

**Hundred and seventy-second session**

172 EX/58  
PARIS, 26 September 2005  
Original: English/French

**REPORT OF THE COMMITTEE  
ON CONVENTIONS AND RECOMMENDATIONS**

1. The Committee on Conventions and Recommendations (CR) held two public working meetings on 16 September 2005 with Mr Davidson Hepburn (Bahamas) in the Chair. It met on 26 September 2005 in order to adopt its report. Pursuant to Rule 16.2 of the Rules of Procedure of the Executive Board, the Committee on Conventions and Recommendations elected Mr Antônio Augusto Dayrell de Lima (Brazil), as its temporary Chairman. The Committee examined in public the following agenda items:

**Item 25 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: Nominations and report to the Committee on Conventions and Recommendations thereon (172 EX/24 and Add. and Corr.)**

2. The Committee took note of the fact that two countries (Egypt and Jordan) had submitted candidatures for the five seats of the Commission which will fall vacant in 2005.

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

The Executive Board,

1. Recalling the provisions of Article 3 of 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,
2. Having taken note of the list of persons nominated by the States Parties to the Protocol for the purpose of the election of five members of the Commission communicated to it by the Director-General pursuant to Article 3, paragraph 2, of the said Protocol (172 EX/24 and Add. and Corr.),
3. Transmits this list to the General Conference at its 33rd session;

4. Requests the Director-General to add to this list any candidatures which he may receive before the opening of the 33rd session of the General Conference.

**Item 26 Report on the Third Meeting of the Joint Expert Group UNESCO (CR)/ ECOSOC (CESCR) on the Monitoring of the Right to Education (2005)**

4. The Committee examined the Report on the Third Meeting of the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the Monitoring of the Right to Education (2005), pursuant to 171 EX/Decision 27 (para. 5(d)). The representative of the Education Sector introduced this agenda item, stating that in line with the first priority listed 167 EX/Decision 5.8, the Third Meeting of the Joint Expert Group is devoted to the thematic issue of Foundations of the Right to Education in National Legal Systems. A set of Recommendations and Suggestions made by the Joint Expert Group is highlighted in the Report.

5. The Chairman of CR initiated the debate. Several members of CR, including the members of the Joint Expert Group took part in it. They commended the Report and the thematic approach of the Joint Expert Group. Activities being carried out by the Secretariat for promoting the right to education received high appreciation. Work on the analysis of the right to education in the constitutions and national laws was a matter of priority, as stated in the Report. It was pointed out that the national legislation on the right to education encompasses the education system as a whole. Country specific situations needed to be borne in mind in developing it. The need of the reforms of the legislative framework for education, based on the rule of law, was underlined. Interest was expressed with respect to UNESCO's experience in making its expertise available to countries, especially in Africa, for modernizing/developing national legislation.

6. Members expressed their interest in the World Conference on the Right to and the Rights in Education, organized by the European Association for Education Law and Policy (ELA) in cooperation with UNESCO in November 2004, as mentioned in the Report and the follow-up to the World Conference.

7. Concern was expressed as regards the ratification of the Convention against Discrimination in Education. Members of CR were requested to support the awareness-raising and ratification campaign, launched by the Director-General in circular letter CL/3749 of 29 April 2005. The debate covered questions related to the complementarity of approach in reporting on the implementation of the Convention and Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights relating to the right to education as well as the follow-up to the concluding observations CESCR adopts after examining reports submitted by States.

8. The circular letter No. CL/3770 of 16 September 2005 sent by the Director-General to Member States requesting reports on the measures taken for the implementation of the Convention and the Recommendation against Discrimination in Education was brought to the attention of members of CR. Their contribution was solicited to the informal information meeting on the significance of the reporting system and the methodology for the preparation of the report which will be organized at UNESCO Headquarters on 15 October 2005 on the sidelines of the General Conference.

9. The questions related to the definition of a set of indicators for the monitoring of the right to education and the interface with the Special Rapporteur on the Right to Education as regards UNESCO's work in this field figured in the debate. The importance of the work of the Joint Expert Group was recognized by the Commission on Human Rights in its resolution 2005/21 on the Right to Education which welcomes the Joint Expert Group "to continue discussions on how collaboration between the United Nations Educational, Scientific and Cultural Organization and the Economic

and Social Council in monitoring and promoting the right to education could be further strengthened, and encourages continued collaboration between these two bodies” (para. 5).

10. Concern was expressed that education should not be a luxury. In this context, the process of weakening of the right to education, as pointed out in paragraph 7 of the Report needed particular attention. Making basic education available as a right to every one without exclusion or discrimination was a daunting challenge. Democratization of education policies was important. The endeavour for promoting equality of educational opportunities should give special consideration to vulnerable groups, and also cultural and educational minorities, girls and women and the indigenous peoples.

11. The representative of the Education Sector responded to queries and provided information with respect to points raised during the debate. He gave indications as to activities being developed as a follow up to the World Conference on the Right to and the Rights in Education. Experience available in providing the technical assistance to Member States for modernizing and developing national legislation was highlighted. Members of CR were apprised about cooperation with the Special Rapporteur on the Right to Education relating to the Report he is preparing on the right to education of girls as well as consultation with him on the justiciability of the right to education. Support from the members of CR as regards the crucial role of National Commissions for Cooperation with UNESCO in promoting the right to education was very encouraging.

12. Concluding the debate, the Chairman of CR complimented the members of the Joint Expert Group for their contribution, and the Secretariat for the excellent quality of work in this important area. The debate brought forth the importance attached by members of CR to UNESCO’s work in the field of the right to education, in line with the recent decisions adopted by the Executive Board on the recommendations of CR. It clearly recognized that the Joint Expert Group deserves to be encouraged and supported to continue its work on thematic issues such as indicated in the Report. Accordingly, the Chairman of CR made an oral proposition, outlining the text of a draft decision, based upon main elements emerging from the debate. This was endorsed by Members of CR.

13. After having examined the item, the Committee recommends that the Executive Board adopt the following draft decision:

The Executive Board,

1. Recalling 165 EX/Decision 6.2, 167 EX/Decision 5.8 and 171 EX/Decision 27,
2. Having examined document 172 EX/25,
3. Noting the importance attached to the work of the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the Monitoring of the Right to Education by the Commission on Human Rights in its resolution 2005/21, adopted in April 2005,
4. Expresses its appreciation of the work of the Joint Expert Group and commends the activities of the Secretariat for promoting the right to education;
5. Encourages the Joint Expert Group to continue its work on the issues of key importance in the realization of the right to education and requests it to report to the Executive Board at its 175th session.