



United Nations  
Educational, Scientific and  
Cultural Organization

# Executive Board

Hundred and seventy-seventh session

# 177 EX/35

## Part I

PARIS, 17 July 2007  
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Item 35 of the provisional agenda

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

### Part I

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

#### SUMMARY

In order to continue consideration of this item pursuant to 176 EX/Decision 33 of the Executive Board, the present document has been prepared by the Secretariat.

Decision proposed: paragraph 8.

1. Since the 174th session of the Executive Board, the Committee on Conventions and Recommendations (CR), at the request of the Board, has considered this item on the preparation of proposals to establish new procedures specifically for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided. These proposals, which will contribute to improving this aspect of the CR Committee's terms of reference, will subsequently be submitted to the Board for approval.

2. In order to assist the Committee, the Secretariat submitted suggestions to it (174 EX/22 Part II):

- With regard to the structure of the CR (paragraph 46 (1) of document 174 EX/22 Part II), the Committee was in favour of maintaining its current composition.
- With regard to the major stages identified by the Secretariat in its suggestions and to the methods for monitoring the effective implementation of the standard-setting instruments (paragraph 46 (2) and (3) of document 174 EX/22 Part II): the members of the Committee,

while retaining the Secretariat's suggestions, made preliminary comments on some of the 10 points raised by the Secretariat regarding the monitoring methods.

3. At the conclusion of the debates at the 175th session, the Committee considered it necessary to continue to examine the item on the basis of all of the Secretariat's proposals, as revised in the light of the views exchanged by the members of the CR since the 174th session.
4. At the 176th session, pursuant to that decision, the Secretariat accordingly revised its initial proposals by setting them out, as a legal framework, in the form of the multi-stage procedure entitled *Specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided*.
5. Before conducting an in-depth examination of the proposed multi-stage procedure, Committee members questioned the desirability of placing Member States under similar reporting obligations in respect of both conventions and recommendations when in fact the latter instruments were not conventions and had no binding effect on Member States. In this respect, the Secretariat recalled that the practice of reporting at UNESCO was derived from the Constitution itself, which provided in Article VIII 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". Although, unlike conventions, recommendations were standards that did not require ratification, States were nevertheless invited to apply Article IV, paragraph B.6, of the Constitution which stipulates that the General Conference shall receive and consider the reports sent to the Organization by Member States on the action taken upon the conventions, as well as on recommendations. Furthermore, the Secretariat underscored that most recommendations contained a provision stating that the General Conference would request Member States to submit to it, on dates and in the form that it would determine, reports on action taken by them on the recommendation.
6. In conclusion, the members of the Committee considered that it was necessary to continue the discussion on the subject at its next session, during which the CR would also continue to examine the model guidelines for the drafting of reports (177 EX/35 Part II) as an integral part of the multi-stage procedure.
7. The Committee is therefore called upon to examine in particular the specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided which is contained in annex to the draft decision proposed in paragraph 8 below. The multi-stage procedure is based on the following main points:
  - When adopting conventions and recommendations without any specific institutional monitoring mechanism, the General Conference will request Member States to submit to it a report, in principle every four years, on the action that they have taken in relation to the newly adopted convention or recommendation;
  - When transmitting a certified copy of any convention or recommendation to Member States, the Director-General will formally remind them of their obligation to submit the convention or recommendation in question to their competent national authorities. The Secretariat will ensure that the standard-setting texts adopted by the General Conference are widely disseminated to Member States and the public;
  - In the preparation of reports, a distinction will be made between conventions and recommendations; reports relating to the first category will be based on guidelines previously approved by the Executive Board. The Secretariat will provide Member States with assistance on request;

- Finally, an analytical summary, in the case of conventions, and a consolidated report, in the case of recommendations, prepared by the Secretariat, will be examined by the Executive Board and then by the General Conference.

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

The Executive Board,

1. Recalling 15 C/Resolution 12.2, 23 C/Resolution 29.1 and 32 C/Resolution 77, 165 EX/Decision 6.2, 170 EX/Decision 6.2, 171 EX/Decision 27, 174 EX/Decision 21, 175 EX/Decision 28 and 176 EX/Decision 33 on the first aspect of the terms of reference of the Committee on Conventions and Recommendations (CR) relating to the implementation of UNESCO's standard-setting instruments,
2. Having examined documents 177 EX/35 Parts I and II, and the report of the CR Committee thereon (177 EX/ ),
3. Decides to approve the specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided, as set out in the Annex to this decision.

## ANNEX

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

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

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

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

#### ***Stage 2: Transmission of conventions and recommendations to Member States***

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

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

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

##### ***(a) Consultations concerning conventions***

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

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

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

**(b) *Collection of information concerning recommendations***

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

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

**(c) *Preparation of reports***

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

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

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

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

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

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

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

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

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

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

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

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

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



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# Executive Board

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## Part II

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

### Part II

#### Model guidelines

#### SUMMARY

This document has been prepared by the Secretariat to help members of the Committee on Conventions and Recommendations (CR) to examine this question further, in accordance with 176 EX/Decision 33 of the Executive Board.

Decision proposed: paragraph 12.

1. At its 171st session, the Executive Board asked the CR Committee to formulate guidelines or forms to be sent to Member States for drawing up periodic reports on conventions for whose monitoring the CR Committee is responsible.
2. At the 174th session of the Board, the Committee decided to adopt an approach that took account of the reform process under way at the United Nations concerning the harmonized guidelines for reporting under international human rights instruments, while validating the sections that would constitute the structure of the model guidelines (174 EX/22 Part III, para. 10).
3. In order to give effect to 174 EX/Decision 21, paragraph 6, of the Board, the Committee's Secretariat requested the sectors concerned by the eight conventions for whose monitoring the CR has been responsible since 2003 (32 C/Resolution 77) to provide the core information for inclusion in the sections. In the light of the information provided by the sectors, the Secretariat identified the following difficulties in establishing harmonized guidelines: (i) unlike the United Nations texts, the eight conventions did not cover the same field; (ii) five of them had been superseded by the advent of the new technologies and were therefore not monitored at all; (iii) directives or questionnaires already existed for two of the remaining three conventions.

