the results achieved and the obstacles encountered in the application of that policy". Article VII of the Recommendation against Discrimination in Education carries similar provisions.²

3. The reporting period for the seventh consultation on the implementation of the Convention and the Recommendation against Discrimination in Education covers six years (2000-2005).

4. Member States are expected to bear in mind the difference in the legal nature of the obligations under the Convention, as distinguished from those under the Recommendation. The Convention has binding force, and the States Parties to it must incorporate its provisions into the national Constitution or domestic law. The Recommendation, non-binding in nature, has political and moral force. It seeks to take into account the difficulties that certain States might experience, for various reasons and in particular on account of their federal structure, in ratifying the Convention. Member States are expected to give effect to it in national legislation and education policies. However, it is noteworthy that the reporting obligation under the provisions of Article 7 of the Convention and of the Recommendation are identical.

5. In case your country is a State Party to the Convention against Discrimination in Education, please describe (i) whether the Convention is directly applicable in domestic law on ratification, or has been incorporated into the national Constitution or domestic law so as to be directly applicable, whether the provisions of the Convention are guaranteed in the Constitution or other laws; and (ii) whether its provisions can be invoked before and given effect to by courts, tribunals and

¹ The Convention, which came into force on 22 May 1962, has been ratified by 91 States.

² Article VIII of UNESCO's Constitution states that "Each Member State shall submit to the Organization, at such times and in such manner as shall be determined by the General Conference, reports on the laws, regulations and statistics relating to its educational, scientific and cultural institutions and activities, and on the action taken upon the recommendations and conventions referred to in Article IV, paragraph 4".

administrative authorities. Information should be given about the judicial, administrative and other competent authorities having jurisdiction with respect to the implementation of the provisions of the Convention. Please illustrate on the basis of available case law and jurisprudence. The practical availability, effect and implementation of remedies for violation of provisions of the Convention should be explained and exemplified. The report should contain sufficient quotations from or summaries of the relevant principal constitutional, legislative and other texts, which guarantee and provide remedies in relation to Convention rights.

6. In case your country has not adhered to the Convention so far, you may like to indicate in the report whether your country is envisaging to do so.

7. Even if your country is not a State Party to the Convention, given political commitment to and moral force of the Recommendation against Discrimination in Education and the Reporting Obligations under the Recommendation, mentioned above, please describe whether legislative measures have been taken pursuant to the Recommendation and the ways in which national education policy and programmes correspond to its provisions. Information supplied by Member States should demonstrate how laws and practices comply with commitments under the Recommendation, describing legal norms as well as the factual situation.

III. General indications

8. The report should describe the constitutional, legal and administrative framework established for the implementation of the Convention. It should clearly demonstrate the extent to which the national laws/education policy corresponds to the provisions in the Recommendation.

9. The Report should cover educational laws and legislative texts adopted by Member States to prohibit discrimination in education as rooted in the historical, cultural, economic and political conditions specific to them and to promote equal educational opportunities.³

10. Information supplied by Member States should demonstrate as to how laws and practices comply with the Convention rights, describing legal norms as well as the factual situation. The reports should include information indicating how those legal instruments are reflected in the actual economic, political and social realities and general conditions existing in the country.

11. Pursuant to discussions leading to 165 EX/Decision 6.2, mentioned above, the report is expected to indicate how the measures taken towards the implementation of the Convention/Recommendation contribute to EFA as UNESCO's priority. As regards the implementation of the Convention, UNESCO's Medium-Term Strategy (2002-2007) provides that "education becomes truly inclusive, in particular by effectively reaching the unreached – especially the poor, women and girls, rural populations, minorities, refugees and countries or populations victims of disasters and people with special needs".⁴ Accordingly, the report should provide a description of policy measures and educational programmes implemented to that end, as well as difficulties encountered. It should demonstrate how vulnerable and disadvantaged groups are being enabled to have access to basic education. For instance, to what extent young girls, children of low-income groups, of immigrants and of migrant workers, children belonging to linguistic, racial, religious or other minorities, and children of indigenous people are enabled to enjoy the right to

