

Hundred and seventy-fifth session

175 EX/27

Part I

PARIS, 11 August 2006

Original: English/French

Item 28 of the provisional agenda

**MONITORING OF THE IMPLEMENTATION
OF UNESCO'S STANDARD-SETTING INSTRUMENTS**

PART I

Identification of priority recommendations

SUMMARY

This document has been drawn up by the Secretariat to help members of the Committee on Conventions and Recommendations to examine this question further, in accordance with 174 EX/Decision 21 of the Executive Board.

Decision proposed: paragraph 10.

1. In the context of strengthening the first aspect of the terms of reference of the Committee on Conventions and Recommendations (CR) relating to the implementation of UNESCO's standard-setting instruments initiated in 2001 and pursuant to 32 C/Resolution 77 which expanded the terms of reference of the CR Committee by entrusting to it the consideration of reports on the standard-setting instruments for which no follow-up mechanism was provided (that is, 8 conventions and 31 recommendations), the Committee members, at the 171st session of the Executive Board, called for the identification of those instruments on the list of conventions and recommendations currently within the competence of the CR Committee that no longer needed to be monitored (some recommendations having been superseded by the adoption of later instruments). Before the Committee could draw up criteria to enable the General Conference to declare, as appropriate, the redundancy of certain of the Organization's recommendations (in respect of conventions, only the

States Parties may decide on their future), the Executive Board had therefore requested the CR Committee to identify, at its 174th session, in cooperation with the Secretariat, the priority recommendations in the list of standard-setting instruments (171 EX/Decision 27, para. 5(a)).

2. To facilitate the work of the Committee members, the Secretariat of the Committee, after consulting the programme sectors and the UNESCO Institute for Statistics (UIS), drew up a document (174 EX/22 Part II) making an initial breakdown of the Organization's 31 recommendations, according to whether or not they were being monitored, as follows:

- 10 recommendations were being monitored (paragraph 6 of 174 EX/22 Part I);
- 21 recommendations were not being monitored, for the following reasons:
 - 5 recommendations had been overtaken by the later adoption of a standard-setting instrument dealing with the same subject (paragraph 7(a) of 174 EX/22 Part I);
 - 4 recommendations contained principles that are considered to be generally accepted and applied (paragraph 7(b) of 174 EX/22 Part I);
 - 3 recommendations were being monitored by other organizations by means of surveys (paragraph 7(c) of 174 EX/22 Part I);
 - 9 recommendations required a more thorough evaluation to determine if there was a need to update them and ensure their monitoring (paragraph 7(d) of 174 EX/22 Part I).

3. At the 174th session of the Executive Board, the Committee members considered that it was necessary to select from among the 31 UNESCO recommendations those that should be monitored by the CR Committee as a matter of priority. In order to make the selection, the members requested the Secretariat to pursue the examination of all those instruments, in particular those listed in paragraph 7(d), and to provide further information, in particular giving reasons for their continued relevance or otherwise.

4. In conclusion, the Committee considered it necessary to pursue the examination of the recommendations listed in paragraph 7(d) of 174 EX/22 Part I and to submit further information to the Committee so that it might identify, among the 31 UNESCO recommendations, those which should be monitored by the Committee (paragraph 6 of 174 EX/44 and 174 EX/Decision 21).

5. To follow-up that decision, the Secretariat of the Committee requested each programme sector and the UNESCO Institute for Statistics (UIS) to supplement the data set out in Annexes II and III to document 174 EX/22 Part I. They were also requested, in regard to the nine recommendations contained in paragraph 7(d) of document 174 EX/22 Part I, to supplement, as appropriate, lines 13 to 21 of Annex III to that document and, if one of those 9 recommendations falling within their competence was not being monitored, to give the reasons (recommendation superseded by the later adoption of a standard-setting instrument dealing with the same subject, principles contained in the recommendation are considered to be accepted and applied, or the recommendation is being monitored by another Organization).

6. The replies provided by the programme sectors and UIS have been summarized into two revised tables; Annex I lists the recommendations that are being monitored and Annex II lists those that are no longer being monitored.

7. Annex I shows that 10 of the Organization's 31 recommendations are being monitored, as follows:

- Seven recommendations are monitored periodically:
 1. Recommendation against Discrimination in Education (14 December 1960).
 2. Recommendation concerning the Status of Teachers (5 October 1966).
 3. Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms (19 November 1974).
 4. Recommendation on the Development of Adult Education (26 November 1976).
 5. Revised Recommendation concerning the International Standardization of Educational Statistics (27 November 1978).
 6. Recommendation concerning the Status of Higher-Education Teaching Personnel (11 November 1997).
 7. Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace (15 October 2003).
- Three recommendations are monitored on an ad hoc basis:
 8. Recommendation on the Status of Scientific Researchers (20 November 1974).
 9. Recommendation concerning the Status of the Artist (27 October 1980).
 10. Revised recommendation concerning Technical and Vocational Education (2 November 2001).

8. Annex II shows that 21 recommendations are not being monitored, for the following reasons:

(a) **The recommendations have been overtaken by the later adoption of a standard-setting instrument dealing with the same subject or by various technological developments (13 recommendations):**

1. Recommendation on International Principles Applicable to Archaeological Excavations (5 December 1956) (see the Convention for the Protection of the World Cultural and Natural Heritage of 1972).
2. Recommendation concerning the Safeguarding of the Beauty and Character of Landscapes and Sites (11 December 1962) (see the Convention for the Protection of the World Cultural and Natural Heritage of 1972).
3. Recommendation on the Means of Prohibiting and Preventing the Illicit Export, Import and Transfer of Ownership of Cultural Property (19 November 1964) (see the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970).

