

Hundred and sixty-second Session

162 EX/53 Rev.
PARIS, 10 October 2001
Original: French/English

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

1. The Committee on Conventions and Recommendations held three meetings on 27 September and 1 October 2001 chaired by Mr Hector K. Villarroel (Philippines). It met on 9 October 2001 to adopt the present report. Pursuant to Rule 16.2 of the Rules of Procedure of the Executive Board, the Committee on Conventions and Recommendations elected Mr Eriabu Lugujo, representative of Uganda, as temporary Chairperson. The Committee considered the following item of the agenda:

Item 3.2.2 of the agenda

**REPORT OF THE DIRECTOR-GENERAL ON THE SEVENTH SESSION
OF THE JOINT ILO/UNESCO COMMITTEE OF EXPERTS ON THE APPLICATION
OF THE RECOMMENDATION CONCERNING THE STATUS OF TEACHERS (CEART),
AND REPORT BY THE COMMITTEE ON CONVENTIONS AND
RECOMMENDATIONS THEREON (162 EX/8)**

2. Introducing item 3.2.2 of the agenda, the representative of the Director-General briefly presented document 162 EX/8.
3. The document is in three parts:
 - The first concerns the nature of the Joint Committee's report, policy and programmatic issues, allegations received from teachers' organizations, recommendations made by the Joint Committee, and a proposal concerning the title of CEART.
 - The second (Annex I) is an information paper produced at the request of the Executive Board at its 161st session, aimed at clarifying the relationship between CEART and the CR.
 - The third part reproduces in full the report of the seventh session of the Joint ILO/UNESCO Committee.
4. The representatives of ten Member States took the floor in the debate, and the following points were discussed:

- (a) The need to provide CEART with the necessary means and resources for the effective implementation of the recommendations made.
- (b) The need for the Secretariat to report on progress made in the implementation of the proposals, in particular the evaluation of CEART's activities, the preparation of the report on the world situation with regard to academic freedoms, and the inclusion of information on HIV/AIDS prevention in education and training.
- (c) The need to place special emphasis on improving the critical situation of education systems in the least developed countries.
- (d) The need for further clarification of the relationship between the CR Committee of the Executive Board and CEART. This could be the subject of a thorough discussion at a future meeting of the Board.
- (e) The need to accord importance, if the means are available, to translating the report into the official languages of UNESCO, so as to take fuller account of the cultural and linguistic diversity that characterizes the Organization.
- (f) The need, at a future meeting of the Joint Committee, to reflect on the desirability of modifying the membership of CEART and of including representatives of Member States (one for each region), which could increase the objectivity of the analyses of allegations submitted by teachers' organizations.
- (g) The need for the deterioration in teachers' conditions observed in several Member States to be clearly reflected in the draft decision.

5. Following its deliberations, the Committee recommended that the Executive Board adopt the following decision:

The Executive Board,

1. Recalling 154 EX/Decision 4.4, 157 EX/Decision 6.3 and 161 EX/Decision 3.2.2,
2. Having examined document 162 EX/8,
3. Deeply concerned about the continuing decline of the overall status of teachers as indicated in the report of the Joint ILO/UNESCO Committee,
4. Takes note of the report of the seventh session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers (CEART/7/2000/10);
5. Appreciates the work of the Joint Committee in stimulating action to promote greater awareness and wider application of the two Recommendations concerning the status of teaching personnel, and invites the Director-General to facilitate the Joint Committee's carrying out of its next cycle of work, the report of which is foreseen for the year 2003, for submission to the Executive Board;
6. Notes with concern the difficulties encountered by the Joint Committee in implementing activities due to a paucity of resources;
7. Invites the Director-General to communicate the report of the Joint Committee, together with the observations of the Executive Board, to Member States and their National

Commissions, international teachers' organizations, and other relevant international organizations having relations with UNESCO, and to encourage them to continue to intensify their efforts to apply all provisions of both normative instruments, notably in the light of the Joint Committee's proposals on a strategy for improving the status of the teaching profession;

8. Requests the Director-General to ensure, through the provision of adequate resources within the Programme and Budget to be approved for 2002-2003, the implementation of the measures prioritized in the report of the Joint Committee and expresses the wish that the ILO ensures the same within its own framework;
9. Decides that the name of the Joint Committee be changed to the "Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel" (CEART), as suggested by the Joint Committee, in order to better reflect the Committee's expanded mandate as decided by 157 EX/Decision 6.3 of the Executive Board;
10. Expresses the wish that the cultural diversity and linguistic pluralism which characterizes the United Nations system be respected, as far as possible, in the dissemination of the report of the Joint Committee.