³ "Recognition of the principles of equality and non-discrimination, which is a central premise of the human rights approach, helps to highlight the fact that a great deal of poverty originates from discriminatory practices – both overt and covert – at the international, national and local levels. This recognition calls for the reorientation of poverty reduction strategies from a tendency to focus on narrow economic issues towards a broader strategy that also addresses sociocultural and political-legal institutions that sustain the structures of discrimination". Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies, elaborated by the Office of the High Commissioner for Human Rights (September 2002).

⁴ UNESCO's Medium-Term Strategy 2002-2007 (31 C/4, para. 62), UNESCO, Paris.

education as part of the EFA process. It is suggested that information may be supplied in the form of a Table on all these categories, as shown in Appendix 1.

12. In order to eliminate discrimination and reduce disparities in education, the report should show what affirmative action and positive measures are being taken by the government for enabling, *inter alia*, children who are victims of social exclusion and poverty to have access to education. Please describe the effect of such measures.

13. It will be appreciated if information concerning the adoption and implementation of legislation, policy measures and education programmes which correspond to the rights enshrined in the Convention and the Recommendation is supplied in the form of a table, as suggested in Appendix 1, table I. However, please note that this is only indicative.

14. Furthermore, Member States should make an effort, as far as possible, to provide all data concerning educational opportunities, disaggregated on the grounds of discrimination prohibited by the Convention and the Recommendation. The Convention and the Recommendation prohibit discrimination in education "based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth". Please provide, as much as possible and as appropriate, figures and statistics concerning the current situation of educational opportunities in your country - primary education, secondary education in different forms, higher education, and adult and/or continuing education. The indicators found in the Statistical Annex of the Global EFA Monitoring Report 2005 may serve as a reference in providing this information for different levels of education. It will be appreciated if data is supplied in the form of a table, as suggested in Appendix 1, table II. Again, please note that this is only indicative.

15. If your country is a State Party to the International Covenant on Economic, Social and Cultural Rights, you may attach information already provided to CESCR (covering the reporting period 2000-2005) with respect to the implementation of the right to education (Articles 13 and 14 of the International Covenant) or refer to the relevant parts of those reports, rather than repeat the information here. Similarly, you may refer to the relevant information (covering the reporting period 2000-2005) already provided to the treaty monitoring bodies, namely to the Committee on the Elimination of Racial Discrimination, to the Committee on the Elimination of Discrimination against Women, or to the Committee on the Rights of the Child, rather than repeat the information here.

16. In case the information supplied in the national EFA action plan is relevant, you may like to reproduce or refer to it with precise indications as to its retrieval. Similarly, you may like to reproduce or refer to the relevant information and data in case these have been already supplied to the UNESCO Institute for Statistics.

IV. Main elements for reporting on provisions in different articles

Article 1

17. Member States are requested to furnish detailed information explaining how discrimination in education based on grounds specified in the Convention/Recommendation is outlawed, bearing in mind in particular requirements specified in paragraphs (a), (b), (c) and (d) of this Article, and how equality of treatment in education is ensured. The importance of the provisions of this Article and of the Convention in general should be appreciated in light of the recent resolutions adopted by the Commission on Human Rights (resolution 2002/23, resolution 2003/19 as well as resolution 2004/25) on the right to education, which mention all the grounds of discrimination prohibited by the Convention and urge all States: "to give full effect to the right to education and to guarantee that this right is recognized and exercised without discrimination of any kind".

Article 2

18. Please describe measures taken (a) for ensuring gender parity in education, (b) relating to the parental choice and establishment or maintenance, for religious or linguistic purposes, of separate education systems or establishments, and (c) concerning the regulatory framework for private educational institutions in order to ensure equality of educational opportunities and treatment. It will be appreciated if information is supplied in the form of a table on all these categories (a), (b) and (c).

