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RESULTS OF THE SEVENTH CONSULTATION OF MEMBER STATES ON THE IMPLEMENTATION OF THE CONVENTION AND RECOMMENDATION AGAINST DISCRIMINATION IN EDUCATION (1960)

SUMMARY

Pursuant to 26 C/Resolution 1.18, 30 C/Resolution 15 and 171 EX/Decision 28, the Director-General submits this document to the Executive Board for examination. The document presents the results of the seventh consultation of Member States on the implementation of the Convention and Recommendation against Discrimination in Education (1960), covering the period 2000-2005, and has been prepared on the basis of the information contained in the reports from Member States received by UNESCO's Secretariat within the framework of the seventh consultation.

The analysis made in the document on the state of the implementation of the Convention and Recommendation focuses on: (i) elimination of discrimination in education; (ii) promotion of equality of educational opportunities; and (iii) ensuring universal access to education of good quality. Finally, the document highlights the continuing challenges as regards the application of the Convention and Recommendation against Discrimination in Education.

As requested in 171 EX/Decision 28, the Director-General also reports in this document on actions foreseen regarding the organization, on the sidelines of the 34th session of the General Conference, of a meeting of the States Parties to the Convention against Discrimination in Education as well as other Member States.

Decision proposed: paragraph 56.

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Annex II: Circular letter CL/3805
[including CL/3770 – along with the Guidelines for the preparation
of reports on the implementation of the Convention and the Recommendation
against Discrimination in Education (1960), approved by the Executive Board
in April 2005 (171 EX/Decision 28) – and CL/3793]

I. Background and global framework of State reports

1. The Convention against Discrimination in Education expresses the fundamental principles of non-discrimination and equality of educational opportunities, enshrined in UNESCO's Constitution. It provides a normative basis for universal access to education of good quality, and contains provisions on freedom in education, the objectives of education and rights of national minorities, also covering other dimensions of the right to education. The Convention has been recognized by UNESCO's Executive Board (171 EX/Decision 28) as a key pillar of Education for All (EFA). The Recommendation against Discrimination in Education, adopted at the same time as the Convention, carries similar provisions.

2. In line with Article VIII of UNESCO's Constitution and 26 C/Resolution 1.18 concerning the statutory obligation of Member States to report on action taken on conventions and recommendations, UNESCO has been conducting periodic consultations of Member States on the implementation of the Convention and Recommendation against Discrimination in Education. The seventh consultation was conducted pursuant to 30 C/Resolution 15 and 171 EX/Decision 28. For this purpose, the Director-General addressed in September 2005 a letter to Member States (CL/3770), requesting them to submit to UNESCO by 1 September 2006 reports on the measures taken for the implementation of the Convention and Recommendation against Discrimination in Education, during 2000-2005. Along with this letter, he communicated to them the Guidelines approved by the Executive Board (171 EX/Decision 28) for the preparation of the reports. The Director-General subsequently reminded Member States by another letter addressed in May 2006 (CL/3793) to submit the reports as requested. Finally, by a letter addressed in February 2007, he requested those Member States that had not submitted a report to do so before 1 April 2007 (CL/3805) (Annex II).

3. As of 31 July 2007, the UNESCO Secretariat had received reports from 51 Member States – 36 submitted by the States Parties to the Convention and 15 pertaining to the Recommendation, submitted by other Member States. Annex I is the list of Member States reporting within the seventh consultation.

4. The reports vary in regard to the volume of information provided and the way in which it is presented. Some reports broadly follow the layout of the Guidelines and order of the articles of the Convention and Recommendation. Others, in particular those from developing countries, present the information broadly by level of education, with emphasis on basic education and the challenges of achieving EFA. Still other reports have their own distinctive presentations. The report from Brazil, for example, focuses on the challenge of eliminating racial discrimination in education. The report from South Africa has a similar approach, with a focus on the racial integration strategy. France adopts a synthetic approach, drawing a broad distinction between measures tending mainly to proscribe different forms of discrimination in education and those tending to promote equality of educational opportunity. Although this distinction is not always clear-cut in individual cases, since many measures span both categories, it broadly reflects the difference of emphasis between Articles 3 and 4 of the Convention and Recommendation.

5. Although the reporting period for the seventh consultation covers the period 2000-2005, several States also provide information on more recent (2006) measures that reinforce the implementation of one or more of the provisions of the Convention and Recommendation. While the majority of reports include some statistical data, few have comprehensive statistical tables on educational opportunities as suggested in the Guidelines. Moreover a minority include a table synthesizing information on the adoption and implementation of legislation, policy measures and education programmes corresponding to the rights enshrined in the Convention and Recommendation, as suggested by the Guidelines.

II. General indications: application of the Convention against Discrimination in Education and domestic legal order

6. Member States were requested to outline at the outset in the reports the general framework established for the implementation of the Convention against Discrimination in Education and its application in domestic legal order. The constitutional and legal frameworks are clearly mentioned – and even developed – by almost all reporting Member States. Bahrain, for instance, reported that its Constitution provides for equal opportunities among all citizens in all fields, including education “as one of the pillars of the society which the state guarantees”. The report from Portugal states at the outset that the provisions of the Convention “continue to be a matter of importance to humankind”.

7. All reports recall the relevant provisions of national Constitutions and/or legislation outlawing discrimination in education. Some States Parties to the Convention (for example Croatia, Denmark, Jamaica, Slovenia and Spain) have provided indications on their domestic legal order by describing whether the Convention is directly applicable in their domestic law on ratification, or has been incorporated into the national Constitution or domestic law so as to be directly applicable.

8. The information supplied by some Member States (notably Australia, Bangladesh, Brazil, Croatia and Niger) describes the legal norms and factual situation, and demonstrates how laws and practices comply with the Convention. Detailed information on how the Convention and Recommendation are reflected in the actual economic, political and social realities and general conditions in the country is also covered in several reports.

9. As requested by the Guidelines, reports from some Member States (notably Hungary, Mali, Mauritius, Niger, Norway, Spain, Sweden and United Republic of Tanzania) describe the current situation relating to the judicial, administrative and other competent authorities having jurisdiction with respect to the implementation of the Convention. Mauritius has, for example, created an ombudsperson office with powers to investigate any type of discrimination including educational discrimination. Educational institutions or individuals can appeal to the court or ombudsperson in regard to instances of discrimination experienced. In South Africa, citizens discriminated against in education can challenge the government before the Constitutional Court. Austria established in 2005 a commission and ombudsperson charged with promoting the realization of the principle of equal treatment without discrimination. These developments show how the provisions of the Convention can be invoked before and given effect to by courts, tribunals and administrative authorities. Hungary illustrates this by providing detailed examples and information on case law and jurisprudence. It is reported that “in 2005, the Minorities Commissioner received 12 complaints against schools, whereas 52% of all complainants were Roma”.

10. As regards the administrative framework, detailed information demonstrating the implementation and extent to which national laws/education policy correspond to the provisions is provided by several Member States (Jamaica, Nepal, Niger, Senegal, Sweden, United Republic of Tanzania and Uzbekistan). In Niger, at the administrative level, a regulation exists aimed at promoting the situation of the most disadvantaged school population. As a result, some texts have been elaborated by the ministries in charge of education, notably in terms of girls’ schooling, promotion of education in rural areas and education for disabled children.