Item 5.2 of the agenda

**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 OF THE COMMITTEE ON CONVENTIONS
AND RECOMMENDATIONS THEREON (162 EX/19)**

6. The Committee took note of the fact that no State Party 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 had submitted candidates with a view to the election of six Commission members by the General Conference at its forthcoming session.
7. Several members of the Committee regretted the fact that, since its establishment, the Commission had never been called upon to exercise its good offices or its conciliation functions.
8. Another member of the Committee noted that a meeting of States Parties to the aforementioned Protocol had been organized in 1999 by the Director-General at the request of the General Conference to seek ways of revitalizing and developing the procedure instituted by that Protocol. He regretted the poor participation at the time by the countries concerned (only four States), while expressing reservations about the Secretariat's preparatory work for that meeting.
9. 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 document 162 EX/19 and of the fact that no persons had yet been nominated by the States Parties to the aforementioned Protocol for the purpose of the election of six members of the Commission,
3. Requests the Director-General to transmit to the General Conference any candidatures which he may receive before the opening of its 31st session;
4. Stressing the importance of the Commission's role,
5. Recommends to the General Conference that it request the Director-General to reconvene the States Parties to the Protocol to review the Commission's procedures with the aim of making them effective.

Item 5.3 of the agenda

**SYNTHESIS OF REPORTS BY MEMBER STATES IN THE CONTEXT
OF THE PERMANENT SYSTEM OF REPORTING ON EDUCATION FOR PEACE,
HUMAN RIGHTS, DEMOCRACY, INTERNATIONAL UNDERSTANDING
AND TOLERANCE, AND REPORT OF THE COMMITTEE ON CONVENTIONS
AND RECOMMENDATIONS THEREON (162 EX/20)**

10. Ten Member States took the floor on item 5.3 of the agenda entitled “Synthesis of reports in the context of the Permanent System of Reporting on Education for Peace, Human Rights, Democracy, International Understanding and Tolerance, and report of the Committee on Conventions and Recommendations thereon”.

11. The representative of the Director-General presented document 162 EX/20 and pointed out that this report is directly related to UNESCO's ethical mission and that the Organization has given considerable importance to the promotion of education for peace, human rights, democracy, international understanding and cooperation. She continued by saying that although the number of reports submitted was quite low (32 countries out of 185, representing 17%), they reveal that some significant new measures and initiatives have been taken in support of the Declaration and Integrated Framework of Action on Education for Peace, Human Rights and Democracy.

12. A number of Member States emphasized that, in light of the present world situation and the recent events of 11 September, education for peace, human rights and democracy and the elimination of racism and prejudice is of utmost importance as it concerns directly the future of our societies, and should be at the very heart of the discussions during the 31st session of the General Conference. They stressed that today culture and cultural diversity should be taken into account when reinforcing education for peace, human rights and democracy. This should also be seen in a broader context, not only from the point of view of content, but also vis-à-vis the learning process and organization of the education system as a whole. More attention should also be given to non-formal education, as well as the use of NICTs for educational purposes.

13. Within this framework, UNESCO should take a closer look at action taken in the field of education for peace, human rights and democracy in the past and propose new strategies required

for the future. It was also pointed out that partnerships should be strengthened to this effect, in particular, with parliamentarians, NGOs and the United Nations University.

14. Concerning the document itself, many Member States were concerned by the low rate of response and proposed that the questionnaire should be revised in order to be clearer, easier to complete and with greater focus. It was also suggested that the structure of the report be changed including more data and graphics.

15. Some Member States requested information about the follow-up to this report, stressing the fact that despite the low number of responses, conclusions have been drawn, lessons have been learned and best practices have been observed. Within this framework, it was proposed that best practices should be shared among all countries and other partners.

16. Following the debate on the methods of work of the Committee which was held on 27 September 2001, some Member States expressed their concern about the procedure of examination of the State Reports within the Committee, namely whether the Committee should examine each national report or just the overall synthesis that the Secretariat is submitting. This debate will continue within the Committee during the spring session of the Executive Board.

