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Educational, Scientific and  
Cultural Organization

# Executive Board

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# 186 EX/45

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## REPORT OF THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS

1. The Committee on Conventions and Recommendations (CR) held a public working meeting on 6 May 2011, with Mr Maurizio Enrico Serra, representative of Italy, in the Chair. It met on 16 May 2011 to adopt this report. In accordance with Rule 16.2 of the Rules of Procedure of the Executive Board, the CR Committee elected Ms Martina Nibbeling-Wriessnig, representative of Germany, as temporary Chair.

2. The Committee on Conventions and Recommendations examined the four following parts of Item 19 of the agenda concerned with the implementation of standard-setting instruments:

### **General monitoring (186 EX/19 Part I & Corr.)**

3. The representative of the Director-General and Legal Adviser introduced document 186 EX/19 Part I containing a report on the ratification of the three conventions that the CR Committee monitors and a report on the measures taken by the Secretariat to implement the new procedures adopted at the 177th session of the Executive Board, on the basis of the information provided by the programme sectors concerned and the UNESCO Institute for Statistics (UIS).

4. After noting that the two components of the CR Committee's mandate should be of equal importance, the members of the Committee underlined the low rate of ratifications of the 1960 Convention against Discrimination in Education, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the 1989 Convention on Technical and Vocational Education. The number of States Parties had reached 96, 120 and 17 respectively. In that respect, it was considered necessary for the Secretariat to intensify its efforts to encourage Member States to ratify those three standard-setting instruments.

5. Moreover, they also underlined the low response rate of Member States during the ongoing consultations launched by the Secretariat for the preparation of reports. On that last point, the members reiterated the importance of reinforcing the monitoring activities within the Secretariat to ensure the application of those standard-setting instruments, while regretting the continued lack of adequate human and budgetary resources to complete that task.

6. In response to questions from members of the Committee, the Director of the Division for Planning and Development of Education Systems in the Education Sector pointed out that the ratification campaign for the 1960 Convention had been launched in July 2010, and consequently a final report had not yet been compiled. However, it could be observed that two Member States had ratified the Convention in 2010, four ratifications were expected in the coming weeks and consultations regarding ratification were taking place in several countries. Furthermore, the database on the right to education would be available as soon as the information gathered by the Secretariat had been consolidated and the IT developments connected with the accessibility of the

database had been finalized. With regard to the 1974 Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms, he stated that the third Collection of Good Practices for Quality Education: Intercultural Dialogue would be published in time for the next session of the General Conference. On the subject of the 1989 Convention and the 2001 Revised Recommendation concerning Technical and Vocational Education, the Director noted that provision for the independent study on the impact of those instruments had been made in UNESCO's Strategy on Technical and Vocational Education and Training. It was conducted by an external research company that had been selected by the Secretariat in accordance with the rules and procedures of UNESCO. One of its aims was to determine the reasons behind the very low rate of ratifications of the Convention and to compare the different standard-setting approaches in the field of technical and vocational education, particularly within the International Labour Organization and the European Union. The study, the findings of which would be presented at a later session of the Committee, was still under way owing to the late responses received after an extensive investigation launched in 50 Member States.

7. With regard to the 1993 Recommendation on the Recognition of Studies and Qualifications in Higher Education, the representative of the Education Sector recalled the revision process of the 1981 Regional Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and other Academic Qualifications in Higher Education in the African States and of the 1983 Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific. The process that UNESCO, the African Union and several non-governmental organizations had participated in, was in its final phase. The main aim of the revision was to incorporate within that next-generation instrument an updated definition of the concept of "recognition". With regard to the 1966 and 1997 Recommendations concerning the Status of Teachers, he stated that one of the indicators of success of World Teachers' Day was the very large number of consultations of the Internet website dedicated to the event. He also stated that the studies mentioned in paragraph 14 of Part I of document 186 EX/19 regarding academic freedoms would be completed in August 2011 and submitted at the next session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART), the recommendations of which would be submitted to the CR Committee at the 189th session of the Executive Board.

8. With regard to the 1970 Convention, the Assistant Director-General for Culture stated that the pace of ratification had increased over the past ten years, and over 30 countries had ratified that instrument since 2001. Additionally, the Culture Sector had recently been informed of three impending ratifications. He also recalled that the consolidated report on the application of the 1980 Recommendation concerning the Status of the Artist was being prepared for its submission to the CR Committee at the 187th session of the Executive Board on the basis of 54 replies received by the Secretariat since the consultation's launch.

