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Item 21 of the provisional agenda

REPORT OF THE ELEVENTH MEETING OF THE JOINT EXPERT GROUP UNESCO (CR)/ECOSOC (CESR) ON THE MONITORING OF THE RIGHT TO EDUCATION

SUMMARY

In accordance with 184 EX/Decision 23, the Joint Expert Group (CR)/ECOSOC (CESCR) on the Monitoring of the Right to Education submits to the Executive Board a report on its eleventh meeting, which had the objective to take stock of the work of the Joint Expert Group, to define the methods of work for the future and to adopt a plan of activities for the coming two years.

Taking into account the suggestions and recommendations put forth in the report, the Committee on Conventions and Recommendations may wish to provide further guidance to the Joint Expert Group with regard to its future work.

The financial or administrative implications of the reported activities fall within the parameters of the current C/5.

Action expected of the Executive Board: draft decision in paragraph 16.

1. The eleventh meeting of the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the monitoring of the right to education took place in Geneva on 29 April 2011 ahead of the 46th session of the United Nations Committee on Economic, Social and Cultural Rights (CESCR).¹ In accordance with 184 EX/Decision 23 of UNESCO's Executive Board, the objective of this meeting was to take stock of the work of the Joint Expert Group, to define the methods of work for the future and to adopt a plan of activities for the coming two years. The meeting was chaired by

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Mr Jaime Marchan Romero and Mr Mohamed Ezzeldin Abdel-Moneim (members of the United Nations Committee on Economic, Social and Cultural Rights (CESCR)), as well as Mr Pierre Michel Eisemann and Mr Ousmane Blondin Diop (members of UNESCO's Committee on Conventions and Recommendations (CR)) participated in the meeting as members of the Joint Expert Group. This meeting was also attended by Ms Carla Edelenbos (Chief, Civil, Political, Economic, Social and Cultural Rights Section, Human Rights Treaties Division, OHCHR), Mr David Atchoarena (Director, Division for Planning and Development of Education Systems, UNESCO), Ms Nosy Ramamonjisoa and Ms. Anaïs Pagot (Human Rights Treaties Division, OHCHR), and Delphine Dorsi (Division for Planning and Development of Education Systems, UNESCO).

Mr Mohamed Ezzeldin Abdel-Moneim, member of the United Nations Committee on Economic, Social and Cultural Rights.

2. The meeting was opened by Carla Edelenbos, Chief, Civil, Political, Economic, Social and Cultural Rights Section, Human Rights Treaties Division of Office of the High Commissioner of Human Rights (OHCHR), followed by remarks by David Atchoarena, Director, Division for Planning and Development of Education Systems of UNESCO. While both underlined the importance of the work of this Joint Expert Group, Carla Edelenbos pointed out the need for achieving concrete results that would benefit both Committees, particularly in view of increasingly scarce resources. David Atchoarena observed that the meeting would be an occasion to give fresh impetus to the work of the Joint Expert Group four years away from the target date of achieving the “Education for All” (EFA) goals.

Added-value of the work of the Joint Expert Group

3. The Joint Expert Group took stock of the outcomes of the work since its first meeting in 2003 and discussed its added-value both for the work of the CR and CESCR. A background document summarizing the reports of previous meetings of the Joint Expert Group had been prepared by the Secretariat in this regard. The new members² recognized the work undertaken hitherto by the Joint Expert Group and the valuable exchange between the CR and CESCR. The Group pondered on the impact of its representativeness (only two members from each Committee), the legal value of its recommendations and their follow-up. In this regard, concrete examples of the implementation of recommendations through activities undertaken by the Secretariat of UNESCO was recalled such as the publication of a comparative analysis between UNESCO Convention against Discrimination in Education and Articles 13 and 14 (right to education) of the International Covenant on Economic, Social and Cultural Rights. The organization of an expert consultation on the operational definition of basic education and the recent publication on practical examples of the implementation of the right to education based on the seventh consultation of Member States on the implementation of the Convention and the Recommendation against Discrimination in Education was also mentioned. The members also expressed concern about the usefulness of the Joint Expert Group and regretted that the Executive Board of UNESCO did not discuss the outcomes of its work in depth.

4. The Joint Expert Group acknowledged that its work could benefit the monitoring role of the CR and CESCR as well as assist States in assessing the efficiency of education systems and the quality of education, while underlining difficulties that developing countries face in this regard.

5. Regarding the respective monitoring role of the CR and CESCR, the Joint Expert Group emphasized the importance of sharing information provided through the monitoring mechanisms and recommended that in its regular contribution to CESCR on the right to education, UNESCO provide concrete recommendations in addition to information on countries under review. Referring in particular to the future entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Group deemed necessary to collaborate more closely, particularly in the development of a tool for assessing the implementation of the right to education.

6. Bearing in mind the additional challenges brought by the financial crisis to the realization of the right to education, the Joint Expert Group reviewed its mandate and focused its discussion on right to education indicators. Such a tool could outline the criteria, or indicators, for assessing the realization of the right to education, such as the domestic legal framework for its protection or the use of the mother tongue at school. In this regard, a reference was made to existing mechanisms to monitor Education for All (EFA) progress and the possibility for including the indicators identified by the Joint Expert Group in the *EFA Global Monitoring Report*.

² As of 2010, the composition of the Joint Expert Group changed to all new members.