Article 3

19. Please explain the legal and administrative measures adopted to give effect to the provisions of this Article, including non-discrimination in the admission of pupils to educational institutions, and non-differential treatment, assistance granted by public educational authorities to educational institutions, and treatment of foreign nationals resident in your country.

20. What action is your government taking or contemplating in order to introduce or guarantee equal access to all levels of education within your country, for instance in the form of anti-discriminatory measures, financial incentives, fellowships, positive or affirmative action? Please describe the effects of such measures.

Article 4

21. Please indicate how education laws and policy have been developed and strategies and programmes are being implemented with a view to achieving in your country the full realization of the right of everyone to education without discrimination or exclusion, and ensuring equality of educational opportunities, and to achieving Education for All. What are the actions planned in your country to give especial consideration to gender equity and equality in education and the educational needs of the poor, economically and socially marginalized and vulnerable groups? What difficulties have you encountered in the realization of the right to education, as spelled out in paragraph 1? What time-related goals and benchmarks has your government set in this respect?

22. Please furnish detailed information on the progress with respect to ensuring universal access to primary education. Is primary education in your country available free of charge to all? If so, what laws and policies ensure the universal free availability of primary education? If not, how does your government intend to ensure free primary education? What strategies and programmes are implemented and planned to ensure that "by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete, free and compulsory primary education of good quality"?⁵ What difficulties has your government encountered in the realization of universal access to free primary education? If compulsory and free primary education in your country is not currently enjoyed, please provide details for its implementation, in line with the Education for All objective.

23. What efforts has your government made to establish a system of continuing education on the basis of individual capacity, especially basic education for those persons who have not received or completed the whole period of their primary education? What are the measures and actions being implemented and planned to ensure equitable access to basic and continuing education so that the basic learning needs of all young people and adults are met through elimination of illiteracy and equitable access to appropriate learning and life-skills programmes? What time-related goals and benchmarks has your government set in this respect?

24. Is secondary education, including technical and vocational secondary education, generally available and accessible to all in your country? To what extent is such secondary education free of

⁵ Dakar Framework for Action, adopted by the World Education Forum, Dakar 2000.

charge? Please furnish quantitative and descriptive information on the progress realized and the difficulties encountered. What time-related goals and benchmarks has your government set in this respect?

25. What are the measures and actions being implemented and planned to eliminate "gender disparities in primary and secondary education, and achieving gender equality in education, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality"?

26. To what extent is access to higher education based upon individual capacity realized in your country? What efforts has your government made to ensure that there is no discrimination on the grounds prohibited by the Convention to enter and complete higher education, both in public and private institutions? What are the financial costs for students to receive education in such institutions? Please furnish quantitative and descriptive information on the progress realized.

27. Have there been/are there instances of discrimination as regards the training for the teaching profession in your country? Please describe the conditions of teaching staff at all levels in your country. How do teachers' salaries compare to salaries of (other) civil servants? How has this ratio developed over time? What measures does your country take or contemplate to improve the living and professional conditions of teaching staff?

Article 5

28. Please report on national efforts for directing education towards the objectives mentioned in Article 5, paragraph 1(a) of the Convention/Recommendation.

29. Please describe the education policy framework for minimum educational standards as regards the rights of the parents/legal guardian for providing religious and moral education for their children and the choice of educational institutions in accordance with the provisions of Article 5, paragraph 1(b) of the Convention/Recommendation.

30. How are the rights of national minorities protected for carrying out their own educational activities in accordance with Article 5, paragraph 1(c) of the Convention/Recommendation? Please describe the legal and policy frameworks relating to the educational standards in educational institutions run by minorities, as provided for in this Article. Information should cover the language facilities, such as the availability of teaching in the mother tongue of the students, use of teaching of languages in education policy, etc.