9. Lastly, concerning the 1978 Revised Recommendation concerning the International Standardization of Educational Statistics, the Director of the UNESCO Institute for Statistics recalled that during the Global Consultation on the proposed revision to the International Standard Classification of Education (ISCED), the Secretariat had gathered information from Member States through their Permanent Delegations and their National Commissions, and also from national institutes for statistics and other institutions such as the Statistical Office of the European Communities (EUROSTAT) and the Organisation for Economic Co-operation and Development (OECD). He then stated that the report on the findings of the technical advisory group that were currently being translated would soon be available. That report would also contain the ISCED text and a detailed glossary.

10. At the end of the debates, the members of the Committee decided to recommend to the Executive Board the following draft decision:

The Executive Board,

1. Recalling 15 C/Resolution 12.2, 23 C/Resolution 29.1, 165 EX/Decision 6.2, 32 C/Resolution 77, 170 EX/Decision 6.2, 171 EX/Decision 27, 174 EX/Decision 21, 175 EX/Decision 28, 176 EX/Decision 33, 177 EX/Decision 35 (I and II), 34 C/Resolution 87, 180 EX/Decision 31, 181 EX/Decision 27, 182 EX/Decision 31, 184 EX/Decision 20 and 185 EX/Decision 23 (I) relating to the first aspect of the terms of reference of the Committee on Conventions and Recommendations (CR), which concerns the implementation of UNESCO's standard-setting instruments,
2. Having examined document 186 EX/19 Part I and Corr. and the report of the Committee on Conventions and Recommendations thereon (186 EX/45),
3. Further urges Member States to fulfil their legal obligations under Article VIII of the Constitution of UNESCO regarding periodic reports on the action taken on conventions and recommendations;
4. Requests the Director-General to ensure the implementation of the new legal framework by the programme sectors and the UNESCO Institute for Statistics (UIS), which have responsibility for the conventions and recommendations monitored by the CR Committee;
5. Recommends to include information on the progress in ratifying and implementing standard-setting instruments that CR is required to monitor in the documents submitted for consideration to the General Conference;
6. Decides to continue consideration of the matter at its 187th session.

**Consideration of the revised draft guidelines for the preparation of reports by Member States on the application of the 1960 Convention and Recommendation against Discrimination in Education (186 EX/19 Part II)**

11. The Director of the Division for Planning and Development of Education systems presented the Document and highlighted its main elements. He explained that in accordance with the new procedures, the Executive Board has adopted framework guidelines for the preparation of reports on the implementation of conventions. He recalled that, at the 185th session of the Executive Board, the Secretariat submitted draft guidelines specifically developed for the 1960 Convention and Recommendation, on the basis of the framework guidelines, with a view to the 8th consultation of Member States on their implementation. He also recalled that by 185 EX/Decision 23 (II), the Executive Board invited its Members to submit to the Secretariat their comments on these draft guidelines by the end of 2010 and that, by this document (186 EX/19 Part II), the Secretariat submits to the CR Committee the revised draft guidelines prepared on the basis of the comments made by Member States. It indicated that once the revised draft guidelines are approved and adopted by the Executive Board, the Secretariat will officially launch the eighth consultation.

12. This was followed by a rich discussion, in which several Member States took part. They appreciated the revised and simplified version of the draft guidelines proposed by the Secretariat while regretting only few Member States submitted comments, following 185 EX/Decision 23 (II). They particularly welcomed the removal of paragraphs I.1 (b) and I.2 (f) in regard with information transmitted to other United Nations treaty bodies, ensuring a better coherence in reporting within the United Nations System as a whole. In addition, some Member States still expressed their concern regarding the capacities of their governments to provide necessary requested information, as for instance describing the conditions of teaching staff. A discussion was raised on teachers' salaries, some Member States pointed out the vagueness and complexity to compare teachers' salaries to salaries of (other) civil servants, while some others underlined the need and importance of such a comparison. Moreover, the ongoing revision of the International Standard Classification

of Education within UNESCO was mentioned, and some Member States recommended referring to it in order to avoid any confusion regarding levels of education. It was also asked to include the Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education (herein the Protocol) in the main body of the Guidelines and not only as a footnote. This would encourage Member States to ratify it. Furthermore, it was proposed to move paragraph 5 of the introduction before paragraph 3 and to emphasize that the Guidelines have to be used as a guide and that Member States do not necessarily have to answer all the questions, although they are encouraged to provide information as much as possible.

