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REPORT OF THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS

1. The Committee on Conventions and Recommendations (CR) held one public work meeting on 4 April 2014 chaired by Ms Marie Chatardová, representative of the Czech Republic. The Committee met on Monday 14 April 2014 to adopt this report. Pursuant to Rule 16.2 of the Rules of Procedure of the Executive Board, the CR Committee elected Ms Besiana Kadare, representative of Albania, as Temporary Chair.

2. The Committee on Conventions and Recommendations examined the following items on the agenda of the Executive Board:

Item 20 Methods of work of the Committee on Conventions and Recommendations (194 EX/20)

3. By way of introduction, the Chair of the CR Committee began by highlighting the importance of the Committee examining item 20 to identify, as a preparatory exercise, the major issues that should be discussed by the Working Group. The Chair of the Committee then recalled that, given that the Working Group was a subsidiary body of the Board and not part of the Committee, it was essential that the Group was well prepared ahead of time, particularly so that all UNESCO Member States could be sufficiently informed in advance, so they would be able to participate in the work of the Working Group as observers, in accordance with 192 EX/Decision 19 of the Executive Board.¹

4. The discussion was structured around the following themes:

- issues to be discussed by the Working Group,
- Chairship of the Working Group,
- date for the meeting of the Working Group.

Issues to be discussed by the Working Group

5. Regarding the issues to be discussed, the members of the Committee highlighted the importance of rebalancing the two complementary aspects of the CR Committee's terms of reference: on the one hand, the first, dedicated to the implementation of UNESCO's standard-setting instruments, and on the other hand, the second, dedicated to examining communications within the framework of the "104 Procedure". In this regard, given that UNESCO's standard-setting work was a priority for the Organization, they were of the opinion that it was necessary to improve

¹ See paragraphs 7 and 8 of 192 EX/Decision 19 of the Executive Board, which read as follows:

- “7. Decides, to this end, to establish a working group, operating in a spirit of consensus and comprised of all the members of the Committee on Conventions and Recommendations as established by the Executive Board at its 193rd session and of any other Member States of UNESCO wishing to attend as observers;
8. Requests the working group to report to the Committee on Conventions and Recommendations at the latest at the 196th session of the Executive Board.”

the first aspect, specifically by making the working documents concerning the general monitoring of UNESCO's standard-setting instruments more relevant.

6. A large number of members took the floor to indicate that the Working Group should address, in particular, the geographical imbalance in the communications, the duplication of the communications procedure with other bodies created to protect human rights, the frequency with which communications were examined, the admissibility criteria, the credibility of information communicated by the authors, the time taken to examine certain communications, the use of new technologies during the adoption of draft decisions, the limitation on speaking time for different speakers and the organization of work. The Committee members also highlighted the need to make the procedure more efficient, while recalling that the Working Group's mission was to examine the working methods of the Committee, not its terms of reference. Certain members considered that the "104 Procedure" should be promoted more forcefully, specifically by organizing a joint information session of the CR Committee and the Committee on Non-Governmental Partners of the Executive Board. While underlining the specific features of the "104 Procedure" and the way in which it complemented other bodies created to protect human rights, they emphasized that the Committee could draw inspiration from some of these bodies' working methods, such as visits or missions at the invitation of States. Finally, one member recalled the concrete results of the Committee which carried out exclusively humanitarian action without condemning the States concerned.

7. Following the debates, the Chair of the Committee summarized the exchange of views by stating that the Committee members were concerned, *inter alia*, by: the need to balance the two aspects of the CR Committee's terms of reference and the means of achieving that aim; the geographical imbalance in the communications and the means of resolving it; the complementarity or duplication of the procedure with similar United Nations bodies responsible for protecting human rights; the efficiency of the Committee's working methods taken up in several proposals and ideas formulated during the discussion; the management of speaking time for different speakers; the sources of information about cases; and the admissibility criteria. In that regard, the Chair of the Committee stressed that the list was not exhaustive.

Chairship of the Working Group

8. The Committee members were of the opinion that the Chair of the CR Committee should serve as Chair of the Working Group. While thanking the Committee members for their confidence in her and indicating that she would remain at the disposal of the Working Group, the Chair recalled that the Working Group would elect its Chair and adopt its own agenda.

Date of the next meeting of the Working Group

9. Regarding the next meeting of the Working Group, and following consultations conducted with the Committee members, the Chair indicated that she would do her best to enable the Working Group to meet on the eve of the next meeting of the CR Committee. Finally, as with all other working groups of the Executive Board, the Group would conduct its work in English and French, it being understood that delegations wishing to receive interpretation into another working language should ensure its funding by means of voluntary contributions, in order to avoid any financial impact on the Organization.

10. The Committee recommended the following draft decision to the Executive Board:

The Executive Board,

1. Recalling 192 EX/Decision 19 and 193 EX/Decision 7 (II),
2. Having examined document 194 EX/20 and the report of the Committee on Conventions and Recommendations (CR) thereon (194 EX/33),

3. Decides to take note of the CR Committee's report, it being understood that the Working Group set up pursuant to 192 EX/Decision 19 will commence its work on the eve of the meeting of the CR Committee at the 195th session of the Executive Board.