4. Recommendation concerning the International Standardization of Statistics relating to Book Production and Periodicals (19 November 1964) (see the Revised Recommendation concerning the International Standardization of Statistics on the Production and Distribution of Books, Newspapers and Periodicals of 1985).
 5. Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage (16 November 1972) (see the Convention for the Protection of the World Cultural and Natural Heritage of 1972).
 6. Recommendation concerning the International Standardization of Statistics on Radio and Television (22 November 1976) (overtaken by many technological advances).
 7. Recommendation on Participation by the People at Large in Cultural Life and their Contribution to It (26 November 1976) (see the International Covenant on Economic, Social and Cultural Rights of 1966, the UNESCO Universal Declaration on Cultural Diversity of 2001 and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions of 2005).
 8. Recommendation concerning the International Standardization of Statistics on Science and Technology (27 November 1978) (see the Frascati Manual drawn up by OECD).
 9. Recommendation for the Safeguarding and Preservation of Moving Images (27 October 1980) (overtaken by the emergence of digital technology).
 10. Recommendation concerning the International Standardization of Statistics on the Public Financing of Cultural Activities (27 October 1980) (overtaken by the latest developments in the FCS and the System of National Accounts).
 11. Revised Recommendation concerning the International Standardization of Statistics on the Production and Distribution of Books, Newspapers and Periodicals (1 November 1985) (overtaken by many technological advances).
 12. Recommendation on the Safeguarding of Traditional Culture and Folklore (15 November 1989) (see the Convention for the Safeguarding of the Intangible Cultural Heritage of 2003).
 13. Recommendation on the Recognition of Studies and Qualifications in Higher Education (13 November 1993) (see the Convention on the Recognition of Qualifications concerning Higher Education in the European Region of 1997 and the other regional conventions on the same subject for which revision is currently planned).
- (b) **The principles contained in the recommendations are considered to be generally accepted and applied (five recommendations):**
14. Recommendation concerning the most Effective Means of Rendering Museums Accessible to Everyone (14 December 1960).
 15. Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works (19 November 1968).
 16. Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas (26 November 1976).

17. Recommendation concerning the International Exchange of Cultural Property (26 November 1976).
18. Recommendation for the Protection of Movable Cultural Property (28 November 1978).

(c) The recommendations are being monitored by other organizations (by means of surveys) (three recommendations):

19. Recommendation concerning the International Standardization of Library Statistics (13 November 1970) (monitored by the International Organization for Standardization (ISO) and the International Federation of Library Associations and Institutions (IFLA)).
20. Recommendation on the Legal Protection of Translators and Translations and the Practical Means to improve the Status of Translators (22 November 1976) (monitored by the International Federation of Translators (FIT)).
21. Revised Recommendation concerning International Competitions in Architecture and Town Planning (27 November 1978) (monitored by the International Union of Architects (IUA)).

9. Should the Committee members express the view that priority should be given only to the recommendations that are still being monitored, the CR Committee could request that the Executive Board recommend that the General Conference no longer entrust to it the monitoring of any recommendation that the Board has declared to be one of the following three cases: either the recommendation has been overtaken by the later adoption of a standard-setting instrument dealing with the same subject or by various technological developments, or the recommendation contains principles generally considered to be accepted and applied or the recommendation is being monitored by other organizations.

10. In the light of the foregoing, the Executive Board may wish to adopt a draft decision along the following lines:

The Executive Board,

1. Recalling 15 C/Resolution 12.2, 23 C/Resolution 29.1, 32 C/Resolution 77 and 165 EX/Decision 6.2, 170 EX/Decision 6.2, 171 EX/Decision 27 and 174 EX/Decision 21 on the first aspect of the terms of reference of the Committee on Conventions and Recommendations (CR) relating to the implementation of UNESCO's standard-setting instruments,
2. Having examined document 175 EX/27 Part I and the report of the CR Committee thereon (175 EX/...),
3. Decides that of the Organization's 31 recommendations, only the following 10 instruments should be monitored as a matter of priority:
 - Recommendation against Discrimination in Education (14 December 1960);
 - Recommendation concerning the Status of Teachers (5 October 1966);
 - Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms (19 November 1974);

- Recommendation on the Status of Scientific Researchers (20 November 1974);
- Recommendation on the Development of Adult Education (26 November 1976);
- Revised Recommendation concerning the International Standardization of Educational Statistics (27 November 1978);
- Recommendation concerning the Status of the Artist (27 October 1980);
- Recommendation concerning the Status of Higher-Education Teaching Personnel (11 November 1997);
- Revised Recommendation concerning Technical and Vocational Education (2 November 2001);
- Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace (15 October 2003);

4. Recommends that the General Conference at its 34th session:

- (a) resolve that recommendations in one of the following three cases should no longer be monitored by the Executive Board:
 - recommendations considered by the Board to have been overtaken by the later adoption of a standard-setting instrument dealing with the same subject or by various technological advances;
 - recommendations considered by the Board to contain principles generally considered to be accepted and applied;
 - recommendations considered by the Board to be monitored by other organizations;
- (b) consequently request the Executive Board to monitor only the 10 above-mentioned recommendations, in accordance with subparagraph (a) above.

ANNEX I

Recommendations being monitored (Synthesis of the replies of the sectors and UIS)

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by conventions	Obsolete
1	Recommendation against Discrimination in Education. 14 December 1960	ED	The Recommendation is monitored regularly together with the Convention against Discrimination in Education.		Periodic basis (every six-years)	Questionnaires. However, the Executive Board at its 165th session decided that the monitoring of the Recommendation would henceforth be done on the basis of guidelines and not questionnaires	6th (1999)	Many reports on the implementation of the Recommendation received during the sixth consultation indicated that Member States have incorporated it in regulations		No
2	Recommendation concerning the Status of Teachers. 5 October 1966	ED	This Recommendation and the 1997 Recommendation concerning the Status of Higher-Education Teaching Personnel are monitored by UNESCO in cooperation with ILO, notably through the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART).	ILO	Ongoing process (meets every three years)	Consultancy studies and reports	2004			No

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by conventions	Obsolete
3	Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms. 19 November 1974	ED	Since 1995, monitoring is ensured through: - the World Plan of Action on Education for Human Rights and Democracy (Montreal, 1993); - the Declaration and Programme of Action of the World Conference on Human Rights (Vienna, 1993); - the Declaration of Ministers of the 44th session of the International Conference on Education (Geneva, 1994) and the Integrated Framework of Action on Education for Peace, Human Rights and Democracy, approved by the General Conference of UNESCO at its 28th session (Paris, 1995); - the Plan of Action of the United Nations Decade for Human Rights Education (1995-2004);	OHCHR*	Periodic basis of six years but in order to avoid duplication and reduce reporting burden of Member States, it would be preferable to postpone to 2008 (instead of 2007) the next consultation coinciding with the evaluation of the implementation of the Plan of Action of the World Programme for Human Rights Education (planned in 2008)	Questionnaire	2001 32 Member States			No, since 1995 the General Conference has adopted the Declaration and Integrated Framework of Action on Education for Peace, Human Rights and Democracy

