

**UNITED NATIONS EDUCATIONAL, SCIENTIFIC  
AND CULTURAL ORGANIZATION**

**EXECUTIVE BOARD**

Hundred and sixty-fifth Session

**COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS**

Item 6.2 of the provisional agenda

**PROPOSALS BY THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS  
ON THE CONDITIONS AND PROCEDURES APPLICABLE TO  
THE EXAMINATION OF QUESTIONS RELATING TO  
THE IMPLEMENTATION OF UNESCO'S STANDARD-SETTING INSTRUMENTS**

**CONSULTATIONS WITH THE MEMBER STATES**

**SUMMARY**

This document reproduces the replies of the Member States of the Committee received by the Secretariat following consultation of the Member States by the Chairperson of the Committee.

1. In 162 EX/Decision 5.4(I)1, the Executive Board had requested "the Committee on Conventions and Recommendations to submit to the Executive Board at its 164th session proposals on the conditions and procedures applicable to the examination of questions relating to the implementation of UNESCO's standard-setting instruments", considering that there was justification for improving the effectiveness of the second part of the Committee's mandate.

2. At the meeting held during the 164th session of the Executive Board, the members of the Committee opened the debate on the question by identifying certain problems and a number of measures for improving the procedure for the examination of reports. At the conclusion of the debate, the members considered it necessary to pursue the examination of this complex issue at the 165th session of the Executive Board (164 EX/Decision 5.2). Nevertheless, they wished to engage in an informal exchange of views, before the next meeting, on the options and proposals contained in document 164 EX/23 (see the report of the Committee on Conventions and Recommendations, document 164 EX/49).

3. The Chairperson of the Committee sent the Committee members a letter dated 1 July 2002 for the purpose of soliciting views and proposals. In response to that letter, the Secretariat has received, as at 30 August 2002, five letters – from Germany, Italy, Kuwait, Pakistan and Ukraine –, which are reproduced in the annex to the present document.

4. In accordance with the wishes expressed by the Committee at the 164th session, an informal working group will meet on 12 September 2002 to examine all the replies received by the Secretariat, and to respond as it sees fit to the proposals contained in document 164 EX/23, annexed to document 165 EX/21.

## ANNEX

### GERMANY

1. Germany appreciates very much the substance and comprehensiveness of document 164 EX/23 which has been prepared by the Secretariat to help members of the Committee to submit to the Executive Board proposals on the conditions and procedures applicable to the examination of questions relating to the implementation of UNESCO's standard-setting instruments. This document served as an extremely useful basis for the examination of this issue which took place during the Committee meeting on 17 May 2002.
2. Consensus has been reached that the Committee should look for ways to improve the system and for alternative approaches and devote more time and effort to deal with all questions relating to the implementation of UNESCO's standard-setting instruments that are entrusted to it by the Executive Committee. This procedure which is presently not functioning satisfactorily should be reactivated; special attention should be paid to similar examination mechanisms existing in the United Nations system.
3. In earlier replies, Germany drew the attention to the fact that United Nations treaty bodies, such as, e.g. the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, and the Committee on the Rights of the Child, created well-established examination procedures concerning individual States' reports which led to concluding remarks after public meetings with representatives of the States. These procedures were improved over time, *inter alia*, in terms of preparation, transparency and consultations with human rights NGOs, and should be carefully studied, because they differ considerably from the UNESCO procedure which allows the Committee to consider only summary reports prepared by the Secretariat on the Member States' reports. Germany, therefore, suggests to discuss the implications of introducing a corresponding procedure which allows to periodically consider individual Member States' reports on specific UNESCO conventions in detail.
4. Germany agrees that it would be desirable to rethink the UNESCO reporting system in its entirety. However, a step-by-step strategy will be necessary in order to improve the system. Therefore, the Committee should, first of all, concentrate on those standard-setting instruments which are presently monitored by the CR. Those instruments are listed in Annex C of document 164 EX/23; with the exception of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Recommendation on the same subject (1964) – which actually do no longer involve the CR in the report examination procedure (cf. Annex C, p. 2) –, all other seven legal instruments refer to education (one convention and six recommendations).
5. An overall and detailed stock-taking of these seven legal instruments is recommended in close cooperation with the Education Sector of the Secretariat. In this connection, priority must be given to the Convention against Discrimination in Education (1960) because of its binding nature. In this context, Germany fully endorses the recent decision of the Executive Board to establish a UNESCO (CR)/ECOSOC (CESCR) Joint Expert Group which should start its work as soon as possible in order to avoid overlapping and to streamline the work relating to the right to education. Moreover, Germany would like to draw attention to the fact that 30 C/Resolution 15 of 17 November 1999 has not yet been taken up. In this resolution the General Conference invited the Director-General to explore “the possibility of creating a coherent mechanism for reporting on and monitoring the right to education as it is set down in various United Nations conventions on human rights, and to inform it at its 31st session of measures undertaken to this end” (c.f. also footnote 5 in 164 EX/23 on p. 4).