11. Several Member States – Australia (regarding indigenous people); Slovakia, Hungary and Czech Republic (regarding Roma); Bahrain; and Bangladesh, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Egypt, Niger, Senegal, Slovenia and South Africa – have furnished detailed elements relating to inclusive education. These reports bear witness to Member States’ concern regarding the elimination of discrimination in education against disabled persons, and focus, in the majority of cases, on integration of disabled children in regular schools. In Australia, a set of Disability Standards for Education was adopted in 2005 aiming to ensure “that students with disabilities can access and participate in education on the same basis as other students”.

III. Elimination of discrimination in education

12. Article 1 of the Convention and Recommendation addresses the question of how discrimination in education is outlawed in the State Party. Where any forms of discrimination existed, or still exist, Member States reported on the measures taken to eliminate such discrimination and ensure equality of treatment in education, and on results achieved to date.

13. The reports confirm that Member States remain actively committed to the elimination and prevention of discrimination in education, as set out in Article 3 of the Convention and Recommendation. The main areas of activity of individual States during the reporting period, among the several grounds of discrimination set out in Article 1 of the Convention and Recommendation, vary from State to State. However, most States report continuing efforts to counter gender discrimination in education. Many States also report on efforts to counter discrimination in respect of race and/or national origin, and discrimination against handicapped/disabled persons.

14. Generally, discrimination in education based on grounds specified in the Convention and Recommendation is outlawed. Many countries such as Colombia, Nepal, Senegal, Slovenia, South Africa, Spain, Sweden and Uganda report on measures taken, particularly in relation to access to education. The report from Georgia states that discrimination mostly concerns minorities living in densely populated areas, citizens living in remote regions, children with special needs and deprived of parental care, refugees and people living in conflict zones, vulnerable and disadvantaged groups.

15. Moreover, a significant number of reports have surveyed educational laws and other legislative texts pertaining to education, focusing in particular on the prohibition of discrimination in education within the context of their historical, cultural, economic, social and political conditions, and directed towards promoting equal educational opportunities. Some States adopted legislation preventing discrimination in education during the reporting period. For example, in Sweden, the Act Prohibiting Discrimination and other Degrading Treatment of Children and School Students, was adopted in April 2006. The purpose of this Act is to promote equal rights for children and school students and to combat discrimination on grounds of sex, ethnic origin, religion and other beliefs, sexual orientation or disability. In Brazil, the Ministry of Education fosters actions based on the historic, social and anthropological dimensions of the Brazilian reality and attempts to fight racism and discrimination affecting people of African descent in particular.

16. A number of Member States were particularly active during the reporting period in adopting legislation and administrative decrees and regulations designed to eliminate various forms of discrimination in education, often as part of broader measures aiming to counter discrimination in public life generally, especially in employment. France, for example, cites the Decree of 8 December 2003 creating an Inter-Ministerial Committee for Action against Racism and Anti-Semitism (*Comité interministériel de lutte contre le racisme et antisémitisme*), as well as several other measures either wholly or partly concerning education, such as the Law of 15 March 2004 reinforcing the principle of laicity (*laïcité*) in public education, and the Law of 11 February 2005 on Equality of Rights and Opportunities, Participation and Citizenship of Handicapped Persons (*L'égalité des droits et des chances, la participation et la citoyenneté des personnes handicapées*). Germany highlights the General Equality of Treatment Act of 2006, which aims "to prevent or remove disadvantages due to race or ethnic background, gender, religion or philosophy, disability, age or sexual orientation" in employment and vocational training. Norway highlights the Prohibition of Discrimination Act of 2005, which establishes a new office, the Equality and Anti-Discrimination Ombud, which has broad-ranging powers to assess individuals' complaints of discrimination and to recommend, if necessary, appropriate corrective action by the competent authorities. The United Kingdom highlights the Race Relations (Amendment) Act of 2000, which "gives public authorities a statutory duty to promote race equality, including specific responsibilities for schools in that regard", as well as several other legislative measures such as the Special Educational Needs and Disability Act of 2001, and the Equality Act of 2006 which establishes a Commission for Equality

and Human Rights and for the first time requires public authorities “to take proactive steps in promoting equality of opportunity between men and women”. In South Africa, the Promotion of Equality and Prevention of Unfair Discrimination Act (RSA, 2000) seeks to prevent or prohibit unfair discrimination.

17. Several Member States (notably Denmark) outline measures taken to ensure parental choice and the establishment/maintenance of separate education systems, for religious or linguistic purposes. Regulatory frameworks for private educational institutions in order to ensure equality of educational opportunities and treatment have been developed notably in Bahrain, Grenada, Slovenia and Malawi.

18. Concerning establishment of separate education systems, the educational legislation of the private independent schools (“free basic schools”) in Denmark is a manifestation of the spirit and tradition of freedom that is prevalent in Danish educational matters. In this case, it is also important to ensure that schools can be founded and receive state subsidy even if the school’s conceptual basis differs from that of the *Folkeskole* (public schools).

19. Under Article 3 of the Convention and Recommendation relating to the issue of admission of pupils to educational institutions at all levels, information provided by the reports highlights legal and administrative measures adopted to give effect to non-discrimination (Italy, Jamaica, Mali, etc.), non-differential treatment (Italy, Latvia and Mauritius, etc.), assistance granted by public educational authorities to educational institutions (Cameroon, Colombia, Czech Republic, etc.) and treatment of resident foreign nationals (Bahrain, Italy, Latvia – regarding refugees – Malawi, Uganda and Uzbekistan, etc.). Reports provide information on measures taken to redress the situation where foreign nationals are disadvantaged as well as results achieved following legal and administrative measures such as laws, policies, strategies and pilot projects. In this respect, in Italy, Law 40/1998 concerning immigration and the condition of foreigners sets out the regulations governing the right to education for all, Italians and foreigners alike, without limitations of administrative nature (no obligatory requirement for a resident permit or official certification) or of a cultural or social nature. This provision also sets out the obligation to respect the linguistic and religious identity of pupils and to facilitate the integration process by way of training and Italian language courses for foreign children and adults. Moreover, the Immigration Act 13 of 2002 in South Africa treats national and foreign students alike.

20. Recent measures specifically aimed at countering discriminatory attitudes and behaviour in education on the grounds of race and national origin are reported by a number of States. France, for example, reports on a range of recent juridical and institutional measures aiming to counter racism, anti-Semitism and xenophobia in schools and educational institutions, and presents concrete examples of promising initiatives in that direction undertaken by local educational authorities and voluntary associations. Brazil highlights the Education Law Amendment Act of 2003, which mandates the teaching of Afro-Brazilian Culture and History as part of the curriculum in all private and official secondary and primary education institutions.