* Office of the High Commissioner for Human Rights

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by conventions	Obsolete
			<ul style="list-style-type: none"> - the Declaration of Principles on Tolerance and Follow-up Plan of Action for the United Nations Year for Tolerance, adopted by UNESCO (Paris, 1995); - the Declaration and Platform for Action of the Fourth World Conference on Women (Beijing, 1995). 							
4	Recommendation on the Development of Adult Education. 26 November 1976	ED (UIE)	This Recommendation is not specifically monitored but recommendations relating to the field of adult education and adopted by UNESCO's periodic International Conference on Adult Education (CONFINTEA) are actively monitored.		Every 12 years but mid-term review is foreseen and has been undertaken after CONFINTEA V (2003)		2003 70 Member States	Some Member States undertook educational reform based on recommendations		No

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by conventions	Obsolete
5	Revised Recommendation concerning the International Standardization of Educational Statistics. 27 November 1978.	UIS	This Recommendation was endorsed by the International Standard Classification of Education (ISCED). The first edition of this classification, ISCED 76, was superseded by ISCED 1997, which was approved by the UNESCO General Conference at its 29th session (1997). UIS implements the use of the ISCED 1997. However, while every step is taken to ensure the use of standard definitions or methods of measurement are implemented, those cited in the Recommendation are not explicitly monitored.	OECD and EUROSTAT	Annual or biannual basis	Questionnaire	2006 More than 120 Member States	UIS does not collect details on the legal status of education systems	Yes: the International Standard Classification of Education (ISCED).	

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by conventions	Obsolete
6	Recommendation concerning the Status of Higher-Education Teaching Personnel. 11 November 1997	ED	This Recommendation and the 1966 Recommendation concerning the Status of Teachers are monitored by UNESCO in cooperation with ILO, notably through the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART).	ILO	Ongoing process (meets every three years)	Consultancy studies and reports	2004			No
7	Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace. 15 October 2003	CI		No	Once every four years	Letters	First consultation in 2007	Some measures were taken by several Member States for incorporation of the instrument	No	No

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by conventions	Obsolete
8	Recommendation on the Status of Scientific Researchers. 20 November 1974	SC	No monitoring since 1990s. However, since 2006, SC has organized one regional (in Europe) and four national (in Brazil, India, Japan and Thailand) consultation meetings with a view to examining the Recommendation.						No	No. The outcome of the 2006 consultations was that all the clauses of this Recommendation remained valid. UNESCO was invited to make this Recommendation better known and encourage them to implement it. As a first step, SC has posted the Recommendation on its website.
9	Recommendation concerning the Status of the Artist. 27 October 1980	CLT (ACE)	CLT is promoting the implementation of the Recommendation by disseminating its contents to interested parties, by seeking implementation arrangements in cooperation with specialized NGOs (International Music Council, International PEN, International Theatre Institute, International Federation of Actors, International Federation of Musicians, etc.) and by	ILO	Ad hoc basis	(Consultations, surveys, establishment of an online observatory and support to Member States at their specific request)	2004-2005 25-30 Member States	Three Member States have enacted legislation on the status of the artist. Many States have taken measures to incorporate some components of the Recommendation into their domestic legislation.	No	

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by conventions	Obsolete
			specific assistance to Member States that request such assistance in order to introduce, at the national level, measures in that regard.							
10	Revised Recommendation concerning Technical and Vocational Education. 2 November 2001	ED		No	Ad hoc basis	Questionnaire	2004-2005 91 Member States	22 Member States	No	No

ANNEX II

Recommendations not being monitored (Synthesis of the replies of the sectors and UIS)

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by the later adoption of a standard-setting instrument or by various technological developments	Obsolete
1	Recommendation on International Principles Applicable to Archaeological Excavations. 5 December 1956	CLT (WHC) (CH/INS)	No specific monitoring					The Recommendation represents the best practice within its scope of reference	Yes. The principles of the Recommendation are considered to be superseded by the adoption of the Convention for the Protection of the World Cultural and Natural Heritage	
2	Recommendation concerning the Safeguarding of the Beauty and Character of Landscapes and Sites. 11 December 1962	CLT (WHC)							Yes. The Convention concerning the Protection of the World Cultural and Natural Heritage. 16 November 1972	
3	Recommendation on the Means of Prohibiting and Preventing the Illicit Export, Import and Transfer of Ownership of Cultural Property. 19 November 1964	CLT (WHC) (CH/INS)							Yes. The Convention on the Means of Prohibiting and Preventing the Illicit Export, Import and Transfer of Ownership of Cultural Property. 19 November 1970	The relevance of the Recommendation has decreased since the adoption of the 1970 Convention on the same subject

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by the later adoption of a standard-setting instrument or by various technological developments	Obsolete
4	Recommendation concerning the International Standardization of Statistics Relating to Book Production and Periodicals. 19 November 1964	UIS	UIS does not monitor the Recommendation in a regular way. UIS has recently relaunched a survey of newspapers and press statistics and it is foreseeable that in the future that this may result in a systematic monitoring of the recommendation assuming resources are available for such activity. UIS used to carry out bi-annual surveys or annual surveys, on libraries and book production. Most of the surveys have been stopped since 2001. UIS does not have enough resources at present to relaunch other surveys.						Yes. The Recommendation has been replaced by the Revised Recommendation concerning the International Standardization of Statistics on the Production and Distribution of Books, Newspapers and Periodicals. 1 November 1985.	Yes
5	Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage. 16 November 1972	CLT (WHC) (CH/INS)	No specific monitoring.					170 States Members established legislation on the protection of the cultural and natural heritage	Yes. The principles of the Recommendation are considered to be superseded by the adoption of the Convention for the Protection of the World Cultural and Natural Heritage	