6. Moreover, Germany would like to draw the attention to the report of the ad hoc working group of the Executive Board on human rights education (156 EX/43). The Executive Board at its 161st session asked the Secretariat to submit a report to its 164th session which contains a comprehensive strategy and working plan. Unfortunately, this item has been postponed to the 165th session of the Executive Board.

7. Part III of document 164 EX/23 which contains proposals based on (a) information gathering and (b) on monitoring should be first discussed in the context of the seven standard-setting instruments mentioned above which are presently “monitored” by the CR. In this connection, the question should be raised to what extent the recommendations would fall into the category of “information gathering” and could be “monitored” through alternative approaches. Again, priority must be given to an improved system of monitoring the Convention against Discrimination in Education, in close cooperation with the CESCO. This would also be in line with the education priorities laid down in UNESCO’s Medium-Term Strategy for 2002-2007 and offers specific working relationships with the CESCO, based on Article 14 of the ICESCO which asks for detailed national plans of action for the progressive implementation of compulsory education.

8. The question whether the mandate of the CR should be broadened and include additional UNESCO standard-setting instruments demands further preparatory work and should be dealt with in a second step. It implies the “clustering” of the other UNESCO standard-setting instruments with regard to their substance, e.g., in the case of the several regional conventions on the recognition of studies, diplomas and degrees in higher education. Again, close cooperation with the different sectors of the Secretariat will be necessary.

9. The fact that human rights issues are presently covered by different sectors in the Secretariat demands an overall strategy and working plan of the Organization. Germany expresses its hope that the Task Force of the Secretariat set up in July 2001 undertakes a critical assessment of UNESCO’s performance in the field of human rights, thereby covering all areas of activity and dealing with all kinds of internal and external cooperation. There is no question that the Committee plays a central role in this undertaking; it should be informed and consulted, especially with regard to future priority actions within UNESCO’s human rights mandate.

## ITALY

### GENERAL LEGAL FRAMEWORK

With regard to the practice of submitting reports (Constitution, Articles IV and VIII), the provisions establishing the procedure for the submission and examination of reports by Member States should be revised, strengthened and updated, and the General Conference should be asked to clarify the scope of the Member States' obligation, which must be made effective.

### THE QUESTION OF MONITORING

The UNESCO Secretariat should seek to secure a higher level of response. The Secretariat's action must in any case be based on binding instructions by the General Conference regarding the actual obligation of Member States to submit reports on the application of UNESCO's standard-setting instruments. The level of response for similar procedures in the rest of the United Nations system (for example, the Human Rights Committee) is much higher.

It would be useful to establish a UNESCO/Office of the High Commissioner for Human Rights/International Labour Organization working group to check procedures, analyse the various monitoring practices, and ensure a systematic exchange of information and documents.

### PROPOSALS AND OPTIONS

- **Option A1:** We do not agree.
- **Option A2:** We do not agree.
- **Options A3 and A4:** We approve of both these options.
- **Option B1:** We approve wholeheartedly of both (a) and (b) of this option. It might also be a good idea, as is done in the United Nations Commission on Human Rights, to appoint members of the Committee on Conventions and Recommendations as "special rapporteurs" for the different rights. Their report would form the basis for the examination of reports by the Committee on Conventions and Recommendations.
- **Option B2:** We do not agree with this option, which is complicated and costly. The members of the Committee on Conventions and Recommendations are already specialized: this is a political organ which seeks to bring about amicable solutions between Member States.
- **Option B3:** We support this proposal inasmuch as it supplements, but does not replace, the reporting procedure. It would be very useful in helping to make the Executive Board's oversight function effective.

We are also convinced that the Executive Board's Committee on Conventions and Recommendations should intervene in the procedure for the examination of all the reports envisaged by all the conventions, agreements and recommendations adopted by the General Conference (Annex A, lists A, B, C).

We should also like to propose that the General Conference should devise a new procedure by including in the Protocol of 10 December 1962 to the Convention against Discrimination in Education (15 December 1960) a new provision empowering the Executive Board to transmit a written communication to the Conciliation and Good Offices Commission if the Committee on Conventions and Recommendations, after examining the reports on the application of the 1960 Convention, considers that a State Party to the Protocol is not applying the provisions of the Convention. The Executive Board's communication would be dealt with by the Conciliation and Good Offices Commission pursuant to Article 12 of the 1962 Protocol.