IV. Promotion of equal educational opportunities

21. Closely related to the obligations to eliminate discrimination set out in Article 3 of the Convention are obligations under Article 4 relating to a national policy promoting equality of educational opportunity. Notwithstanding the measures taken pursuant to such obligations, the promotion of equality of educational opportunity poses a continuing challenge for all States. Even in countries where educational opportunities are in general widely available, inequalities remain in the ability of all social groups to fully avail themselves of such opportunities, giving rise to early drop-out from education and failure to obtain a useful qualification. Norway, for example, considers “the relatively large number of underachievers (approximately 20%, as measured by international students assessment surveys, as well as national drop-out statistics)” to be “the main weakness” of its education system, with “boys, minority language students, and students from families with low levels of educational resources (in particular where parents have low levels of [educational]

attainment)” having a “high risk of underachievement”. Australia highlights the relative disadvantage of several groups in gaining access to higher education: “[i]ndigenous Australians, people from low socio-economic backgrounds, people from rural and isolated areas, people with disabilities, and people from non-English-speaking backgrounds”. The education of indigenous Australians in particular is one of the government’s major educational priorities. The United Kingdom emphasizes its commitment to closing the “unacceptable attainment gap between pupils from some ethnic groups and the national average”, a gap which is especially marked in relation to boys from certain ethnic groups. For Germany “one of the greatest challenges facing the [education system] is to break through the dependence of educational success on social background and to give all children and young people – no matter from which background – the best educational opportunities in school, work or higher education. This affects above all children from migrant families”. The report from Malawi mentions a regulatory framework for private educational institutions in order to ensure equality of educational opportunities.

22. Affirmative action and positive measures being taken by governments have been highlighted by many Member States, notably Algeria, Brazil, Cameroon, Cyprus, Mauritius, Nepal and Uganda in a detailed manner. Such action and measures are intended to bring about *de facto* equality by fighting social exclusion and poverty, to eliminate discrimination and reduce disparities in education. In Cyprus, for example, “[s]pecific areas which mainly involve schools in remote rural areas, schools with low socio-economic status and education in the occupied areas of the island are supported with extra measures. One of the measures adopted is the institution of the Educational Priority Zones, which is based on the concept of positive discrimination to ensure prevention of school failure and functional illiteracy”. For children from social, cultural and ethnic groups or families that do not offer favourable conditions for the development and education of their children, the equity of education implies a set of “positive” measures. Such measures as temporary special measures may be a suitable action in cases of long-standing or historical and persisting forms of discrimination. They may be justifiable until full equality of treatment is reached. In Senegal, the government introduced proactive policies for access to education, notably in rural areas, as well as financial aid for students from poor families by way of bursaries and grants. The report from Brazil furnishes information as regards positive measures in favour of access to higher education by people of African descent and from former slave areas (*Quilombos*) and the UNIAFRO programme as regards affirmative action for these areas. The Tanzania Education Fund established by Act No. 8 of 2001 for enhancing quality, access and equity of education at all levels by offering grants and loans for the provision of teaching and learning materials and educational infrastructure, is a notable example. The report from Malaysia also furnishes indications regarding educational grants and financial assistance.

23. Disadvantage due to family economic circumstances has prompted most States to adopt compensatory measures. In Germany, for example, “[s]o that pupils have access to all teaching aids used in lessons regardless of their economic and social circumstances, most *Länder* have regulations on the provision of financial assistance for pupils to purchase teaching aids, or on their provision free of charge”. In the United Kingdom, where government policy to increase the rate of participation of the 18-30 age group in higher education has been accompanied by measures permitting higher education institutions in England to charge higher fees, an Office of Fair Access exercises a regulatory role “to ensure that no students from poor backgrounds will be disadvantaged by the new system”. In France, it is acknowledged that although public education has long been free, “this has not by itself sufficed to ensure its democratization, which explains the effort traditionally made by the State to provide various forms of financial aid for schooling so as to enable families of modest economic circumstances more easily to support the education of their children”. Malawi proposes to revise the Education Act of 1962 with a view to accommodating cost sharing and private initiatives with regard to education for all provisions at all levels of education.

24. In countries with severe resource constraints and widespread poverty, inequalities in educational opportunity are often more pronounced and have required States to adopt many different kinds of compensatory measures. Bangladesh, for example, reports that the appointment of female teachers has “played a vital role in increasing girls’ enrolment in primary education”,

where the gender ratio of enrolment has now reached parity. In the educationally and economically backward districts of Bangladesh, the provision of food assistance and payment of small stipends to parents have helped compensate parents for “the opportunity cost of sending their children to primary schools”.

25. Special emphasis, in a significant number of reports, is placed on gender equality and equity (for example in those of Bangladesh, Benin, Burundi, Croatia, Cyprus, Jordan, Malawi, Mali, Nepal, Niger, South Africa, United Republic of Tanzania, Turkey, Uganda and Zimbabwe). With regard to the provisions of Article 2, measures taken for ensuring gender parity in education have been applied in many reporting Member States (Benin, Bangladesh, Burundi, Guinea, Côte d'Ivoire, Mali, United Republic of Tanzania, Zimbabwe, etc.). A National Gender Policy in Zimbabwe was launched in 2003 to facilitate the design and implementation of policies that redress gender imbalances and promote equality among women and men, and gender parity in teacher recruitment is being developed. The report from Sri Lanka mentions that overall gender parity in pupil enrolments has largely been achieved in primary and secondary education, but disparities remain in the choice of subject area specialization at the upper secondary level, where girls are more strongly represented than boys in the arts stream, and vice versa in the science stream. In Bangladesh, at the secondary level, a nationwide programme of stipends for female students, and a 10-year Programme to Motivate, Train and Employ Female Teachers in Rural Secondary Schools (1995-2004), have helped to achieve gender parity in enrolment. Most States report progress towards the elimination of gender discrimination in education. In countries where a broad balance of male and female enrolments in education has largely been achieved and girls' educational performances are in some cases observed to be superior to those of boys (e.g. Australia, Norway and the United Kingdom), there is concern over the persistence of gender discriminatory attitudes and behaviour among students. The persistence of gender stereotyping by field of study, especially at the upper secondary level of education, which is often determinant of future career opportunities, is signalled in several of the reports. Norway draws attention to measures aiming to encourage “untraditional educational choices” by both female and male students in secondary and higher education. In Germany, particular attention has recently been given to removing “gender stigmatizing” elements from vocational training. As regards ensuring gender equity, as the report from Côte d'Ivoire states, results obtained in actions of gender parity are biased by some sociocultural factors.

26. Other Member States clearly address the educational needs of poorer sectors of society (Italy, Niger and Senegal) as well as economically and socially marginalized and vulnerable groups (Colombia, Denmark and Hungary, etc.). The information provided generally covers actions planned to give special consideration to gender equity and equality and the educational needs of the poor and vulnerable groups. Australia has developed significant measures regarding improvement of educational situation of indigenous people. In Colombia, policies were developed with the objective of extending access to education for populations from rural areas, populations displaced by violence and separated by armed conflict, ethnic populations, border populations and children with disabilities. Such policies focus on improving education of quality for vulnerable groups by developing teaching models, with the objective of providing learning tools to populations that are usually marginalized within the education system.