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by the later adoption of a standard-setting instrument or by various technological developments	Obsolete
6	Recommendation concerning the International Standardization of Statistics on Radio and Television. 22 November 1976	UIS	UIS does not monitor the Recommendation in a regular way. 84 countries answered the scoping exercise carried out at the end of 2004/2005 for radio and TV statistics. UIS intends to relaunch a survey of radio and television broadcasts during 2006.	ITU					Yes. This Recommendation has been overtaken by many technological advances in the last 30 years.	
7	Recommendation on Participation by the People at Large in Cultural Life and their Contribution to it. 26 November 1976	CLT							Yes. The principles of this Recommendation can be considered to be superseded in the light of the following instruments: (i) adoption of the International Covenant on Economic, Social and Cultural Rights (16 December 1966); (ii) adoption of the UNESCO Universal Declaration on Cultural Diversity (2 November 2001), especially in respect of its Articles 2, 5 and 6;	

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by the later adoption of a standard-setting instrument or by various technological developments	Obsolete
									(iii) adoption of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (20 October 2005) through which the principles of the Recommendation are fully covered	
8	Recommendation concerning the International Standardization of Statistics on Science and Technology. 27 November 1978	UIS	UIS is not actively monitoring this Recommendation. UIS conducts an assessment of the quality of data submitted by countries but does not have enough resources to conduct a detailed assessment of the degree to which countries follow current standards. Fundamental input to this assessment is information provided in the metadata section of the questionnaire, as well as ad hoc requests to the countries for clarifications.			Questionnaire	2004-2005 6 Member States		Yes. This Recommendation has been overtaken by the method devised by OECD (the Frascati Manual), which has practically become standard reference.	.

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by the later adoption of a standard-setting instrument or by various technological developments	Obsolete
9	Recommendation for the Safeguarding and Preservation of Moving Images. 27 October 1980	CI	This Recommendation is not being monitored and no Member State has provided reports on its implementation although it has been used in some countries to establish audiovisual legislation and to create national audiovisual archives.					Used in some countries to establish audiovisual legislation and to create national audiovisual archives	Yes. This Recommendation has been overtaken by the advent and dominance of digital technology	
10	Recommendation concerning the International Standardization of Statistics on the Public Financing of Cultural Activities. 27 October 1980	CLT (WHC) ISU	UIS has not collected any data regularly on this Recommendation. UIS is currently revising the Framework for Cultural Statistics (FCS) which will provide the basis for the classification of data.						Yes. This Recommendation is overtaken by the latest developments in the FCS and the System of National Accounts (SNA)	
11	Revised Recommendation concerning the International Standardization of Statistics on the Production and Distribution of Books, Newspapers and Periodicals. 1 November 1985	UIS	UIS does not monitor the Recommendation in a regular way. In 2001, 107 countries answered the survey “Book Production: Number of Titles by the Universal Decimal Classification (UDC), 1995-1999”. In 2004-2005, 54 countries answered the scoping exercise for newspaper statistics.	World Association of Newspapers					Yes. This Recommendation has been overtaken by many technological advances in the last 30 years	

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by the later adoption of a standard-setting instrument or by various technological developments	Obsolete
12	Recommendation on the Safeguarding of Traditional Cultures and Folklore. 15 November 1989	CLT (WHC) (CH/ITH) (CH/INS)							Yes. The Convention for the Safeguarding of the Intangible Cultural Heritage. 17 October 2003	The relevance of the Recommendation has decreased since the adoption of the 2003 Convention on the same subject
13	Recommendation on the Recognition of Studies and Qualifications in Higher Education. 13 November 1993	ED							Convention on the Recognition of Qualifications concerning Higher Education in the European Region 1997 and the other regional Conventions on the same subject that are to be revised	Yes, to be revised in the context of revision of regional conventions on the subject
14	Recommendation concerning the Most Effective Means of Rendering Museums Accessible to Everyone. 14 December 1960	CLT (CH/THS)	Monitoring is not considered worthwhile as there is such a consensus on the Recommendation it is generally accepted that there is no need to refer to it to ensure that its principles are applied.							No

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by the later adoption of a standard-setting instrument or by various technological developments	Obsolete
15	Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works. 19 November 1968	CLT (WHC) (CH/INS)	Monitoring is not considered necessary because the principles of this Recommendation are used by the States Parties as a reference in implementing and monitoring the 1972 Convention. The World Heritage Committee therefore recommended in its decision 29 COM 5D “that the General Conference of UNESCO adopt a new recommendation to complement and update the existing ones on the subject of conservation of historic urban landscapes, with special reference to the need to link contemporary architecture to the urban historic context”. In this connection, a preliminary study on the legal and technical aspects of the Recommendation being conducted by the World Heritage Centre and should be discussed at the 176th session of the Executive Board.							No

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by the later adoption of a standard-setting instrument or by various technological developments	Obsolete
16	Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas. 26 November 1976	CLT (WHC)	Monitoring is not considered necessary because the principles of this Recommendation are used by the States Parties as a reference in implementing and monitoring the 1972 Convention. The World Heritage Committee therefore recommended in its decision 29 COM 5D “that the General Conference of UNESCO adopt a new recommendation to complement and update the existing ones on the subject of conservation of historic urban landscapes, with special reference to the need to link contemporary architecture to the urban historic context”. In this connection, a preliminary study on the legal and technical aspects of this Recommendation is being drawn up by the World Heritage Centre and should be discussed at the 176th session of the Executive Board.							No

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by the later adoption of a standard-setting instrument or by various technological developments	Obsolete
17	Recommendation concerning the International Exchange of Cultural Property. 26 November 1976	CLT (CH/INS)	Monitoring is not considered necessary because the principles of this Recommendation are in part monitored by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, which facilitates negotiations on the return/restitution of cultural property that could give rise to loans and/or exchanges. The principles of the Recommendation are also partly covered by the International Council of Museums (ICOM). ICOM adopted in 2004 a non-binding code of ethics in respect of museums which addresses, <i>inter alia</i> , exchange and acquisition policies.							No

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by the later adoption of a standard-setting instrument or by various technological developments	Obsolete
18	Recommendation for the Protection of Movable Cultural Property. 28 November 1978	CLT (CH/THS)	Monitoring is not considered necessary because the principles of this Recommendation are dealt with partly under the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and within the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, which facilitates negotiations on the return/restitution of cultural property, the debates and heightened awareness of the means of preventing illicit trafficking in cultural property. Furthermore, the principles of this Recommendation are partly covered by the work of the International Institute for the Unification of							No