4. Consequently, rather than model guidelines, at the 176th session the Secretariat proposed framework guidelines for the preparation of reports on the implementation of conventions for whose monitoring the CR Committee is responsible (176 EX/33 Part II, para. 13).

5. At the last session, the members of the Committee adopted the Secretariat's approach regarding the establishment of model guidelines in the form of a flexible framework. They were also of the opinion that the model would apply to the three conventions that were still being monitored regularly as stated by the Secretariat, namely the 1960 Convention against Discrimination in Education, the 1970 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.

6. They considered that the guidelines should be neither too long nor too complex in order to facilitate the work of the Member States. According to several Committee members, the Secretariat should send the guidelines to the national authorities directly responsible for drawing up the report and inform the institutions responsible for relations with UNESCO, as was usually the case. Where no reply was received from the authorities concerned within the specified deadline, it was crucial for the Secretariat to send them reminders drawing attention to their constitutional obligation in that regard (Article VIII of the Constitution).

7. In their initial analysis of paragraph 13 proper, the Committee members decided to delete the first section as it was too general, and to amend the title of the last section and to include a reference in that section to raising the awareness of UNESCO's various partners, such as non-governmental organizations. Lastly, they stated that, as soon as the Committee had approved the model guidelines, they should be annexed to the draft decision that would be recommended to the Executive Board for adoption.

8. On consideration of the current guidelines and questionnaires for the aforementioned three conventions, annexed for information to document 176 EX/33, the Committee considered that they should now be drawn up on the basis of the framework, as a consequence of which some of them would have to be simplified, in particular the guidelines for the drafting of reports on the implementation of the Convention and Recommendation against Discrimination in Education (1960), approved by the Executive Board at its 171st session (171 EX/Decision 28).

9. In conclusion, the Committee members requested the Secretariat to submit to the Executive Board at its 177th session the framework guidelines as revised in the light of the discussion that had taken place.

10. The Committee is thus invited to consider the draft decision in paragraph 12, to which is annexed the framework guidelines as amended by the Secretariat.

11. If the members of the Committee consider that the framework guidelines should be submitted to the Board for adoption, it will then be dealt with as follows, in accordance with the *Specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided* submitted by the Secretariat for consideration by the Committee at the present session in document 177 EX/35 Part I in application of 176 EX/Decision 33:

- The Secretariat will use the framework to draw up draft guidelines for the preparation of reports that will be submitted to the CR to be examined and then adopted by the Executive Board before the Director-General invites Member States, by circular letter, to submit, within a period of six months, their report on action taken on the Convention concerned (Stage 3 (a) of the above-mentioned specific multi-stage procedure);
- Member States will, with the cooperation and support of the National Commissions, prepare the reports in accordance with the guidelines adopted by the Executive Board and



transmitted by the Director-General. Within the limit of available resources, the guidelines may be posted on the Internet to enable Member States to draw up and submit their report to the Secretariat by electronic means, it being understood that this does not rule out processing by the usual channels in line with the Organization's rules on correspondence (Stage 3 (c) of the above-mentioned specific multi-stage procedure);

- The Secretariat will provide to Member States, at their request, technical assistance for the preparation of their reports (Stage 3 (d) of the above-mentioned specific multi-stage procedure).

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

The Executive Board,

1. Recalling 15 C/Resolution 12.2, 23 C/Resolution 29.1 and 32 C/Resolution 77, 165 EX/Decision 6.2, 170 EX/Decision 6.2, 171 EX/Decision 27, 174 EX/Decision 21, 175 EX/Decision 28 and 176 EX/Decision 33 on the first aspect of the terms of reference of the Committee on Conventions and Recommendations (CR) relating to the implementation of UNESCO's standard-setting instruments,
2. Having examined documents 177 EX/35 Parts I and II, and the report of the CR Committee thereon (177 EX/ ...),
3. Having noted that of the eight conventions for whose monitoring the CR Committee is now responsible, three are monitored regularly,
4. Decides accordingly to approve the framework guidelines as set out in annex to this decision for the three conventions referred to below:
  - Convention against Discrimination in Education (Paris, 14 December 1960);
  - Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Paris, 14 November 1970);
  - Convention on Technical and Vocational Education (Paris, 10 November 1989).

## ANNEX

### FRAMEWORK GUIDELINES

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

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

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

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

##### (a) *Convention against Discrimination in Education*

States should provide detailed information on:

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

##### (b) *Convention on Technical and Vocational Education*

States should provide detailed information on:

- (i) the measures taken to define strategies and implement programmes and curricula for technical and vocational education designed for young people and adults, within the framework of their respective education systems;
- (ii) the measures taken to review periodically the structure of technical and vocational education, study programmes, plans, training methods and materials, as well as the

forms of cooperation between the school system and the world of work, and the measures taken to give persons teaching in the field of technical and vocational education the opportunity to update their knowledge;

- (iii) the measures taken to facilitate international cooperation and to participate actively in international exchanges dealing with study and teacher-training programmes, methods, equipment standards and textbooks in the field of technical and vocational education.

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

States should provide detailed information on the measures taken to:

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

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

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



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

### Part II

#### Model guidelines

#### Annex

### CORRIGENDUM

In the text of the annex of the document, at the end of paragraph I (a), insert after "not yet ratified" a reference to a footnote 1 which reads as follows:

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