V. Ensuring universal access to education of good quality

27. Universal access to education and equality of educational opportunities are cardinal principles in the normative framework for the right to education laid down by the Convention against Discrimination in Education. Progress in universalizing access to education in terms of provisions in the Convention has been mentioned in several reports. The report from Sri Lanka, for example, provides further elaboration on universal access to education from kindergarten to the university level. The state reports also mentioned the limitations and obstacles encountered. The report from Georgia states that despite the fact that all problems in terms of availability of educational opportunities are not yet completely solved, a number of activities and measures have been taken in an attempt to ensure equal access to education. Brazil is faced with the daunting

challenge of implementing educational public policies in favour of the access to and retention of African descent and indigenous populations in the schooling system at all levels – from the junior to higher education levels – with special concern for educational opportunities in former slave areas (*Quilombos*). Thirty per cent of 7-year-old *Quilombola* children have never attended school.

28. As regards the application of the Convention and Recommendation with a focus on EFA as UNESCO's priority, a large number of Member States (Bahrain, Bangladesh, Benin, Burundi, Cameroon, Cyprus, Czech Republic, Georgia, Guinea, Côte d'Ivoire, Jamaica, Malawi, Mali, Mauritius, Nepal, Niger, Portugal, Senegal, Spain, United Republic of Tanzania and Uganda) have clearly indicated concrete measures taken in their countries to that end. In Uganda, the Education Sector Strategic Plan 2004-2014 ensures equitable access and promotion of EFA. In line with the legal provisions made, the Government of Nepal has adopted a policy of ensuring access to and quality of primary education to all children. For this, several policy initiatives are being taken, and a document on EFA/NPA Nepal has been prepared on the basis of the Dakar Framework for Action. The reports from Cameroon and Guinea also provide national measures as regards EFA as a priority. The report from Uganda states that it "also provides a broad picture of efforts of the government to achieve the Education for All (EFA) goals in Uganda which are in line with the aspirations of the Convention". Portugal has stated that its report has been prepared for a critical appraisal and is intended to publicize measures which have been taken in the country in order to achieve EFA which is a "social challenge". The report from Spain refers to "difficulties which arise for elimination of discrimination and the reduction of disparities in education, particularly in the context of EFA". Achieving EFA is indeed a challenge for both developing and developed countries.

29. Additionally, the Guidelines requested States to place particular focus on the implementation of UNESCO's Medium-Term Strategy (2000-2007), by providing a careful description of how marginalized and disadvantaged groups of society are protected against discriminatory practices in the field of education (for example the poor, women and girls, rural populations, linguistic, racial, religious or other minorities, refugees and countries or populations that are victims of disasters and people with special needs). In this respect, many Member States describe policy measures and educational programmes implemented to enable vulnerable and disadvantaged groups or individuals to have access to basic education. Besides, France reports several examples of initiatives undertaken by major employers to reach out to young people from socially disadvantaged backgrounds.

30. National accomplishments with respect to ensuring universal access (i.e. primary schooling available free of charge, compulsory and available without discrimination or exclusion) are reflected in the reports of many Member States such as Bahrain, Bangladesh, Benin, Croatia, Czech Republic, Denmark, Guinea, Italy, Côte d'Ivoire, Jamaica, Malawi, Malaysia, Mauritius, Nepal, Senegal, Sri Lanka, United Republic of Tanzania, Turkey, etc. Guinea reported that despite progress realized in the past few years in education, the country is still facing a challenge in terms of performance improvement; the results achieved are quantitatively impressive. Nevertheless, progress is more restricted concerning the enhancement of pupils' learning at the primary level, notably concerning their capacity to read.

31. As regards primary education, several Member States emphasize laws and policies ensuring the universal and free availability of primary education (Bahrain, Croatia, Cyprus, Czech Republic, Ecuador, Jamaica, Senegal, Spain, Sri Lanka, United Republic of Tanzania, etc.). If compulsory and free primary education is not currently enjoyed, information is furnished on how the government intends to ensure free primary education and the strategies and programmes implemented and planned in line with the EFA objectives. The United Republic of Tanzania reports a substantial increase in enrolments in primary schools since 2001 under its Primary Education Development Plan, following the abolition of school fees and other direct costs of school attendance. Benin has decided to abolish school fees totally at the primary level and a number of activities are being developed for financial assistance and improvement of educational facilities. The Free Primary Education programme introduced in Malawi is intended to ensure that education

provision does not exclude children on account of poverty and social and economic marginalization. In Guinea, the quality of education is more uncertain due to various considerations, notably teacher-student ratio, textbook-student ratio, teaching content, repeating, gender, place of residence and income, etc.

32. Efforts have been made to establish a system of continuing education on the basis of individual capacity, especially basic education for those who have not received or completed the whole period of their primary education in a number of countries. This is specifically highlighted in reports from Australia, Croatia, Czech Republic, Mali, Slovenia and Turkey. Moreover, there are important 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 (Algeria, Bahrain, Bangladesh, Benin, Grenada, Malawi, Turkey, etc.). Bangladesh has developed a non-formal educational policy framework since 2006, the “reaching out of schoolchildren” programme. Malawi has implemented adult literacy programmes and life skills programmes for out-of-school children. Moreover, in Algeria, concrete measures have been taken to reduce illiteracy, such as the development of a literacy project for women and young girls, as well as the establishment of a National Office for Adult Literacy and Education. The report from Portugal provides detailed information on national level action for expanding the opportunities for lifelong learning, and opportunities created by way of implementation of the Comprehensive Law on the education system, and the New Opportunities Initiative (2005).

33. Even when equality of access to regular formal education has largely been assured, most States express continuing concern over the still sizeable numbers of young people who drop out of school early or leave school without obtaining a useful qualification and hence have difficulties in finding employment. Reflecting this concern, States have undertaken a variety of initiatives aimed at reducing school drop-out and increasing the opportunities available for vocational training, as outlined in reports from Germany and Portugal.

34. Early drop-out from school is a particular problem in countries where widespread poverty exists and where there are limited resources available to ensure the quality of education in all schools, thus discouraging parents from retaining their children in school. In these countries, there are also many socially marginalized groups whose children do not attend school even when places are available. The reasons underlying this phenomenon were mentioned notably by Sri Lanka and United Republic of Tanzania. Sri Lanka has established Community Learning Centres “to service the education needs of children who drop out from schools and those who cannot be enrolled in formal schools”. In Bangladesh, a six-year project on “Reaching Out-of-School Children” was launched in 2004 with the aim of providing “access to primary education and ensure the retention of disadvantaged children who are currently out of school”, including the provision of small financial stipends to encourage their attendance.

35. Several reports provide information on secondary education, which is generally available and accessible to all (reported notably by Australia, Bangladesh, Croatia, Cyprus, Czech Republic, Denmark, Guinea, Mauritius, Slovenia, Spain, Sri Lanka, Sweden, United Republic of Tanzania, Uzbekistan and Zimbabwe). In addition to these countries, secondary education is free of charge in Grenada (with conditions), Norway and Slovakia. Technical and vocational secondary education is also generally available and accessible to all in various Member States. This is demonstrated in detail in reports submitted by Denmark, Guinea, Italy, Turkey and Sri Lanka. The information provided also covers quantitative and descriptive information on the progress realized. For example, in Turkey, technical and vocational education has been regarded as a part of the national education system in the Basic Law on National Education. Moreover, the Vocational Open Education Regulation was amended and published in 2005 in order to eliminate the difficulties arising from applications in vocational education.