7. The Joint Expert Group underlined that indicators should not be static but adaptable, be both quantitative and qualitative, and allow for disaggregation of data. The Joint Expert Group also noted that the source of data as well as their method of collection could have a bearing on their quality and their interpretation.

8. The Joint Expert Group also recommended that the *EFA Global Monitoring Report* devote a report on the theme of right to education.

Thematic focus for the coming two years

9. As requested by UNESCO's Executive Board and following rich discussions among Joint Expert Group members, the Group decided to focus its work at its next meetings on the following themes, while looking at the criteria and indicators for the assessment of compliance by States with relevant obligations: the cost of education; the quality of education; and the accessibility of education.

10. Regarding the cost of education, the Joint Expert Group expressed the need to pay closer attention to fees in higher education as well as to indirect costs incurred by parents, such as meals and private lessons, and their impact on the enjoyment of the right to education. In this regard, a reference was made to household surveys in some countries, which include data on education-related expenditures of families. The increasingly important role played by private education in many countries, as well as the absence of indicators/standards on the matter at international level, were also noted. Referring to the Jomtien Statement³ adopted at the Tenth meeting of the High-Level Group on Education for All in March 2011, which urged governments to allocate at least 20% of public expenditure to education, the Joint Expert Group identified the need to develop a method for evaluating the cost-effectiveness of resources invested in education. Note was made in this regard on the UNESCO Institute for Statistics report, "Financing education in sub-Saharan Africa"⁴ which showed that African countries devoted an important share of public budget to education.

11. Regarding the quality of education, the prevailing problem of illiteracy among individuals who have attended primary education was recalled as a symptom of a poor quality education system. It was underlined that quality has been linked with positive outcomes when it integrates other dimensions such as tolerance and learning together. The absence of, and the need to develop, a comprehensive framework for assessing the quality of education were recognized. The quality framework currently being developed by UNESCO's Education Sector could be a starting point for the Committee for this purpose. Criteria to assess teacher training would include the resources allocated in this respect by States. It was pointed out that the context of EFA has brought access to the fore, to the detriment of quality, but that more attention had recently been accorded to quality, which was the main theme of the Tenth meeting of the High-Level Group on EFA in Jomtien.

12. Finally, regarding the accessibility of education, the Joint Expert Group stressed the fact that accessibility for persons with disabilities remained a challenge worldwide and emphasized the need to define the concept of accessibility and to develop criteria for its assessment.

Methods of work

13. The Joint Expert Group decided to meet twice a year for one to two days, with the possibility to open its meetings to other members of CR and CESCRC as well as to invite the participation of experts on the themes to be discussed. It also expressed the will to formulate concrete recommendations for the CR and CESCRC. The members will chair the Joint Expert Group on a rotating basis.

³ <http://unesdoc.unesco.org/images/0019/001919/191931e.pdf>

⁴ <http://unesdoc.unesco.org/images/0019/001921/192186e.pdf>

Interaction with the United Nations Special Rapporteur on the right to education

14. The Joint Expert Group considered that it would be beneficial to collaborate with the United Nations Special Rapporteur on the right to education regarding the monitoring of the right to education. It decided to contact him in due course to exchange on the possible ways of cooperating, particularly regarding themes to be discussed in the coming years.

Briefing on the celebration of the fiftieth anniversary of the 1960 UNESCO's Convention against Discrimination in Education

15. A briefing was given on the celebration of the fiftieth anniversary of the 1960 UNESCO Convention against Discrimination in Education presenting the different activities organized in 2010 to promote this normative instrument, including the ratification campaign and the seminar on "50 years of combating discrimination in education". The recent UNESCO publication "Implementing the right to education, A compendium of practical examples based on the seventh consultation of Member States on the implementation of the Convention and the Recommendation against Discrimination in Education"⁵ was also shared with the members of the Joint Expert Group. They suggested that information from the reports submitted to UNESCO as well as concluding observations by CESCR could be issued as a joint publication (UNESCO/CESCR) in the future.

16. In the light of the above, the Executive Board may wish to adopt the following draft decision:

The Executive Board,

1. Recalling 162 EX/Decision 5.4, 171 EX/Decision 27, 172 EX/Decision 26; 175 EX/Decision 29, 177 EX/Decision 37, 179 EX/Decision 24, 181 EX/Decision 28 and 184 EX/Decision 23,
2. Having examined document 187 EX/21,
3. Expresses its appreciation of the work of the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the Monitoring of the Right to Education;
4. Takes note of the thematic focus the Joint Expert Group decided to set for at its next meetings and the will of the Group to open its meetings to other members of CR and CESCR as well as to invite the participation of experts on the themes to be discussed, and to work more closely with the United Nations Special Rapporteur on the right to education;
5. Encourages the Joint Expert Group to continue its work on issues of key importance for the realization of the right to education and its monitoring, including the formulation of concrete recommendations for the CR and the CESCR;
6. Requests the Director-General to take appropriate action as follow-up to the recommendations made by the Joint Expert Group;
7. Requests the Joint Expert Group to report to the Executive Board at its 189th session.

⁵ <http://unesdoc.unesco.org/images/0019/001908/190897e.pdf>



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CORRIGENDUM

Paragraph 7 of the decision should read as follows:

7. Requests the Joint Expert Group to report to the Executive Board at its 190th session.