Item 21 Implementation of standard-setting instruments – General monitoring
(194 EX/21)

11. The members of the Committee again pointed to the need to improve the CR Committee's methods of work in order to strengthen the first aspect of its terms of reference on monitoring the implementation of UNESCO's standard-setting instruments. While stressing that it was primordial for the Secretariat's document 194 EX/21 to be more relevant, they deemed it essential that the document should in future actually contain an analysis of actual steps taken by the Secretariat to monitor the implementation of standard-setting instruments and of difficulties encountered in that respect. By way of example, the document should include not only a list of the various meetings organized by the Secretariat on the subject, but also the conclusions of such meetings. Furthermore, the members of the Committee considered that, as the number of pages of the working document had been reduced, the sectors' representatives must make their contribution on each standard-setting instrument orally during the Committee's debate on the item. An oral introduction would facilitate the CR Committee's reflection on future action to be taken in order to promote the ratification and implementation by Member States of UNESCO's standard-setting instruments.

12. One member of the Committee underscored the importance of strengthening monitoring of the *1960 Convention against Discrimination in Education*, in order, in particular, to achieve education for all (EFA) and the education goals set in the new post-2015 agenda. In that connection, while emphasizing the significant increase in the number of States Parties to the 1960 Convention since the last ratification drive by the Secretariat, he said that all States should fulfil their legal obligations under Article VIII of the Constitution of UNESCO regarding periodic reports on the action taken on conventions and recommendations.

13. Another member of the Committee requested clarification on the meaning of the terms "*analysis of current trends*" contained in document 194 EX/21 and wondered whether it was opportune for the Committee to continue being responsible for monitoring implementation of the *1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*, inasmuch as the Convention's Subsidiary Committee had been established in June 2012.

14. Regarding the information contained in paragraphs 28 to 31 of document 194 EX/21 on the monitoring of the *2003 Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace*, a member of the Committee wondered why no reference had been made to the monitoring of 37 C/Resolution 52, adopted at the previous session of the General Conference, on UNESCO's role in the international multi-stakeholder debate on Internet-related issues, including access to information and knowledge, freedom of expression, privacy and the ethical dimensions of the information society.

15. The Legal Adviser said that at the 189th session, the Committee had, on the proposal of one of its members, considered that the document drafted by the Secretariat on the general monitoring of the implementation of the standard-setting instruments should not merely take stock, but should also contain an analysis of current trends, including difficulties, in the implementation and monitoring of the instruments in order to enhance their importance and universality (paragraph 4 of document 189 EX/27). Turning to the 1970 Convention, she said that the operational guidelines on the implementation of the Convention were still being drafted, but that it had been customary for the monitoring bodies of other UNESCO conventions to review States Parties' reports on the implementation of the standard-setting instruments concerned themselves. Accordingly, the CR Committee would no longer monitor the instrument.

16. In reply to the Committee's comments on the monitoring of the *1960 Convention against Discrimination in Education*, the Director of the Division for Teacher Development and Higher Education of the Education Sector said that the Secretariat had endeavoured to make greater use of Member States' reports on the measures taken to implement the 1960 Convention and Recommendation during the Eighth Consultation covering the period 2006-2011. Accordingly, in addition to the summary of the reports submitted at the 37th session of the General Conference (document 37 C/26), the Secretariat had started to update its compilation of practical, specific examples of the implementation of the right to education. Furthermore, the Secretariat had finalized the Global Database on the Right to Education, which would be available online in June 2014. The representative of the Education Sector had then said that, on the basis of the results of the Eighth Consultation, the Secretariat had also compiled the preliminary version of a report entitled "*Overview of the measures supporting the right to education for girls and women reported on by Member States*" which had been presented at a side-event during the 37th session of the General Conference. Lastly, the Secretariat had developed guidelines for reviewing national legal and policy frameworks relating to the right to education, which would be implemented on a trial basis by some Member States.

17. Replying to Committee members' comments, the Chief of the Section for Universal Access and Preservation of the Communication and Information Sector's Knowledge Societies Division said that, pursuant to 37 C/Resolution 52, the Secretariat was preparing a comprehensive study under which the various stakeholders would be widely consulted. However, the monitoring of the implementation of the resolution was a separate exercise from the monitoring of the 2003 Recommendation, which was conducted pursuant to the relevant provisions of the Constitution and of the legal framework adopted by the Executive Board at its 177th session on the implementation of the standard-setting instruments. Furthermore, most of the fields of action of the 2003 Recommendation did not coincide with those of the study that was being prepared under 37 C/Resolution 52.

18. In conclusion, the members of the Committee deemed it necessary to resume consideration of the item at the Committee's forthcoming session on the basis of a document revised by the Secretariat in the light of the Committee members' comments at the Committee's present session.

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

The Executive Board,

1. Recalling 15 C/Resolution 12.2, 23 C/Resolution 29.1, 165 EX/Decision 6.2, 32 C/Resolution 77, 170 EX/Decision 6.2, 171 EX/Decision 27, 174 EX/Decision 21, 175 EX/Decision 28, 176 EX/Decision 33, 177 EX/Decision 35 (I) and (II), 34 C/Resolution 87, 180 EX/Decision 31, 181 EX/Decision 27, 182 EX/Decision 31, 184 EX/Decision 20, 185 EX/Decision 23 (I), 186 EX/Decision 19 (I), 187 EX/Decision 20 (I), 189 EX/Decision 13 (I), 190 EX/Decision 24 (I), 191 EX/Decision 20 (I) and 192 EX/Decision 20 (I) relating to the first aspect of the terms of reference of the Committee on Conventions and Recommendations (CR), which concerns the implementation of standard-setting instruments,
2. Having examined document 194 EX/21 and the report of the Committee on Conventions and Recommendations thereon (194 EX/33),
3. Requests the Secretariat to revise the document on the general monitoring of the implementation of UNESCO's standard-setting instruments, in the light of the debates that have taken place in the Committee on Conventions and Recommendations thereon;
4. Decides to resume consideration of the item at its 195th session.