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by the later adoption of a standard-setting instrument or by various technological developments	Obsolete
			Private Law (UNIDROIT, Rome, Italy), responsible for the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects. Lastly, the International Council of Museums (ICOM) also covers the principles of this Recommendation within the specific museum framework.							
19	Recommendation concerning the International Standardization of Library Statistics. 13 November 1970	UIS	UIS does not monitor the recommendation in a regular way. In 2000, 61 countries answered the survey on “National, Other Major Non-Specialized and Public Libraries in 1999”. In 2001, 33 countries answered the survey on “Libraries of Institutions of Tertiary Education in 2000” (only available for Europe and North America).	International Organization for Standardization (ISO) and International Federation of Library Associations and Institutions (IFLA)						No

	Recommendation	Sector and unit concerned	Monitoring by UNESCO	Organizations involved in monitoring	Frequency of monitoring	Form of monitoring	Last consultation and number of Member States providing reports	Incorporation of the instrument into national legislation	Overtaken by the later adoption of a standard-setting instrument or by various technological developments	Obsolete
20	Recommendation on the Legal Protection of Translators and Translations and the Practical Means to improve the Status of Translators. 22 November 1976	CLT	No monitoring by UNESCO.	International Federation of Translators (FIT), an NGO which has maintained formal relations with UNESCO since its founding in 1953 at the Headquarters of the Organization						
21	Revised Recommendation concerning International Competitions in Architecture and Town Planning. 27 November 1978	SHS CLT (WHC)	Monitoring has to date been carried out by the Social and Human Sciences Sector. Nevertheless, its principles have a specific impact on the safeguarding of historic architectural and urban sites under the 1972 Convention, especially in respect of the sites included and/or proposed for inclusion in the World Heritage List.	International Union of Architects (IUA)						No, implemented with the International Union of Architects (IUA) - very important to WHC

Hundred and seventy-fifth session

175 EX/27
Part II
PARIS, 28 July 2006
Original: French

Item 28 of the provisional agenda

**MONITORING OF THE IMPLEMENTATION OF UNESCO'S
STANDARD-SETTING INSTRUMENTS**

PART II

**Proposed new procedures specifically for the monitoring of the
implementation of UNESCO conventions and recommendations for which
no specific institutional mechanism is provided**

SUMMARY

This document has been drawn up by the Secretariat to help members of the Committee of Conventions and Recommendations to examine this question further, in accordance with 174 EX/Decision 21 of the Executive Board.

1. As long ago as 2001, having noted the unsatisfactory implementation of the original mission of the Committee on Conventions and Recommendations (CR), namely the practice of reporting on the follow-up to the seven standard-setting instruments of UNESCO that were entrusted to it at the time, the Board (165 EX/Decision 6.2) adopted various measures, one of them prompting the General Conference in 2003 to broaden the CR's mandate by entrusting to it the consideration of reports on the standard-setting instruments for which no follow-up mechanism was provided, i.e. eight conventions and 31 recommendations (32 C/Resolution 77).
2. At its 171st session, the Executive Board asked the Committee to propose to its 174th session new procedures specifically for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided, in order to strengthen and improve the monitoring of the implementation of UNESCO's standard setting instruments (subparagraph (b) of paragraph 5 of 171 EX/Decision 27).

3. In order to facilitate the work of the Committee members on this matter, the secretariat of the Committee had prepared a document (174 EX/22 Part II, appended hereto) making an appraisal of the existing situation (paras. 7-13), reviewing good practices both at the international level within the United Nations system and at the regional level (paras. 14-35), ascertaining future prospects (paras. 36-45) and submitting proposals on the Committee's structure, the major stages of the monitoring process and the monitoring methods (para. 46).

4. At the 174th session, the Committee members began their consideration of the summary proposals contained in paragraph 46 of the document annexed hereto concerning the Committee's structure.

5. Most of the Committee members were in favour of keeping to the current composition of the Committee, while pointing out that it would be advisable for there to be more experts in the areas concerned on the delegations of States represented on the CR. In that connection, some Committee members drew attention to the substantial financial implications of sending several experts, especially for the developing countries.

6. During the debate, many members observed that the new specific procedures should promote dialogue with the competent authorities of the Member States and with the other agencies in the United Nations system (along the lines of the cooperation that existed already between the CR Committee and the Committee on Economic, Social and Cultural Rights of the United Nations Economic and Social Council), but should also involve National Commissions and non-governmental organizations.

7. In conclusion, the Committee considered it necessary to continue at the 175th session its consideration of this item on the monitoring of the implementation of UNESCO's standard-setting instruments, a matter calling for in-depth reflection enabling the Board to submit concrete proposals to the General Conference at its 34th session (174 EX/44, paras. 8 and 9, and 174 EX/Decision 21).

8. The Committee is therefore required to examine in particular paragraph 46 of the appended document in which the proposals are set out with a view to the adoption by the Committee of new procedures for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided.

ANNEX

United Nations Educational,
Scientific and Cultural Organization

Executive Board

eX

Hundred and seventy-fourth session

174 EX/22

Part II

PARIS, 3 March 2006

Original: French

Item 21 of the provisional agenda

**MONITORING OF THE IMPLEMENTATION OF UNESCO'S
STANDARD-SETTING INSTRUMENTS**

PART II

**Proposed new procedures specifically for the monitoring of the
implementation of UNESCO conventions and recommendations for which
no specific institutional mechanism is provided**

SUMMARY

This document has been prepared by the Secretariat to help members of the Committee on Conventions and Recommendations, in accordance with paragraph 5(b) of 171 EX/Decision 27, to propose new procedures specifically for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided.

INTRODUCTION

1. At its 171st session, the Executive Board adopted 171 EX/Decision 27, paragraph 5(b) of which states:

“5. Decides, concerning the first aspect of the terms of reference of the Committee on Conventions and Recommendations, and in order to strengthen and improve the monitoring of the implementation of UNESCO’s standard-setting instruments, to request the Committee:

(...)

(b) to propose new procedures specifically for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided (...);”.

2. As follow-up to this decision, the Secretariat has prepared this document in order to facilitate the work of the members of the Committee on Conventions and Recommendations (CR).