17. Finally, the Committee recommended that the Executive Board adopt the following decision:

The Executive Board,

1. Having examined document 162 EX/20,
2. Recalling 156 EX/Decision 3.2.1,
3. Takes note of the synthesis of reports in the context of the Permanent System of Reporting on Education for Peace, Human Rights, Democracy, International Understanding and Tolerance;
4. Decides to transmit document 162 EX/20, together with its comments to the General Conference at its 31st session.

Item 5.4 of the agenda

EXAMINATION OF THE METHODS OF WORK OF THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS (162 EX/CR/2 and Add.)

18. By way of introduction, the representative of the Director-General reminded the Committee that at the 161st session of the Executive Board, the Committee on Conventions and Recommendations (CR) had decided to hold a special meeting, at the start of its next session, to examine matters regarding its methods of work.

19. In pursuance of that decision, the Director of the Office of International Standards and Legal Affairs had sent a letter to the Member States represented on the Committee, requesting them to give their views and comments on the Committee's methods of work and to make any suggestions and proposals which they might have on the subject. Annexed to that letter was document 159 EX/CR/2 on the procedure laid down by 104 EX/Decision 3.3 of the Executive Board and on the Committee's procedural practice.

20. In response to that letter, the Secretariat had received two replies: one from the representative of Germany (dated 16 August 2001) and the other from the representative of Italy (dated 20 July 2001), which are reproduced in the Annex to document 162 EX/CR/2 Add.

21. In the course of the two public meetings, the members of the Committee examined the suggestions and proposals submitted by Germany and Italy after thanking their representatives.

A. On the proposals relating to the procedure for consideration of communications submitted to CR in accordance with 104 EX/Decision 3.3

22. The members of the Committee agreed that an information meeting should be organized on the Committee's procedural practice every two years during the first session following the renewal of the membership of the Executive Board and of the Committee in order to explain the procedure to the Committee's new members.

23. The Committee also hoped that the Secretariat would continue to make contact with other international organizations dealing with the same cases so as to obtain information on the alleged victims, while preserving the confidential nature of the Committee's work. In that respect, most of the Committee members noted that the parallel examination of a case by an international organization of the United Nations system or by another international organization did not prevent the CR from examining it also, having regard to the distinctiveness of UNESCO's procedure in relation to those existing in other organizations.

24. In addition, the Committee considered that it was not advisable to designate a Rapporteur given the many practical problems that such a designation would pose for it.

25. Finally, while speaking in favour of publicizing the procedure more widely and enhancing the visibility of the Committee's work, the members of the Committee considered that any information in that connection should be issued with caution, having strict regard to the confidential nature of the communications.

B. On the proposals concerning the consideration of all questions relating to the implementation of UNESCO's standard-setting instruments

26. In support of the observations made by Germany, some members pointed to the current shortcomings in the exercise of the second part of the CR's mandate, namely the consideration of all questions relating to the implementation of UNESCO's standard-setting instruments that are entrusted to it by the Executive Board, including Member States' periodic reports on the implementation of conventions and recommendations.

27. Several members pointed out that the Committee did no more than examine the synoptic documents drawn up by the Secretariat on the periodic reports, without scrutinizing carefully the reports submitted by the Member States or engaging in dialogue with the countries concerned, as did other United Nations bodies, such as the United Nations Committee on Economic, Social and Cultural Rights (CESCR). Most of the members wondered if the CR was capable of carrying out the second part of its mandate. They also stressed the importance of avoiding any overlap with the work of other United Nations bodies and of ensuring greater complementarity with those bodies, particularly in the field of the right to education.

28. The Legal Adviser recalled the legal basis for the Committee's mandate relating to the implementation of standard-setting instruments, drawing attention to the provisions of Article VIII of the Constitution concerning the submission of reports by the Member States. The terms of the mandate were established at the 15th session of the Conference which, in 15 C/Resolution 12.2, decided that the examination of the reports submitted by Member States on the implementation of

conventions and recommendations would be entrusted to a subsidiary organ of the Executive Board. The Committee's mandate was nevertheless confined to the examination of those reports that had been expressly entrusted to it.

29. The Committee felt it necessary to request the Executive Board to define, as it had done in 104 EX/Decision 3.3, the conditions and procedures applicable to the examination of questions relating to the implementation of standard-setting instruments so as to determine precisely the periodicity, means and format of national reports as well as the criteria necessary for their examination. It also charged the Secretariat with the task of identifying the UNESCO standard-setting instruments for whose follow-up the Committee was responsible.