36. Some Member States reported on the extent to which access to higher education based on individual capacity is realized in their country. In this respect, Croatia, Denmark and Georgia in

particular reported on this issue by highlighting measures taken to ensure equal access, particularly in cases where fees are charged for higher education courses. In addition, many Member States have made efforts to ensure that there is no discrimination on grounds prohibited by the Convention to enter and complete higher education, both in public and private institutions. Many reports (for example Brazil) contain information on scholarships and stipends, tax-free or low-interest credits for students where access to higher education is not free of charge.

37. Under Article 4(d) of the Convention and Recommendation, Member States reported on training for the teaching profession at all levels. Some have reported on *de facto* instances of discrimination as regards training (Bangladesh and Cameroon). A significant number of reports also include data on living and professional conditions of teaching staff at all levels (including salary scales and comparisons to salaries of (other) civil servants). Bahrain, Czech Republic, Guinea, Jamaica, Malawi and the United Kingdom in particular furnish detailed information on this topic. Guinea has established criteria for access and promotion to higher posts in the Administration of Education with a view to promoting access to the teaching profession for women, who until recently were discriminated against in comparison with their male colleagues with the same competencies. The promotion of teacher training aims to fight racism in Brazil.

38. A number of Member States (notably Algeria, Bahrain, Brazil, Cameroon, Croatia, Denmark, Jamaica, Slovakia, South Africa and Norway) reported on their national efforts for directing education towards the objectives mentioned in Article 5, paragraph 1(a), of the Convention and Recommendation (general aims of education): strengthening respect for human rights; promoting understanding, tolerance, friendship among all nations and peace; as well as on actual measures taken in this respect. This area includes promotional efforts made such as human rights teaching at all educational levels and provision of relevant teaching materials, upon which many States reported. For example, in Slovakia, promotional efforts have been made in this field, such as human rights teaching: as of 8 February 2005, the National Plan of Human Rights Education for 2005-2014 was approved. It contains a strategy and concept for human rights education and proposed conceptual steps for its implementation. Many reports mention as part of their national legislation and education policies importance accorded to human rights education. The preliminary report from Austria mentions this area as one of their strengths. The report from South Africa mentions a whole school development programme on values and human rights.

39. Society's readiness to support measures designed to eliminate and prevent discrimination in education and promote equality of educational opportunity is enhanced to the extent that there exists widespread understanding of human rights in general as well as a strong commitment to their realization. In this regard, particular importance is attached to the role of education, as outlined in Article 5 of the Convention and the Recommendation. "The strengthening of respect for human rights" remains a continuing task for education. In fact, the period covered by the seventh consultation began during the United Nations Decade for Human Rights Education (1995-2004), in which UNESCO was called upon to play a central role, and a number of States emphasize in their reports their continuing commitment to the Decade's objectives.

40. Information on the education policy framework for minimum educational standards as regards the rights of parents/legal guardians to provide religious and moral education to their children and the choice of educational institutions in accordance with the provisions of Article 5, paragraph 1(b), of the Convention and Recommendation is furnished in a detailed manner by Cyprus, Denmark, Malawi, Senegal, Spain and Uganda in particular. The reports in general confirm States' commitment to the freedom of parents and legal guardians "to choose for their children's institutions other than those maintained by the public authorities" as well as their right "to ensure the religious and moral education of the children in conformity with their own convictions" as set out in Article 5 of the Convention and Recommendation. In those countries where religious education is included as a subject in the curriculum of the public schools, there are generally arrangements for pupils to be exempted from this subject if their parents so wish. In Germany, for example, the Basic Law of the Republic provides that "[p]arents and guardians shall have the right to decide whether their children shall receive religious instruction". In France, which constitutionally

is a *République laïque*, religious education is not part of the public school curriculum and ostensible manifestations by pupils of their religious affiliation by dress and other signs has recently been banned (Law of 15 March 2004). Nevertheless, France has a large number of private schools with a religious character that receive public funds under contract with the State, on much the same basis as the public schools, on condition that they adhere to the same standards of education that apply to the public schools, as required by Article 2 of the Convention and Recommendation. A similar condition is applied in the United Kingdom to schools with a religious character that are supported by the State; traditionally, the religious orientation of most such schools has been Christian, but partly as a consequence of immigration from outside Europe a small number of schools with other religious orientations have recently been established.

41. As regards the rights of national minorities to carry out their own educational activities in accordance with Article 5, paragraph 1(c), of the Convention and Recommendation, information provided by many reports (Australia (indigenous people), Brazil (Afro-Brazilian), Croatia (Roma), Czech Republic (Roma), Hungary, Latvia, Norway, Slovakia (Roma), Slovenia (special educational rights for Italian and Hungarian) and Spain (immigrants)) gives special emphasis to the legal and policy framework relating to educational standards in institutions run by minorities. The information provided also refers to language facilities offered, in particular to the availability of teaching in the mother tongue of the students. In Eastern and Central European countries, issues relating to Roma people are of high importance. In the Czech Republic, for instance, “the Ministry of Education fosters the education of Roma children in various ways – for example it establishes so-called preparatory classes for Roma children before they enter basic school”. Some countries protect the educational rights of specific groups. For example, in Croatia, the Constitutional Act on the Rights of National Minorities (adopted in 2002) guarantees the rights of national and ethnic communities and minorities such as “non-discrimination and equality, and freedom of choice in education”. In Croatia, Roma people have all the rights of a national minority. Their education is not held in any of the Romany dialects. They are schooled in the Croatian language. This minority is most often positively discriminated against when enrolling in primary and secondary schools and higher educational institutions, securing scholarships and organizing pre-school education. The National Programme for the Roma and the Action Plan for the Decade of Roma Inclusion 2005-2015 provides for measures which shall contribute to the abolition of the long-time marginalization and discrimination of the Romany national minority. As regard language facilities, in Nepal the curriculum and textbooks have been developed in 20 different national languages. Several States (Germany, Norway and United Kingdom) have specific arrangements for the education of linguistic minorities. In Germany, for example, the children of the Danish minority in Schleswig-Holstein can attend privately maintained alternative schools instead of the regular German-medium public schools, as long as the educational standards and objectives of these schools conform to the provisions of the Schleswig-Holstein education law. In Norway, the Sami community has its own public schools, with the Sami language as the medium of instruction and curricula adapted to the community’s culture. Providing education in a child’s mother tongue is indeed a critical issue. The question of providing education in official and national languages has been mentioned in several reports from African countries. Cameroon is formulating a national linguistic policy, following which national legislation will be developed.