3. Paragraph 4 of Article IV of UNESCO’s Constitution distinguishes between two categories of “proposals for submission to the Member States”: “recommendations”, which are adopted by a majority vote, and “international conventions”, which are adopted by a two-thirds majority. It is stipulated that “Each of the Member States shall submit recommendations or conventions to its competent authorities within a period of one year”.

4. In addition, paragraph 6 of Article IV stipulates that “The General Conference shall receive and consider the reports sent to the Organization by Member States on the action taken upon the recommendations and conventions referred to in paragraph 4 above or, if it so decides, analytical summaries of these reports”.

5. On this basis, UNESCO has adopted a range of standard-setting texts, including: 35 conventions, taking into account the Convention on the Protection and Promotion of the Diversity of Cultural Expressions and the International Convention against Doping in Sport adopted in 2005; 31 recommendations; and also 13 declarations, including the Universal Declaration on Bioethics and Human Rights of 2005. A total, therefore, of over 70 standard-setting texts, the legal and material scope of which vary widely.

6. Monitoring of the implementation of these standard-setting texts by Member States does not involve a systematic examination procedure, despite the commitment in principle contained in the Constitution, which entails legal obligations for all Member States. Monitoring mechanisms have been set up gradually and in a largely empirical manner.

I. THE EXISTING SITUATION

7. As part of the general obligations relating to all UNESCO’s standard-setting texts, provided for since the very beginning by the Constitution, some conventions or recommendations are subject to specific monitoring by a body whose competence is established by the instrument itself, such as the World Heritage Committee, established by the 1972 Convention. In some cases there are two bodies: for example, in the framework of the Universal Declaration on Bioethics and Human Rights of 2005, there is both a committee of experts and an intergovernmental committee.

8. Apart from these particular cases, however, a very wide range of standard-setting instruments are covered by no specific provision, or else by a specific provision based on paragraph 6 of Article IV of the Constitution. One standard formula can be found in Article 7 of the 1960 Convention against Discrimination in Education: “The States Parties to this Convention shall in their periodic reports submitted to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, including that taken for the formulation and the development of the national policy defined in Article 4 as well as the results achieved and the obstacles encountered in the application of that policy”. This provision is repeated, *mutatis mutandis*, in the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Article 16) and in the 1989 Convention on Technical and Vocational Education (Article 7). In other, older, instruments the wording is more vague, referring to an obligation to inform UNESCO of measures taken in the six months after the entry into force, with this “information” being communicated to all contracting States (1948 Beirut Agreement and 1976 Nairobi Protocol), or, on the contrary, providing for “annual reports”, with UNESCO being responsible for publishing information and studies on the implementation of the convention (the two 1958 Paris Conventions).

9. Some 40 years ago UNESCO set up a monitoring body, first on the basis of the 1960 Convention and Recommendation, known as the “Special Committee on Discrimination in Education”, which in 1970 became the “Committee on Conventions and Recommendations in Education” (82nd session of the Executive Board), and then, in 1978, the “Committee on Conventions and Recommendations” (104th session).

10. The Committee’s terms of reference are to consider all questions relating to the implementation of UNESCO’s standard-setting instruments that are entrusted to the Executive Board by the General Conference, including Member States’ periodic reports on the implementation of Conventions and Recommendations, such as the report of the Joint ILO/UNESCO Committee of Experts on the Application of the 1966 Recommendation concerning the Status of Teachers and the 1977 Recommendation concerning the Status of Higher-Education Teaching Personnel. The Committee on Conventions and Recommendations (CR) also examines once a year the reports of the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the Monitoring of the Right to Education established in 2001 by the Executive Board¹ and consisting of two representatives of the Committee on Economic, Social and Cultural Rights (CESCR) and two representatives of the CR. This joint group formulates, in particular, practical suggestions so as to ensure the monitoring and promotion of the right to education in all its aspects and examines how the States’ workload in the presentation of reports on education might be lightened.

11. Following the amendment of Section VI of the Rules of Procedure concerning recommendations to Member States and international conventions, covered by the terms of Article IV, paragraph 4, of the Constitution by the General Conference at its 32nd session (2003), the Committee’s terms of reference were expanded.² At the request of its members, a list of the conventions and recommendations that then fell within the competence of the Committee was drawn up in 2005. That list includes eight conventions (instead of the two in the previous system, the 1960 Convention against Discrimination in Education and the 1970 Convention on the Means of

¹ 162 EX/Decision 5.4.

² See the 2nd report of the Legal Committee, paragraph 3, Records of the 32nd session of the General Conference, Volume I; and 32 C/Resolution 77, Annex, Article 18.1.

Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property) and no less than 31 recommendations (instead of five formerly).³

12. The Executive Board, at its 171st session, invited the Committee on Conventions and Recommendations to examine the list of these conventions and recommendations, to consider the advisability of continuing to monitor all of these instruments or only of some of them, identifying, in particular, the priority recommendations; to propose new procedures specifically for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided, and to devise harmonized model guidelines for conventions which are monitored by the Committee (171 EX/Decision 27).

13. Thus, the outcome of this rapid survey only highlights the incomplete nature of the monitoring, even taking into account the reforms under way. A broad examination is therefore called for, to try to streamline and modernize the methods of work in the light of international developments in the practice of the United Nations and the ILO or of the relevant regional human rights organizations.

II. THE SEARCH FOR GOOD PRACTICE

14. There is widespread dissatisfaction on the part of States at the administrative burdens placed on them with regard to monitoring, burdens which have grown with the number of treaties they have ratified, not to mention the increasing number of questionnaires and enquiries. The current discussions within the United Nations system are a reflection of these difficulties, with the same criticisms of complexity, slowness, ineffectiveness, the failure to take into account the real needs of States, a lack of technical assistance for the preparation of the reports and, above all, of assistance for the implementation of the recommendations.

15. With regard to the question of priorities, if one accepts that the aim of the reporting procedure is to encourage respect for certain standards, monitor compliance or simply provide the Organization with information, it is important to determine which of these functions should take priority. Since the incentive function could well be regarded as secondary to the other two, the main choice is between the monitoring function and the information function, even though one evidently does not exclude the other and even though any combination of the two approaches may be envisaged.