13. Taking note of these remarks, the Director of the Division for Planning and Development of Education systems also underlined that teachers' salaries is a very important issue as low teachers' salaries is one of the factors contributing to teachers' attrition. He indicated that therefore comparing teachers' salaries with salaries of (other) civil servants is a very useful indicator. Regarding the comments that were made on the Protocol and the reformulation of the introduction, the Secretariat answered it will modify the revised draft guidelines as appropriate.

14. The Committee recommended that the Executive Board adopt the following draft decision:

The Executive Board,

1. Bearing in mind Member States' obligations under Article VIII of the Constitution of UNESCO and Article 17 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,
2. Recalling 177 EX/Decision 35, containing (Annex to Part I) a specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided, and (Annex to Part II) framework guidelines,
3. Further recalling 185 EX/Decision 23 (II),
4. Having examined document 186 EX/19 Part II and the report of the Committee on Conventions and Recommendations thereon (186 EX/45),
5. Approves the revised draft guidelines for the preparation of reports by Member States on the application of the 1960 Convention and Recommendation, as amended and annexed to the present decision;
6. Invites the Director-General to request Member States to submit to UNESCO reports on the implementation of the 1960 Convention and Recommendation against Discrimination in Education;
7. Further invites the Director-General to submit to it, at its 192nd session, a summary of the reports received from Member States on the measures taken in regard to the implementation of the 1960 Convention and Recommendation against Discrimination in Education, with a view to transmitting that summary, together with the Board's comments thereon to the General Conference at its 37th session.

## Annex

### **Revised draft guidelines for the preparation of reports by Member States on the application of the 1960 Convention and Recommendation against Discrimination in Education**

#### **Introduction**

These Guidelines are intended to assist Member States in the preparation of the Reports on the implementation of the 1960 Convention against Discrimination in Education (“the Convention”) as well as the 1960 Recommendation against Discrimination in Education (“the Recommendation”).

The Convention 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”. 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. 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 I to VII of the Convention and the Recommendation are identical in wording and contain similar provisions. Member States are expected to give effect to it in national legislation and education policies. In addition, the reporting obligation under the provisions of Article VII of the Convention and of the Recommendation is the same.

Even though some points are framed as questions, the document must be regarded more as a guide than as a questionnaire. Member States do not necessarily have to answer all the questions, although they are encouraged to provide information as much as possible. Moreover, Member States which already reported to the seventh consultation are invited to refer to it when appropriate.

The reporting period for the 8th Consultation on the implementation of the Convention and the Recommendation covers six years (2006-2011).

- I. **Information on the legislative, judicial, administrative and other measures taken by the State at the national level**
  1. **Ratification to the Convention against Discrimination in Education and to the Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education (herein the Protocol)<sup>1</sup>**
    - (a) If the Convention or the Protocol has not been ratified, please indicate, where applicable:
      - the stage of the ratification process reached by your country (close to ratification, under way, actively under preparation, not considering ratification in the short, medium or long term);

<sup>1</sup> The Protocol was adopted in 1962. For more information on this Commission: [http://portal.unesco.org/en/ev.php-URL\\_ID=23762&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=23762&URL_DO=DO_TOPIC&URL_SECTION=201.html)

- obstacles or difficulties encountered in completing the ratification process (whether legal, political or practical) and the means of overcoming them;
- the extent to which UNESCO can assist in completing the process.

(b) Please indicate if your country is Party to regional human rights instruments.

**2. Implementation of the Convention and the Recommendation as well as the Protocol in the national legal system**

(a) In case your country is a State Party to the Convention, please indicate:

- 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 in a basic legislative text or other national provisions.
- 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 rights guaranteed by the Convention and the scope of such competence.

(b) In case your country is not a State Party to the Convention, please indicate 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 should demonstrate how laws and practices comply with commitments under the Recommendation).

(c) What are the references, dates and aims of the principal national laws and regulations adopted in order to implement the Convention or Recommendation?