42. It is evident from the reports that the recent concern of many European countries to counter discrimination in education based on race and national origin has been prompted in part by the growth of immigrant populations and influx into the schools of large numbers of children of immigrant families. States have adopted a variety of approaches to meeting this challenge. In the majority of reports, language is identified as a key barrier to the integration of immigrant children in the education system. In Portugal, for example, “today’s students display a great sociocultural and linguistic heterogeneity – a situation that requires the creation of the appropriate pedagogical and didactic conditions for teaching the Portuguese language in every field of both know-how and human relations in such a way as to ensure that students enjoy equitable conditions in terms of access to the curriculum and academic success”. Australia reports that its English as a Second Language – New Arrivals Programme is “an important part of addressing the special educational needs of migrant students in primary or secondary schools”. In Norway, newly arrived immigrants

are legally required to attend instruction in the Norwegian language: “Language skills are an important prerequisite for participation in the social life of the nation. From 1 September 2005, newly arrived immigrants have therefore had a statutory right and duty to participate in instruction in the Norwegian language and civic life”. In England, where the United Kingdom reports that “over one in eight pupils in government-maintained schools (...) are now from a minority ethnic background”, and that “more than 200 languages are spoken in homes of children attending schools”, special government funding is made available to schools for the support of programmes “targeted at pupils learning English as an additional language as well as those minority ethnic pupils at risk of underachievement”. In France, newly arrived immigrant children are registered in the regular school classes according to their ages, but are brought together for a certain time each day, depending on their needs, into a special class (*classe d’initiation*) for instruction in French. Specially trained teachers are assigned to these classes.

VI. Continuing challenges

43. The SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis suggested in the Guidelines for the preparation of State reports has been used in a few reports. The report provided by Jamaica presents the SWOT analysis in the form of a table, highlighting the situation indicators according to the Dakar objectives, along with strategic analysis. The report also identifies the main issues that need to be addressed for promoting equality of educational opportunities. Other Member States that have introduced the SWOT analysis (like, for example, Malawi, Niger and Spain), have presented it by developing a paragraph against each component of SWOT. The preliminary report from Austria is notable for the SWOT analysis, indicating weaknesses such as “[u]nder-representation of migrants/non-citizens in upper secondary and higher education and reproduction of social inequalities” and the strength, for instance, that in all areas of Austria, schools are run by the State which cares for adequate transport facilities, books, etc. and that all forms and grades of public schooling in Austria are free of charge.

44. Despite the progress made in recent years, most States recognize that the challenges of eliminating discrimination in education and providing for equality of educational opportunity are continuing ones. Even if marginalized and vulnerable groups are generally clearly identified in the States’ reports, social and cultural barriers and unequal opportunities manifested in the access to quality educational services remain one of the most serious difficulties of national educational policy. Such issues of critical importance are mentioned in reports from several Member States.

45. Thus, the report from Brazil is candid in recognizing the continuing challenge of guaranteeing equal conditions of access to education given the unequal conditions in which the black population is placed and their systematic exclusion from education. The report states that in spite of legal foundations that guarantee equal conditions of access and retention of any Brazilian citizen in a school, eloquent social indicators point to unequal conditions between those from the black population and those from the white population, thus unveiling the continuation of the systematic exclusion of those of African origin from education. Besides, as the report from South Africa states, “challenge still lies with translating policies into practice” as regards issues of equality.

46. During the reporting period, several observations, studies or evaluations such as from the OECD, independent expert bodies or academics, showed that the Austrian education system irrespective of the guarantee of formal equality does not result in equal opportunities for all. Structural barriers producing inequality in education still exist. In the light of the international discussion and research, an in-depth debate at the national and provincial levels is presently taking place to reform the education system in order to avoid and remove these structural barriers during the current period of legislation. As the report from Spain states, it is essential to place greater emphasis on policies that contribute to eliminating social barriers, transmitting educational shortage between generations.

47. France notes that the question of “educational success” is a basic, unresolved problem for policy-makers: how to define this “success”, especially in view of the tendency for society to

emphasize academic performance? The difficulty, France suggests, is to some extent inherent in the education system: while ostensibly treating all pupils as equal, the system nevertheless functions as a selection mechanism that tends to favour academic over other competencies, while at the same time pushing to one side the “unsuccessful” who are often from socially deprived backgrounds.

48. Key messages emerging from all the reports centre around other continuing challenges: (i) access to basic/primary education; (ii) non-discrimination, equality and inclusion; and (iii) quality of education (including teacher training).

49. Universalizing access to primary education is still a major challenge. Positive results achieved are pointed out in many reports, which present measures taken to provide compulsory primary education free of charge and available for all without discrimination. Nevertheless, attaining universal primary education free of charge is a challenge in many countries. Achieving the Dakar objectives and the Millennium Development Goal regarding universal primary education by 2015 seems unlikely in many countries, especially in Africa and South Asia. In some developing countries, despite pertinent legislation and the efforts deployed, schooling costs remain effective and constitute a major obstacle in terms of access and the retention of those who come from poor households. In this regard, governments, which have the core obligation to ensure primary education free of charge, should take positive measures and provide incentives. The difficulties encountered are highlighted in the report from Malawi, which states that “one major challenge faced by the education sector in the realization of the right to education is the sector’s limited capacity, both technically and resource wise, to effectively implement EFA”.

50. It is significant to point out that the Convention against Discrimination in Education is the first legally binding instrument that provides for the standard and quality of education and mentions conditions relating to the quality of education. Regardless of important progress realized in the field of universal access to basic education, the reports draw attention to the difficulties encountered in terms of quality, notably regarding the lack of material and human resources and teacher training. Indeed, encouraging access (through, for example, abolishing or minimizing costs) allows a large number of children to attend school, but is not a sufficient measure for them to remain within the education system. Governments must take complementary measures in order to ensure teacher recruitment, professional training, textbooks, furnishing and equipment, etc. In this regard, developing and strengthening quality education is part of the action that should be taken at the national level to eliminate those weaknesses.

51. Finally, as regards the issue of the low level of ratification of the Convention and need for awareness-raising, reports from Bangladesh, Jamaica, Mali and Spain have highlighted actions and steps taken towards creating greater awareness and activities developed/supported by the National Commissions for promoting non-discrimination and equality of educational opportunities. Benin envisages a number of activities aimed at awareness-raising activities regarding the importance of the Convention. It is encouraging that some Member States have ratified the Convention during the course of the seventh consultation. The report from Mali states that the Cabinet decided in December 2005 to adhere to the Convention, but that Parliament has yet not ratified the Convention. The team that prepared the report from Cameroon has recommended accelerating the process of ratification. Moreover, Japan is currently considering the possibility of acceding to the Convention.

52. In this respect, it is important to note that by a circular letter of April 2005 (CL/3749) on awareness-raising and ratification, the Director-General launched a campaign for this purpose in order to encourage States that are not yet Parties to the Convention to take the necessary measures for acceding to it. In particular, he emphasized the importance of national action for creating equal educational opportunities for all, so that education becomes accessible to all without discrimination or exclusion. He also mentioned that the Convention must be disseminated broadly, projecting the principles and norms that it lays down so that these are widely embraced.

Actions foreseen regarding the organization, on the sidelines of the 34th session of the General Conference, of the meeting of the States Parties to the Convention against Discrimination in Education and other Member States, being organized pursuant to 171 EX/Decision 28.