16. The experience of other international organizations is doubly interesting: first, some international systems underwent creative developments during the 1990s; secondly, the need to avoid duplication means taking account of existing procedures, in particular within the United Nations system, such as the role of the Special Rapporteur on freedom of expression or the Special Rapporteur on racism.

17. Without entering into a systematic inventory of these experiences, the most outstanding features of each system will be highlighted, while noting that such mechanisms are not peculiar to human rights, even if it is in that field that the experiences remain the most significant.⁴

³ See 171 EX/21, Annex I, and 164 EX/23, Annex B.

⁴ Suffice to mention the role played by the Counter-Terrorism Committee established by the Security Council, which examines every six months the reports submitted by the States regarding their fight against terrorism, in order to see the effectiveness of such systems when their establishment is backed up by political will.

1. International experience

18. The two major reference models in the international context are the United Nations system and the ILO system. Mention should also be made of some regional experiences for information.

A. State reports submitted to the United Nations

19. The United Nations system is itself particularly diverse, there being a large number of international instruments, notably regarding human rights, in the form of declarations and conventions. In regard to treaties, a distinction must be drawn between two main situations. On the one hand, some treaties put a monitoring system in place by establishing a monitoring body (treaty body) with jurisdiction in respect of States Parties. There are currently seven such instruments, ranging from the 1965 International Convention on the Elimination of All Forms of Racial Discrimination and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. However, two new instruments are being drawn up, namely the convention on enforced disappearances and the convention on the rights of persons with disabilities, which both provide for specific monitoring and would thus raise the number of such treaty bodies to nine. Furthermore, taking an innovative approach, the recent Optional Protocol to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has just established a subcommittee responsible for in-country inspections, which will be attached to the Committee against Torture.⁵

20. These are generally known as the core treaties. Two indispensable functions must be underlined with respect to all such treaties. The first is the challenge of securing universal ratification of international human rights treaties, pursuant to the Vienna Declaration adopted by the World Conference on Human Rights in 1993, in which States themselves set very clear goals. The practice of yearly appeals by the Secretary-General has not sufficed to keep up the momentum, even though constant progress has been made. States that have not yet achieved the goal set should be targeted so that they may be sensitized and assisted in their efforts to meet standards. In this sense, monitoring should not be a matter for States Parties only, but should be directed as a priority at third States. The second function is inseparable from the first and concerns the universal application of the instruments. There being no specific monitoring, this function is all too often neglected. In this connection, the term “orphan conventions” refers to conventions abandoned to their own fate and lacking any effective institutional mechanism.

21. The existence of an ongoing dialogue focused on the examination of reports is of vital importance.⁶ That is the main role of the seven monitoring committees that currently exist. In practice, the seven committees are made up of qualified individuals, elected according to criteria of independence and expertise, while taking into account, in most cases, balanced geographical distribution. Apart from the Committee on the Elimination of Racial Discrimination, which is attached to the Commission on the Status of Women, the six other committees are attached to the Commission on Human Rights. They submit their annual report to the Commission on Human Rights, which merely notes them. A purely independent system would be cut off from reality, but a wholly state system would be deprived of part of its substance. It is the constant dialectic between these two extremes that gives rise to the dynamics of the system.

⁵ The Office of the United Nations High Commissioner for Human Rights has initiated a substantive discussion on the rationalization of the current system, although it will be difficult to overcome the legal constraints of the treaties, which each have their own rules and bind different States Parties.

⁶ To facilitate such exchanges, the Office has, following the United Nations Centre for Human Rights, drawn up a *United Nations Manual on Human Rights Reporting*.

22. The last important factor that must be emphasized is that of time. The frequency of the examination of reports, when it is respected by all involved, permits ongoing dialogue between the State and the committee. The follow-up to the concluding observations made in the previous cycle is included in the examination of the new report, thus enabling the experts to gauge the progress achieved and the extent to which pledges had been met. This constructive dialogue, established over time, implies continuity from all sides. The individual independence of the experts – and indirectly the length of their term of office – is also a guarantee of this continuity, as State bodies do not always have the same institutional memory. However they are also independent collectively and the committees' collegial work is highly important, both in terms of drawing up the report, with questions being sent in advance to States, and in following up the report with the concluding observations. The diversity and representativeness of the committees of experts add even more weight to their decisions in the eyes of States.

B. State reports submitted to ILO

23. The ILO system is well known, thanks to its continual development since its establishment by the Treaty of Versailles in 1919. Its seniority and survival account for many original features.⁷ The main strength of ILO is the legitimacy that it derives from tripartism, by associating States jointly with representatives of both employers and workers. The second important asset is the constitution over time of a legal corpus that is both dense and concentrated, comprising nearly 200 “international labour standards”. Comprehensive reporting on ratifications is monitored closely by the International Labour Office (ILO). In this system, declarations are very rare and relate to basic commitments that bind all Member States, as is the case for the 1997 *ILO Declaration on Fundamental Principles and Rights at Work*, which is in a way the quintessence of basic conventions. As a result, respect for these basic principles and rights is statutorily binding on all States, even those which have not ratified the instruments in question.

24. Article 19 of the ILO Constitution requires Member States to submit international labour standards as soon as they have been adopted to the competent national authorities and to report periodically on measures taken to give effect to the provisions of non-ratified conventions and recommendations.

25. Furthermore, by virtue of Article 22, States Parties are required to report on measures taken to give effect to the provisions of conventions to which they are parties. In practice, the reports are requested every two years for the fundamental conventions and every five years for all other conventions, unless the Committee of Experts on the Application of Conventions and Recommendations requests that reports be submitted earlier. Since 2003, the conventions have been grouped together, by subject, around some 20 themes. The eight fundamental conventions deal with freedom of association. There are in addition four priority conventions on labour inspection and employment policy. The references show clearly that this is a living whole that is developing over time. The focus on eight fundamental conventions also avoids the banal, even though other conventions may be very important, whether they concern labour protection or working hours, social security and health protection, or categories of workers such as migrants and indigenous peoples.

26. This method seems to work well, since 1,554 of the 2,344 reports requested under Article 22 have been transmitted to ILO; that amounts to nearly two thirds. When reports are flawed or inadequate, in form – lack of useful information – or in substance – for instance in the case of

⁷ For technical details, see *Application of international labour standards, 2004 (I), Report of the Committee of Experts on the Application of Conventions and Recommendations* and (II) *Information document on ratifications and standards-related activities*.