(d) The Report should cover educational laws and legislative texts adopted to prohibit discrimination in education as rooted in the historical, cultural, economic and political conditions and to promote equal educational opportunities. (The report should contain sufficient quotations, when relevant, from or summaries of the relevant principal constitutional, legislative and other texts, which guarantee and provide remedies in relation to the Convention and the Recommendation rights).

**II. Information on the implementation of the Convention or Recommendation (with reference to their provisions)**

**1. Non-discrimination in education**

(a) Please indicate the extent to which discrimination in education based on grounds specified in the Convention/Recommendation is outlawed in your country.

(b) Please describe the measures adopted in order to eliminate and prevent discrimination within the meaning of the Convention/Recommendation, 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.

## 2. Equal opportunities in education to attain education for all (EFA)

- (a) What action is your Government taking in order to 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?
- (b) 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, ensuring equality of educational opportunities, and to achieving EFA as UNESCO's priority.
- (c) What are the actions planned in your country to ensure inclusive education, for instance to give special consideration to gender equity and equality in education and the educational needs of the poor, economically and socially marginalized and vulnerable groups?

## 3. Progress made with respect to implementing the right to education

### (i) *Universal primary education*

- (a) Please furnish information on the progress made with respect to ensuring universal access to primary education.
- (b) 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?
- (c) What strategies and programmes are implemented 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”?<sup>2</sup>
- (d) What difficulties has your Government encountered in the realization of universal access to free primary education?
- (e) If primary education is not currently compulsory in your country, please provide details for its implementation.

### (ii) *Secondary education*

- (a) Is secondary education, including technical and vocational secondary education, generally available and accessible to all in your country?
- (b) To what extent is such secondary education free of charge?
- (c) Please furnish descriptive information on the progress realized and the difficulties encountered.

### (iii) *Higher education*

- (a) To what extent is access to higher education, based upon individual capacity, realized in your country?

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

- (b) What efforts has your Government made to ensure that there is no discrimination on the ground prohibited by the Convention to enter and complete higher education, both in public and private institutions?

**(iv) Adult education and lifelong learning**

- (a) What efforts has your Government made to establish a system of continuing education on the basis of individual capacity, especially basic education for persons who have not received or completed the whole period of their primary education?
- (b) What are the measures being implemented 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?

**(v) Quality education**

What measures does your country take to ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent?

**(vi) Teaching profession**

- (a) Have there been instances of discrimination as regards the training for the teaching profession in your country? If so, what was the response to this situation in order to guarantee the training for teaching profession without discrimination?
- (b) Please describe the conditions of teaching staff at all levels in your country.
- (c) How do teachers' average salaries, for each level of education, compare to salaries of (other) civil servants with equivalent qualification?
- (d) What measures does your country take or contemplate to improve the living and professional conditions of teaching staff?

**(vii) Respect for human rights and fundamental freedoms**

Please report on national efforts made for directing education towards the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.

**(viii) Private education**

If separate or private educational systems or institutions are permitted in your country, please describe regulatory framework relating to:

- (a) the establishment or maintenance of private educational institutions
- (b) the parental choice and the establishments or maintenance, for religious or linguistic purposes, of separate educational systems or institutions, adopted in order to ensure quality of educational opportunities and treatment.

**(ix) Religious and moral education**

Please describe 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 the Convention.

**(x) *Rights of national minorities***

- (a) How are the rights of national minorities protected for carrying out their own educational activities?
- (b) Please describe legal and policy framework relating to the educational standards in educational institutions run by minorities. Information should cover the language facilities, such as the availability of teaching in the mother tongue of the students, use of teaching of languages in education policy.

**III. Methods used to draw the attention of the various authorities in the country to the instruments and to remove the obstacles encountered**

- (a) Please highlight (i) difficulties encountered in the process of implementing the key provisions of the Convention/Recommendation and (ii) the legal and practical obstacles encountered in implementing the Convention.
- (b) Please provide a brief assessment of the effectiveness of the methods introduced to draw the attention of the various authorities of the country to the Convention/Recommendation and to remove obstacles encountered.
- (c) What are the main issues that need to be addressed for promoting equality of educational opportunities in the country?
- (d) Briefly describe activities carried out to raise public awareness of the principles of non-discrimination and equality of educational opportunities enshrined in the Convention and the Recommendation, including their translation into national and, where necessary, local languages, and their national or local dissemination, in particular to non-governmental organizations.
- (e) Please specify activities undertaken or supported by the National Commission with a view to promoting the Convention/Recommendation and fostering debate on critical issues, in relation to the rights enshrined in the instruments.