Article 7

31. Please highlight (i) the results achieved, and (ii) obstacles in the process of the implementation of the Convention/Recommendation. The report should present an assessment of the positive results as well as shortcomings. It should highlight difficulties that have been encountered in eliminating discrimination and reducing disparities in education, especially in the context of the EFA process. If you so wish, you could present such an assessment using an existing analytical tool or template, such as SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis.

32. What are the main issues that need to be addressed for promoting equality of educational opportunities in your country? Please provide a brief description.

V. Awareness-raising

33. In its 170 EX/Decision 6.3 taken at the 170th session, the Executive Board has expressed its concern as regards the low level of ratification of the Convention and underlined the need for awareness-raising and a ratification campaign.. Given the importance of normative action at the

national level, the Convention must be given wide dissemination, with the support of National Commissions.

34. Please describe the steps taken towards creating greater awareness about the fundamental principles of non-discrimination and of equality of educational opportunities enshrined in the Convention and in the Recommendation, including their translation into national and possibly local languages and their dissemination at national/local levels. Please specify activities developed/supported by the National Commission for promoting non-discrimination and equality of educational opportunities and for raising debate on critical issues, recognizing these principles as important aspects of the right to education.

APPENDIX 1

Table I: Measures taken for implementation of the Convention and Recommendation against Discrimination in Education

	Non-discrimination in education (considering the provisions in Article 1 of the Convention and the Recommendation)								Equality of educational opportunity	Protection of national minority rights	Positive measures for the elimination of discrimination	Making primary education available free of charge	Parental choice of education systems or institutions	Regulatory framework for private educational institutions
	Race	Colour	Sex	Language	Religion	Political or other opinion	National or social origin	Economic condition or birth						
Pertinent legislation														
Pertinent policies														
Relevant programmes and projects														

ANNEX II (a)

Questionnaire for the preparation of National Reports of States Parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)

JANUARY 2007

Please answer the following questions:

(a) Please give a short **general overview** of the situation of cultural property in your country and, if possible, provide an estimate regarding the scope of the illicit export or import of such property.

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(b) Please describe the measures taken in your country to prevent the **illicit transfer of ownership** of cultural property, such as the setting up of one or more national services for the protection of cultural heritage (Art. 5 of the 1970 Convention), and the establishing and keeping up to date of a national inventory of protected cultural property whose export would constitute a considerable impoverishment of the national cultural heritage (Art. 5 (b) of the 1970 Convention):

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(c) Please describe the measures taken in your country to prevent **illicit excavations**, such as supervising archaeological excavations, ensuring the preservation '*in situ*' of certain cultural property, or protecting certain areas reserved for future archaeological research (Art. 5 (d) of the 1970 Convention):

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(d) Please describe the measures taken in your country to control the **export of cultural property**, such as introducing an appropriate certificate in which the exporting State would specify that the export of the cultural property in question is authorized (Art. 6 (a) of the 1970 Convention):

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(e) Please describe the measures taken in your country to control the **acquisition of cultural property**, such as preventing museums and similar institutions from acquiring cultural property originating in another State Party which has been illegally exported after entry into force of the Convention for the States concerned (Art. 7 (a) of the 1970 Convention):

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(f) Please describe the measures taken in your country to control the **import of cultural property**, such as prohibiting the import of inventoried cultural property stolen from a museum or a religious or secular public monument or similar institution in another State Party to the Convention, that was illicitly exported after the entry into force of the Convention for the States concerned (Art. 7(b)(i) of the 1970 Convention) and more generally, arrangements eventually made for an import ban on cultural property illegally exported from its country of origin:

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(g) Please describe the **educational means** used in your country to raise public awareness of the importance of the Convention, stress its values and goals, and ensure its promotion as a tool to protect cultural heritage (Art. 10 of the 1970 Convention):

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(h) Please try to **assess the adequacy and effectiveness** of the measures undertaken in your country to implement the 1970 Convention, identify areas of weakness and describe the appropriate adjustments or improvements to be made:

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(i) Please describe any other measures related to the 1970 Convention and make any **additional comment** you may wish to make:

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ANNEX II (b)

Questionnaire for the preparation of reports of States not parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)

January 2007

Please answer the following questions:

(a) Please give a short **general overview** of the situation of cultural property in your country and, if possible, provide an estimate regarding the scope of the illicit ex- or import of such property:

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(b) With regard to the **ratification process** of the 1970 Convention, does your country appear to be:

- (i) close to ratification;
- (ii) actively preparing for ratification;
- (iii) not considering ratification at present;
- (iv) not even considering ratification in the mid and/or long term.