53. The purpose of the meeting is to provide a forum for the States Parties to the Convention as well as other Member States to discuss the results of and follow-up to the seventh consultation of Member States on the implementation of the Convention and Recommendation against Discrimination in Education (177 EX/36). In the light of the experience available, Member States may wish to make recommendations on appropriate measures to improve reporting procedures on the implementation of the Convention in Member States. Moreover, in view of the reports presented, Member States will be requested to present their national experiences. Emphasis would be placed, on the one hand, on action at national level for creating equal educational opportunities for all, focusing on reaching the unreached and EFA. On the other hand, the meeting will aim at suggesting ways and means of strengthening the role of National Commissions for UNESCO in the preparation of the reports, in follow-up measures to the seventh consultation and in undertaking activities for intensifying normative action. The meeting will be an occasion to appeal to those Member States who are not yet Parties to the Convention to adhere to it. It is indeed imperative to create greater awareness, as the Convention must be disseminated broadly. Action aimed at publicizing the Convention more widely deserves to be strongly encouraged and supported.

54. The programme of the meeting would cover: (i) consideration of how Member States meet their reporting obligations, as shown by periodic consultations of Member States and notably document 177 EX/36; (ii) experiences and best practices presented by Member States in terms of national action for creating equal educational opportunities for all, as reflected in this document; (iii) awareness-raising, ratification campaign and role of National Commissions for UNESCO; (iv) reflection on how to improve reporting mechanisms in the light of discussions in the Committee on Conventions and Recommendations (CR) and the Executive Board in this respect; (v) follow-up to the decisions taken by the Executive Board and the General Conference after examining the results of the seventh consultation of Member States on the implementation of the Convention and Recommendation against Discrimination in Education; and (vi) recommendations for future action.

55. In addition to the States Parties to the Convention, all other Member States will be requested to participate in the meeting. The members of the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the Monitoring of the Right to Education will also be requested to attend the meeting, in view of its role as a communicating channel between the United Nations Committee on Economic, Social and Cultural Rights (CESCR) and the CR. In addition, some eminent experts may be invited.

Proposed draft decision:

56. The Executive Board may wish to recommend the adoption of the following draft decision:

The Executive Board,

1. Recalling 26 C/Resolution 1.18 and 30 C/Resolution 15,
2. Further recalling 170 EX/Decision 6.3 and 171 EX/Decision 28, by which it recognized the Convention and Recommendation against Discrimination in Education as a key pillar of EFA,
3. Having examined document 177 EX/36,
4. Notes with appreciation that 51 Member States submitted their reports within the seventh consultation;

5. Recognizes the significance of the principle of equality of educational opportunities and the importance of the application of the Convention and Recommendation against Discrimination in Education by Member States in order to make the exercise of the right to education a reality for all;
6. Commends steps undertaken at national level in order to meet the continuing challenges to fully implement the provisions of the Convention and Recommendation against Discrimination in Education;
7. Notes that as of 31 July 2007, 95 Member States have ratified the Convention;
8. Invites Member States which have not yet adhered to the Convention to do so, and to make the Convention and Recommendation against Discrimination in Education better known to the bodies, target groups and other entities interested in matters dealt with therein, in line with Article 16(2) 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 of UNESCO;
9. Requests the Director-General to put special emphasis on and widely publicize the Convention and intensify normative action for education for all without discrimination or exclusion as part of the EFA process;
10. Invites the Director-General to take appropriate action as a follow-up to the seventh consultation;
11. Invites all Member States to take an active part in the meeting of the State Parties to the Convention against Discrimination in Education and other Member States, to be organized on the sidelines of the 34th session of the General Conference in October 2007;
12. Requests the Director-General to transmit document 177 EX/36, along with the present decision and comments, to the General Conference at its 34th session for consideration and follow-up decision;
13. Recommends that the General Conference invite the Director-General to initiate the eighth consultation of Member States in order that its results be examined by the Executive Board and then presented to the General Conference at its 37th session in 2013.

ANNEX I

Seventh consultation of Member States on the implementation of the Convention and Recommendation against Discrimination in Education (1960)

List of Member States whose reports were received by UNESCO Secretariat as of 31 July 2007

*Member States which are Parties to the Convention against Discrimination in Education (1960)

	Member State	Date of submission of report
1	Algeria*	27 August 2006
2	Australia*	27 April 2007
3	Austria	20 July 2007 (preliminary report)
4	Bahrain	11 April 2007
5	Bangladesh	6 November 2006
6	Benin*	30 August 2006
7	Brazil*	12 July 2007
8	Burundi	10 November 2006
9	Cameroon	4 September 2006
10	Colombia	8 September 2006
11	Côte d'Ivoire*	25 April 2007
12	Croatia*	14 May 2007
13	Cyprus*	7 September 2006
14	Czech Republic*	22 August 2006
15	Denmark*	2 January 2007
16	Ecuador*	14 June 2007
17	Egypt*	28 May 2007
18	France*	26 February 2007
19	Gabon	26 September 2006
20	Georgia*	16 August 2006
21	Germany*	1 March 2007
22	Grenada	17 May 2007
23	Guinea*	2 November 2006
24	Hungary*	10 January 2007
25	Italy*	8 September 2006
26	Jamaica*	15 June 2007
27	Jordan*	13 May 2007
28	Latvia	11 April 2007
29	Malawi	3 May 2007
30	Malaysia	10 May 2007
31	Mali	5 September 2006

	Member State	Date of submission of report
32	Mauritius*	25 August 2006
33	Nepal	17 November 2006
34	Niger*	17 October 2006
35	Norway*	21 February 2007
36	Portugal*	26 October 2006
37	Russian Federation*	4 June 2007
38	San Marino	15 September 2006
39	Senegal*	5 September 2006
40	Slovakia*	27 October 2006
41	Slovenia*	10 January 2007
42	South Africa*	31 July 2007
43	Spain*	17 October 2006
44	Sri Lanka*	17 April 2007
45	Sweden*	6 September 2006
46	Turkey	26 December 2006
47	Uganda*	21 August 2006
48	United Kingdom of Great Britain and Northern Ireland*	28 November 2006
49	United Republic of Tanzania*	10 November 2006
50	Uzbekistan*	4 May 2007
51	Zimbabwe*	2 November 2006



ANNEX II

Ref.: CL/3805

Sir/Madam,

I should like to draw your attention to my previous letters (CL/3770, 16 September 2005 and CL/3793, 30 May 2006, copies attached) by which I requested your Government to prepare the State Report on the measures taken for the implementation of the Convention and the Recommendation against Discrimination in Education (1960), for the period 2000-2005, and to submit it before 1 September 2006 to the Assistant Director-General for Education.

In spite of the considerable effort made by the Secretariat to encourage and assist countries in this exercise (elaboration of guidelines on the preparation of reports; organization of the Informal Information Meeting of States Parties to the Convention on the methodology; set of materials and documents explaining the scope and significance of the Convention and the methodology for the recently developed reporting system), as of 15 January 2007 only 29 Member States have responded.

