

**Hundred and sixty-sixth Session**

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

**Item 6.1 Examination of the communications transmitted to the Committee on Conventions and Recommendations in pursuance of 104 EX/Decision 3.3: Comparison of the procedures of the Committee on Conventions and Recommendations with those of the United Nations human rights bodies (166 EX/23)**

1. The Committee on Conventions and Recommendations (CR) examined this item of its agenda at a public meeting in the morning of 3 April 2003, with Mr Louis Peter Van Vliet, the representative of the Netherlands, in the Chair. It met on 14 April 2003 in order to adopt this report.
2. Pursuant to Rule 16.2 of the Rules of Procedure of the Executive Board, the Committee on Conventions and Recommendations elected Mr Abdelwahab Bouhdiba, the representative of Tunisia, as its temporary Chairperson.
3. By way of introduction, the representative of the Director-General outlined the historical background to the CR and the evolution of the procedures laid down in 104 EX/Decision 3.3 of the Executive Board and implemented by the Committee with regard to consideration of communications received by UNESCO concerning violations of human rights in its fields of competence. The representative of the Director-General went on to introduce document 166 EX/23 containing a comparative study of the Committee's procedures and those of other United Nations bodies deriving from extra-conventional (the "1503" procedure implemented by the Commission on Human Rights) or conventional (such as the Human Rights Committee procedures) mechanisms.
4. In the course of a lengthy exchange of views among members of the Committee, the following points were underlined:
  - (a) The procedure laid down in 104 EX/Decision 3.3 of the Executive Board always has specific characteristics in comparison with similar procedures in United Nations human rights bodies. UNESCO's procedure was distinguished by its non-judicial character and by the search for an amicable solution in a spirit of dialogue, reconciliation and mutual understanding, which was carried out in the strictest confidentiality, thereby conferring on the Board an undeniable moral authority. The work of the Committee in this field should continue to be inspired by tolerance, respect for cultural diversity and dialogue, while observing the principle of the universality of human rights.

- (b) The principle of confidentiality, which governed the procedure throughout, did not however exclude increasing public awareness of the Committee and its mandate as well as of the procedure and the results achieved, including the number of cases resolved (about 70%), which justified its existence. It was pointed out that it was moreover time to publicize the old cases and thereby make accessible to the public the private CR documents at the end of the period of 20 years provided for by Article 29 of the Rules of Procedure of the Executive Board.
- (c) The fact that a particular case was examined by another organization of the United Nations system did not prevent the CR from examining it also. Accordingly, the different procedures were not incompatible but rather complementary, favouring greater cooperation and coordination between the Committee and the other United Nations bodies responsible for protecting human rights. This multiplicity of procedures showed that the need existed in civil society to ensure the protection of basic individual rights. The wish was expressed that this cooperation should be strengthened and that an international meeting of those bodies be envisaged under the auspices of UNESCO.
- (d) Stressing the functions and scope of the CR's terms of reference, the Committee considered that it would be inconceivable to reduce its periodicity by half, in keeping with the proposals set out in paragraph 9 of document 166 EX/20 concerning specific proposals for improving the functioning of the three organs of UNESCO.
- (e) The periodic review of the working methods of the Committee, as was the custom in the CR, was also supported. It was proposed in particular that the application by the Committee of the admissibility criteria should be reviewed to bring them more into line with UNESCO's fields of competence.
- (f) There was confirmation of the need to revitalize the second function of the CR concerning the consideration of questions entrusted to it by the Executive Board relating to the implementation of UNESCO's standard-setting instruments, including the periodic reports of the Member States on the follow-up to conventions and recommendations. In this respect, attention was drawn to the work already carried out by the Committee since the 162nd session of the Executive Board to rationalize the procedure for establishing reports and thereby optimize the effectiveness of UNESCO's standard-setting instruments (see 165 EX/Decision 6.2), with particular emphasis being given to the right to education, a right integral to UNESCO's institutional mandate.

5. In conclusion, the members of the Committee emphasized the positive record of the CR and confirmed the continuing relevance of the 104 EX/Decision 3.3 procedure on the occasion of the twenty-fifth anniversary of its creation.