What are the principal reasons?

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(c) In case of identified **obstacles or difficulties** for the ratification process, please describe and characterize them in their primarily legal and/or political and/or practical nature; and explain if and how the ratification process could be facilitated:

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(d) Any **additional comment** you may wish to make concerning the **ratification process** of the 1970 Convention:

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(e) Do you think that UNESCO could be of any **assistance**? (Please be advised that budgetary constraints may not currently allow assistance involving additional costs):

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(f) Which **authorities, committees or institutions** are in charge of the protection of cultural property/cultural heritage in your country?:

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(g) Please describe the measures taken in your country to prevent the **illicit transfer of ownership** of cultural property, such as the setting up of one or more national services for the protection of cultural heritage, and the establishing and keeping up to date of a national inventory of protected cultural property whose export would constitute a considerable impoverishment of the national cultural heritage:

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(h) Please describe the measures taken in your country to prevent **illicit excavations**, such as supervising archaeological excavations, ensuring the preservation '*in situ*' of certain cultural property, or protecting certain areas reserved for future archaeological research:

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(i) Please describe the measures taken in your country to control the **export of cultural property**, such as introducing an appropriate certificate in which the exporting State would specify that the export of the cultural property in question is authorized:

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(j) Please describe the measures taken in your country to control the **acquisition of cultural property**, such as preventing museums and similar institutions from acquiring cultural property originating in and illegally exported from another State:

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(k) Please describe the measures taken in your country to control the **import of cultural property**, such as prohibiting the import of inventoried cultural property stolen from a museum or a religious or secular public monument or similar institution in another State, that was illicitly exported and more generally, arrangements eventually made for an import ban on cultural property illegally exported from its country of origin:

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(l) Please describe the **educational means** used in your country to raise public awareness of the importance of cultural property, stress its values and ensure its protection:

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(m) Please describe any other measures related to the protection of cultural property and make any **additional comment** you may wish to make:

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ANNEX II (c)

Framework guidelines proposed by the Culture Sector

I. General factual information

- The overall situation in the country concerned with regard to illicit trafficking in cultural property and action to combat such trafficking.

II. Information on the legislative measures

- Measures concerning:
 - controls over the export of cultural property, such as introducing an appropriate certificate in which the exporting State would specify that it has authorized the export of the cultural property in question (Article 6(a));
 - controls over the acquisition of cultural property, in particular measures taken to prevent museums and similar institutions from acquiring cultural property originating in another State Party to the Convention which has been illegally exported after entry into force of the Convention (Article 7(a));
 - controls over the import of cultural property, such as prohibiting the import of inventoried cultural property stolen from a museum or a religious or secular public monument or similar institution in another State Party to the Convention and illicitly exported after the entry into force of the Convention (Article 7(b)(i)); and more generally, any arrangements made for an import ban on cultural property illegally exported from its country of origin.

III. Information on the implementation of the Convention

- Measures concerning:
 - action to combat the illicit transfer of ownership, in particular the establishment of one or more national services for the protection of the cultural heritage (Article 5), and the establishment and updating of date of a national inventory of protected cultural property whose export would constitute an appreciable impoverishment of the national cultural heritage (Article 5(b));
 - action to combat illicit excavations, in particular the introduction of controls over archaeological excavations and measures taken to ensure the preservation "in situ" of some cultural property and the protection of some areas reserved for future archaeological research (Article 5(d)).