I would therefore once again urge your Government to prepare a comprehensive State Report of good quality and communicate it to the Assistant Director-General for Education by 1 April 2007 at the latest (if you have not already done so), in view of the importance attached to State reporting in UNESCO's Constitution (Article VIII) and the constitutional mandate of the Organization to work towards "full and equal opportunities for education for all".

I wish to emphasize that Member States, even though they are not parties to the Convention, are required to submit a report on the implementation of the Recommendation, as indicated in paragraph 7 of the Guidelines adopted by the Executive Board in 2005 and in line with Article 7 of the Convention and the Recommendation against Discrimination in Education.

I trust that your Government will accord high importance to this request, and I look forward to your full cooperation.

Accept, Sir/Madam, the assurances of my highest consideration.

Koïchiro Matsuura
Director-General

Enclosures: 3 (CL/3770, CL/3793, and list of Member States that have reported as of 15 January 2007)

cc: Permanent Delegations and Observers to UNESCO
National Commissions for UNESCO



United Nations
Educational, Scientific and
Cultural Organization

Ref.: CL/3793

Subject: **State Reports for the Seventh Consultation
of Member States on the Implementation
of the Convention and Recommendation against
Discrimination in Education (1960)**

Sir/Madam,

I should like to draw your attention to my previous letter (CL/3770, dated 16 September 2005, copy attached) by which I requested your Government to prepare the State Report on the measures taken for the implementation of the Convention and the Recommendation against Discrimination in Education (1960), covering the period 2000-2005, and to submit it before 1 September 2006 to the Assistant Director-General for Education.

In this respect, as you may know, an Informal Information Meeting of States Parties to the Convention against Discrimination in Education and other Member States was held in the margins of the 33rd session of the General Conference, on 15 October 2005, in order to call attention to the significance of the State Reports and the methodology for their preparation. You will find attached a copy of the Final Report and a CD on this meeting. I hope this will be helpful for the preparation of the State Report.

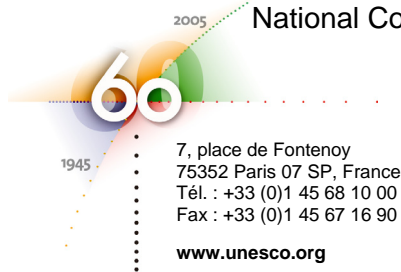
I would like hereby to encourage your Government to prepare and submit a comprehensive State Report of good quality before 1 September 2006, as previously requested, in view of the importance attached to State reporting in UNESCO's Constitution (Article VIII) and the constitutional mandate of the Organization to work towards "full and equal opportunities for education for all".

Please accept, Sir/Madam, the assurances of my highest consideration.

Koïchiro Matsuura
Director-General

Enclosures: 3 (CL/3770, dated 16 September 2005,
Final Report on the Informal Meeting, and CD)

cc: Permanent Delegations and Observers to UNESCO
National Commissions for UNESCO



To Ministers responsible for relations with UNESCO



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référence : CL/3770

Subject: Seventh Consultation of Member States on the Implementation of the Convention and Recommendation against Discrimination in Education (1960) – 171 EX/Decision 28

Sir/Madam,

As you know, UNESCO monitors the implementation of the Convention and Recommendation against Discrimination in Education adopted by UNESCO's General Conference on 14 December 1960.¹ The Convention and Recommendation, which occupy the foremost place among UNESCO's normative instruments in the field of education, express the fundamental principles of non-discrimination and equality of educational opportunities, enshrined in UNESCO's Constitution. Their purpose is not only the elimination of discrimination in education, but also the adoption of measures aimed at promoting equality of educational opportunities and treatment in this field. The Convention and the Recommendation are recognized as key pillars in the Education for All (EFA) process by the recent decisions adopted by the Executive Board.

UNESCO has so far conducted six consultations of Member States on the measures taken for the implementation of the Convention and Recommendation. The Guidelines for the Preparation of Reports for the Seventh Consultation of Member States on the Implementation of the Convention and the Recommendation against Discrimination in Education (1960) (annexed to document 171 EX/22) were approved by the Executive Board in April 2005 (171 EX/Decision 28) after examination by the Committee on Conventions and Recommendations. A copy of these Guidelines is attached. These Guidelines furnish necessary orientations for the preparation of the reports for the seventh consultation (covering the period 2000-2005) on the measures taken for the implementation of the Convention and the Recommendation. They have been drafted to facilitate the fulfilment of the reporting obligations under Article 7 of the Convention, which 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

¹ The Convention was adopted by the General Conference of UNESCO on 14 December 1960 at its 11th session, held in Paris, and came into force on 22 May 1962. So far, 91 States have adhered to the Convention. The list of the States Parties to the Convention is attached.

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.

To Ministers responsible for relations with UNESCO

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 7). Article VII of the Recommendation carries similar provisions.

Pursuant to 171 EX/Decision 28, it is my duty to request your government to prepare such a periodic report, in line with the orientations provided for this purpose in the Guidelines mentioned above. I should like especially to emphasize the importance of a good quality report, in which the information supplied is concrete and fully adequate, with supportive material. The report should be as comprehensive as possible. It should be prepared in cooperation between ministries of education and other ministries dealing with the right to education issues, with special emphasis on the EFA process. Relevant information from professional bodies and from NGOs having Education for All as their main field of activity, as well as from parliamentarians, should also be provided in the report.

The report should reach the Assistant Director-General for Education, UNESCO, Paris, before **1 September 2006**, so that an analytical report synthesizing the country reports may be prepared and submitted to the Executive Board during its spring session in 2007, as stipulated in 171 EX/Decision 28.

In this respect, I would also like to refer to the obligations of Member States “to make the text of any convention or recommendation known to the bodies, target groups and other entities interested in matters dealt with therein” in accordance with Article 16(2) 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, as amended by the General Conference in October 2003.

Please accept, Sir/Madam, the assurances of my highest consideration.

Koïchiro Matsuura
Director-General

Enclosure: 1

cc: National Commissions for UNESCO
Permanent Delegations to UNESCO

Guidelines for the Preparation of Reports on the Implementation of the Convention against Discrimination in Education (1960)/Recommendation 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.

¹ The Convention, which came into force on 22 May 1962, has been ratified by 91 States. The list of the States Parties to the Convention is attached (Appendix 2).

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".

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 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

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).

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 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.

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

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 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

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

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														

Table II: Figures and statistics

P = primary education; S = secondary education; H = higher education

	Literacy rate		Gross enrolment ratio			Out-of-school children of compulsory school age	Drop-out rates in primary education	Completion rates		Private enrolment as % of total enrolment			Number of participants in adult/continuing education programmes	Trained teachers			
	Adult (15 and over)	Youth (15-24)	P	S	H			P	S	P	S	H	P	S	H		
Total																	
By sex																	
Male																	
Female																	
By national origin																	
Citizens																	
Non-citizens																	
Refugees																	
Indigenous peoples																	
National minorities (linguistic, religious, ethnic, etc.)																	
By economic condition																	
Above poverty line																	
Below poverty line																	
By region																	
Urban																	
Rural																	
Best performing region																	
Worst performing region																	
Any socially and economically disadvantaged populations (nomads, slum dwellers, tribal communities, disabled, etc.)																	