30. The Committee members emphasized that where the right to education was concerned UNESCO should play a leading role among the agencies of the United Nations system, bearing in mind that the exercise of this right was at the very core of UNESCO's Medium-Term Strategy (31 C/4, para. 59). In that regard, the members expressed their interest in being able to examine in depth the national reports submitted in the framework of the follow-up to the Convention against Discrimination in Education as well as the situation regarding the follow-up to 30 C/Resolution 15.

31. The Secretariat informed the Committee of the results of the sixth consultation of Member States on the implementation of the Convention and of the Organization's active participation in the work of the United Nations Committee on Economic, Social and Cultural Rights (CESCR), in particular its contribution to the elaboration by CESCR of General Observation No. 13 concerning the right to education. This United Nations body attached paramount importance to the Organization's contribution, particularly with regard to the follow-up of UNESCO's recommendations to Member States concerning the right to education and, more particularly, the follow-up to the Framework for Action of the Dakar World Education Forum.

32. Welcoming the growing cooperation between UNESCO and CESCR and underlining the importance of a coherent structure for monitoring the right to education, the Committee considered that the Organization should give effect to the proposals made by the Chairperson of CESCR during an informal meeting held on 21 May 2001 at UNESCO Headquarters concerning the setting up of a joint UNESCO/CESCR expert group on monitoring the right to education in all its dimensions. One member of the Committee proposed that this joint expert group, which would have an initial term of office of two years, should be composed of two representatives of CESCR appointed by its Chairperson and two representatives of the CR appointed by the Chairperson of the Executive Board, in consultation with the Chairperson of the CR.

33. After receiving oral information from the Secretariat relating in particular to operational activities under the Memorandum of Understanding of 19 October 1995 between the Director-General of UNESCO and the Office of the United Nations High Commissioner for Human Rights, the Committee did not consider it appropriate to examine the possibility of setting up the task force referred to in paragraph 4 of that memorandum.

34. The Committee members were of the opinion that the amendment of Article 12 of the Protocol of 10 December 1962 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, which had been suggested as a means of putting in place a legal mechanism whereby the Committee might be linked with the said Commission, did not fall within the competence of the Committee but rather that of the States Parties to the Protocol.

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

The Executive Board,

Having regard to document 162 EX/CR/2 Add.,

I

1. Requests the Committee on Conventions and Recommendations to submit to the 164th session of 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 and, to that end, decides to make available to the Committee such additional time as may be required;
2. Requests the Director-General to organize an information meeting on the Committee's procedural practice every two years during the first session following the renewal of the membership of the Executive Board and of the Committee.

II

1. Bearing in mind that the Constitution of UNESCO expresses the belief of its founders in "full and equal opportunities for education for all", and UNESCO's pre-eminent role in the field of the right to education in the constellation of the United Nations system,
2. Considering the importance of the follow-up to 30 C/Resolution 15 on cooperation with the United Nations in monitoring the right to education,
3. Conscious of the fact that the right to education is a priority of UNESCO, which has been committed to a framework for action since the Dakar World Education Forum (2000),
4. Recognizing that the growing collaboration between UNESCO (CR – Committee on Conventions and Recommendations) and ECOSOC (CESCR – Committee on Economic, Social and Cultural Rights) must be strengthened further,
5. Approves the establishment of a Joint Expert Group UNESCO-UNCESCR on the monitoring of the right to education subject to a similar approval by ECOSOC and suggests that the terms of reference and composition of the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) be defined as follows:

Terms of reference

- (a) identify practical suggestions for strengthening the growing collaboration between UNESCO (CR) and ECOSOC (CESCR) for monitoring and promoting the right to education in all its dimensions;
- (b) suggest specific measures for cooperative action by the two bodies with a view to imparting synergy to the follow-up to the Dakar Framework for Action within the United Nations system;
- (c) consider the possibilities for reducing the reporting burden on States in relation to the right to education and identify ways in which arrangements could be both streamlined and made more effective;
- (d) advise on right to education indicators.

Composition

The UNESCO (CR)/ECOSOC (CESCR) Joint Expert Group shall be composed of two representatives of the CESCR nominated by its Chairperson and two representatives of the Committee on Conventions and Recommendations (CR), nominated by the Chairperson of the Executive Board of UNESCO in consultation with the Chairperson of CR.