IV. Obstacles encountered and awareness-raising measures

- Legal and practical obstacles encountered by States in implementing the 1970 Convention and in combating illicit trafficking in cultural property.
- Educational steps taken to raise public awareness of the importance of the Convention, stress its values and goals, and ensure its promotion as a tool to protect cultural heritage (Article 10).

ANNEX III

**Convention on Technical and Vocational Education (1989)
Preliminary Draft Guidelines proposed by the Education Sector
Elements with respect to substantive provisions of the Convention:
Convention-specific aspects**

2.1 Does your State frame policies, define strategies and implement technical and vocational education (TVE) programmes and curricula designed for young people and adults in accordance with their needs?

2.2 Is the general framework for the development of TVE determined by appropriate legislation or other measures, including (a) the objectives to be attained, (b) the relationship between TVE and other types of education, (c) administrative structures and (d) the roles of the public authorities responsible for economic, social and development planning?

2.3 Does your State guarantee that no individual having attained the educational level for admission into TVE is discriminated against? Does it work towards the right to equal access to TVE and towards equality of opportunity to study throughout the educational process?

2.4 Does your State pay attention to the special needs of the handicapped and other disadvantaged and take appropriate measures to enable these groups to benefit from TVE?

3.1 Does your State provide and develop TVE programmes that take account of (a) the educational, cultural and social background of the population concerned and its vocational aspirations, (b) the technical and professional skills, knowledge and levels of qualification needed in the various sectors of the economy, and the technological and structural changes to be expected, (c) employment opportunities and development prospects and the national, regional and local levels, (d) protection of the environment and the common heritage of humanity, and (e) occupational health, safety and welfare?

3.2 Is TVE designed to operate within a framework of open-ended and flexible structures in the context of lifelong education and provide (a) an introduction to technology and to the world of work for all young people within the context of general education, (b) guidance and counselling, (c) development of an education designed for developing knowledge and know-how for a skilled occupation, (d) a basis for training and education essential for occupational mobility, improvement of professional qualifications and updating of knowledge, skills and understanding, (e) complementary general education for those receiving initial TVE in on-the-job or other training, and (f) continuing education and training courses for adults?

3.3 Do TVE programmes in your State meet the technical requirements of the occupational sectors concerned and provide general education necessary for the development of the individual as well as concepts relevant to the occupation concerned?

3.4 Does your State tender support and advice to TVE undertakings in non-formal settings?

3.5 Is the competence required defined as clearly as possible at each occupational level and curricula continuously updated to incorporate new knowledge and technical processes?

3.6 Does your State take both the theoretical and practical aspects of the technical field into account in assessing the ability to carry out occupational activities and determining appropriate awards?

4. Does your State periodically review the structure of TVE, study programmes, plans, training methods and materials, as well as forms of cooperation between the school system and the world of work, so as to ensure that they are constantly adapted to scientific and technological progress, to cultural progress, to changing employment needs in the various sectors of the economy, and to advance in educational research and innovation?

5.1 Does your State ensure that TVE teachers have adequate theoretical and practical knowledge in their professional fields of competence as well as appropriate teaching skills consistent with the type and level of courses they are required to teach?

5.2 Are persons teaching in TVE given the opportunity to update their technical knowledge and skills in your State? Are they provided with information on and training in educational innovations with applications in their particular discipline and given the opportunity to participate in relevant research and development?

5.3 Are equal opportunities offered without discrimination? Are the employment conditions of teachers and other specialized staff such that it is possible to attract, recruit and retain qualified staff?

6. Does your State facilitate international cooperation through (a) the collection and dissemination of information concerning innovations, ideas and experience in TVE and participation in international exchange, (b) use of international technical standards, (c) recognition of equivalencies of qualifications, (d) encouraging international exchanges of TVE staff, (e) giving foreign students the opportunity to receive TVE in your State's institutions, (f) promoting cooperation between countries at different levels of economic development, and (g) mobilizing resources for this purpose?