## KUWAIT

### 1. Paragraph 14\* : Monitoring problems

Devise mechanisms for gathering reports on conventions which are appropriate to the geographical regions of Member States, each region according to its own characteristics and nature, including:

- information-gathering forms (various types of form, geared to the specificities of the various geographical regions);
- definition of the types of promotional tools, which should be geared in this respect to the characteristics of the geographical regions (for instance, the traditional information media still play a key role in the Africa region and the Latin America and the Caribbean region).

### 2. Paragraphs 20 and 21\* : Practice and limits of monitoring

Design questionnaire forms based on the following two criteria:

- the nature of the topic in question and the information relating to it (studies, statistics, lists, etc.) and the requirements of the standard-setting instruments, on the one hand; and
- the discrepancies between the various Member States' technical and administrative ability to provide information according to their geographical region, on the other hand.

### 3. Point III (A)\* : Information-gathering mechanisms

The clear references of the document to the difficulties hampering the gathering of information are reflected in the poor response of the majority of Member States regarding submission of the desired or statutory reports (only 20%, with large discrepancies between regional groups).

For this reason, with a view to raising the response rate of Member States regarding submission of their reports, following an examination of the options proposed in the document, our Delegation is of the view that the Secretariat should help Member States encountering difficulties in preparing their periodic reports by establishing a “guidance, support and monitoring unit” for the purpose of:

1. providing guidance and advice to Member States in order to help them to assimilate the standard-setting instruments whose implementation they are requested to monitor;
2. overcoming the technical and administrative difficulties hampering the Member States' submission of reports by devising mechanisms geared to the nature of the local difficulties, according to each geographical region;
3. overseeing the information-gathering process by means of continuous monitoring together with the Member States and the relevant national authorities at the local level;
4. contributing to information campaigns together with the Member States.

---

\* of document 164 EX/23

**PAKISTAN**

**(Letter to the Chairman from the Ambassador, Permanent Delegate of Pakistan to UNESCO)**

I have the honour to refer to your letter No. PDT/CR/02/100 of 1 July 2002 regarding the examination “of questions relating to the implementation of standard-setting instruments”.

It is our view that the existing scope and working methodologies of the “second aspect of the mandate of the Committee” should be maintained. We do not feel that any further changes are necessary. In this context, it would be useful if Member States are encouraged to submit timely and adequate reports pertaining to the six “standard-setting instruments” on education. In facilitating the submission of such reports, better and more efficacious use could be made of and inputs provided by UNESCO field offices through the provision of necessary technical and financial assistance to Member States.



## UKRAINE

1. Ukraine considers that the issue of improvement of the procedures for the examination of questions relating to the implementation of UNESCO's standard-setting instruments should be examined in the context of improving the effectiveness of the second aspect of the CR's mandate.

In the end, these issues should be aimed at making more effective practice for monitoring of the implementation of conventions and recommendations and should encourage the Member States' fulfilment of their international obligations and promote respect for international standards.

Therefore, it is necessary to pay attention to two main aspects of the procedure:

- On the one hand, it requires to rationalize the monitoring procedure in force at UNESCO and legal framework for the monitoring in terms, of its scope and effectiveness, as well as to improve the process of submission and considering the reports;
- On the other hand, it is important to assist States in preparing their periodic reports, to improve mechanisms and practical measures aimed at promoting more effective implementation of the UNESCO's standard-setting instruments at the national level.

2. As to the proposals based on information gathering (Part A of document 164 EX/23), it would be advisable that monitoring of the implementation of conventions and recommendations, information gathering on the periodic submission of national reports, its analysis and generalization should be an integral part of the work of the sectors concerned.

Ukraine shares the view on the necessity of improvement and simplification of a procedure of the submission of Member States' reports and to rethink the reporting system in order to make it easier.

In our view, it is necessary to continue the practice of submission of reports by all Member States but not by a representative sample of Member States. Because it is important to analyse and generalize experience on a broader international level and to make this procedure more universal.

3. As to the Proposals based on monitoring (Part B of document 164 EX/23), the suggestion on broadening the mandate of the Committee on Conventions and Recommendations deserves consideration (Option B1).

The Committee could examine reports not only on its texts and matter but also on rights. We share the view that it would make possible a global approach to each right as it is defined in all the relevant provisions. This approach might also yield valuable information for the new UNESCO's programme activities.

Evidently, the Committee, in accordance with the rules of procedure stipulated in 104 EX/Decision 3.3, could receive and examine communications from individuals or groups of individuals who may be presumed to be victims of an alleged violation of one of the norms under a convention or recommendation whose follow-up is entrusted to the Executive Board.