**Application of the 1993 Recommendation on the Recognition of Studies and Qualifications in Higher Education (186 EX/19 Part III)**

15. The Director of the Division for Basic to Higher Education and Learning provided a brief overview of the follow-up activities to date, namely the monitoring of the six Regional Conventions on Recognition in Higher Education, and highlighted the current revisions underway for two of these; the 1981 Regional Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and other Academic Qualifications in Higher Education in the African States and the 1983 Regional Convention on the Recognition of Studies, Diplomas, and Degrees in Higher Education in Asia and the Pacific. It was explained that the new generation of Conventions reflects a cross-regional alignment in the definition of Recognition. She expressed the Sector's commitment to providing the report of the implementation of the 1993 Recommendation at the 187th session of the Executive Board, reflecting the current developments.

16. A member of the Committee emphasized the importance of the Recommendation in particular with regard to the eventual development of a Universal Convention on Recognition in Higher Education. This member further noted that the inclusion of Member States from other regions in each Regional Convention (as is the currently case for the 1997 Convention on the

Recognition of Qualifications concerning Higher Education in the European Region) was a positive step toward a Universal Convention.

17. Following the discussions, the members of the Committee decided to recommend the following draft decision to the Executive Board:

The Executive Board,

1. Recalling 177 EX/Decision 35 (I), in which it approved a specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided,
2. Having examined document 186 EX/19 Part III and the report of the Committee on Conventions and Recommendations (CR) thereon (186 EX/45),
3. Takes note of the postponement of the examination of the report on the implementation of the 1993 Recommendation on the Recognition of Studies and Qualifications in Higher Education to its 187th session as well as of the accordingly revised timetable of work of the CR Committee for 2009-2013 on the monitoring and implementation of UNESCO's standard-setting instruments;
4. Invites, in consequence, the Director-General to submit to its 187th session the consolidated report on the implementation of the 1993 Recommendation, with the view of its transmission to the 36th session of the General Conference, with the comments of the Executive Board.

**Application of the 2003 Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace (186 EX/19 Part IV)**

18. The Assistant Director-General for Communication and Information presented a brief overview of the second consolidated report on the implementation of the Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace, adopted by the General Conference in 2003.

19. During the debate, Member States thanked the Secretariat for the prepared report and one member of the CR requested the Secretariat to give some concrete examples of recent developments related to the promotion of the multilingualism in cyberspace.

20. In his reply, the Assistant Director-General for Communication and Information indicated that the internationalization of the domain names (IDNs) and their representation in local language characters as well as the IDN ccTLD Fast Process launched by the Internet Corporation for Assigned Names and Numbers (ICANN) in 2009 are among the most important Internet developments since its inception which will contribute to the creation of a multilingual Internet. Number of countries such as Russian Federation, Ukraine, Egypt, Jordan and other has successfully introduced their respective IDN ccTLDs.

21. The Committee recommended that the Executive Board adopt the following draft decision:

The Executive Board,

1. Recalling 33 C/Resolution 54 and 34 C/Resolution 49,
2. Also recalling 177 EX/Decision 35 (I), in which it approved a specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided,

3. Having examined document 186 EX/19 Part IV and the report of the Committee on Conventions and Recommendations thereon (186 EX/45),
4. Regrets that only 24 Member States submitted reports for the second consultation;
5. Recalls that the submission by Member States of periodic reports on the implementation of recommendations adopted by the General Conference is an obligation under Article VIII of UNESCO's Constitution and Article 17 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;
6. Further recalls that the periodic consultation of Member States on the implementation of the Recommendation is intended to enable the Organization to assess both the extent to which Member States are implementing that instrument and the obstacles that they encounter;
7. Reaffirms the importance of the Recommendation and its implementation by Member States;
8. Recommends that the General Conference invite those Member States which have not taken measures to implement the Recommendation to do so, providing the required reports;
9. Invites the Director-General to transmit to the General Conference at its 36th session the second consolidated report on the measures taken by Member States to implement this Recommendation, together with its observations and any observations or comments that the Director-General may wish to make.