“major divergences between the national legislation or practice and the conventions in question” – reports may be specially requested from certain governments.

27. The International Labour Conference has established two complementary bodies to ensure the “effective examination” of reports thus submitted under Article 19 and under Article 22. In 1926 it established the “Committee of Experts on the Application of Conventions and Recommendations”, and the “Conference Committee on the Application of Standards”.

28. The Committee of Experts is made up of 20 “independent lawyers” appointed by ILO’s Governing Body. The Committee of Experts carries out an impartial technical examination of the application of standards, which is the subject of an annual public report. Requests for additional information make it possible to provide the legislative texts, statistics and documents needed for the exhaustive examination of reports. From this stage, professional organizations are associated with the procedure, being consulted on State reports and presenting their own comments which are transmitted to the governments concerned. The Committee of Experts, at the end of a rather brief two-week meeting held annually, draws up a number of concluding observations not only on the fundamental questions raised by the application of a convention by a country but also direct requests on more technical and specific aspects. The Committee has also instituted, since 2001, a Subcommittee on working methods which seeks to improve the presentation of its report so as to make it more concise and accessible, while preserving its integrity and value.

29. This annual report is then discussed in the tripartite setting by the Committee of Experts on the Application of Conventions and Recommendations which sits during the International Labour Conference. The Committee selects a number of cases examined by the experts and invites the governments concerned to give their reactions. In addition to the control an important contribution is made by the work of technical assistance and promotion of standards which is carried out by ILO.

30. There is also a special procedure as regards freedom of association which has, since 1951, been entrusted to the Committee on Freedom of Association, quite apart from any obligation under a convention. But there again the monitoring is a matter for the Committee of Experts.

31. As may be seen, ILO’s experience is especially valuable since the effectiveness of the system comes from the complementarity between the work of the ILO Secretariat (the International Labour Office), independent experts and tripartite bodies, in a transparent process at all stages, with considerable involvement by professional organizations but also constant cooperation with the States concerned. The search for effectiveness has also been marked by a concern for selectivity, giving pride of place to key instruments and specifying the working methods, to avoid discouraging the Member States by repetitive, tiresome and futile requests. It also involves diversification of the mechanisms employed (complaints, investigation, conciliation) even if the examination of reports remains at the heart of the system, establishing an ongoing dialogue with the States on the basis of two-year cycles. Lastly, it is characterized by a resolve not only to point a finger at States which default but also to help them fulfil their obligations, with technical assistance as the continuation of the constructive dialogue that has been established.

2. Regional practices

32. The reporting procedures examined in the previous paragraph are often found, *mutatis mutandis*, at regional level. The Council of Europe provides examples of innovative practices in this area. Initially litigation, in the form of individual complaints, overshadowed reporting mechanisms. However, the European Convention on Human Rights itself provides for the possibility of the Secretary General of the Council of Europe asking a State for an “explanation” of the manner in which its internal law ensures the effective implementation of any of the provisions of the

Convention (former Article 57 – now Article 52 – of the European Convention on Human Rights). Every Secretary General has used this provision, to prevent it from becoming obsolete, but has limited this to sending out technical questionnaires to all States. It is only in recent practice that the Secretary General has raised issues of substance, relating to states of emergency, directly with Member States (concerning conflicts or emergency measures to combat terrorism).

33. In fact, the entire system of the Council of Europe, with its proliferation of steering committees and subordinate committees of experts, is based on the collection of information in the area of comparative law. The steering committees send questionnaires or requests for information to States, either at an earlier stage, as they prepare to draw up conventions or recommendations, or at a later stage, during the monitoring of recommendations adopted by the Committee of Ministers. Information is also provided by NGOs, which have Observer status with certain steering committees. Some conventions have their own monitoring mechanism; this is the case of the European Social Charter, which provides for review processes based on national reports, and cooperation with professional organizations, involving first independent experts, then governmental experts, in accordance with the ILO model. The two levels of supervision also exist with the Framework Convention for the Protection of National Minorities, where States, having initially tried to retain control over review of the reports, finally established an advisory committee made up of independent experts.

34. In the last 15 years or so, monitoring procedures have become more varied, with the accession of new member states. The Parliamentary Assembly of the Council of Europe (PACE) and the Committee of Ministers have set up procedures for monitoring the commitments undertaken by States. While the monitoring carried out by the Committee of Ministers, considered to be highly sensitive, remains confidential, that of the PACE gives rise to public reports and debates. The creation of the post of the Council of Europe Commissioner for Human Rights, in 1999, has also enabled some novel practices to be instituted. The Commissioner focuses on systematic visits, expanding the number of contacts in the field, and personally draws up corresponding visit reports. Another example is the work of the European Commission against Racism and Intolerance, which also issues periodic reports on the situation in different States, and the work of the European Committee for the Prevention of Torture, established by the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 1987 which, on the basis of systematic visits made to States Parties, adopts periodic reports. Initially States were assured of the confidentiality of these reports, but in practice once some States had agreed to publication of reports concerning them, all States were obliged to do the same.

35. Nevertheless, on the whole, the “reporting system” is widely used by the Council of Europe – except in the case of the European Social Charter, where reports play an essential role in providing the information on which periodic review are based, and no litigation has been involved, until the recent adoption of a protocol providing for a system of collective complaints. More diversified and flexible methods involving field surveys and periodic reports on States no doubt mark an institutional development enabling reports by States to be bypassed.

III. FUTURE PROSPECTS

36. Even if no model stands out as the model of choice, clear conclusions can be drawn from this review of some examples of “good practices”. It must be acknowledged that, unlike older systems such as those established by the ILO or the United Nations or the constantly changing regional systems, the UNESCO system has not fully implemented Article IV, paragraph 6, of the Constitution. It is not merely a question of a formal obligation – or a mere procedure but a substantial obligation, comprising an obligation to use one’s best endeavours – the spirit of

international cooperation – and an obligation to produce a specific result – effective implementation of standard-setting texts. It is desirable that it be given its full meaning. That implies identifying the issues involved and the options regarding:

1. the bodies in charge of implementation monitoring;
2. the monitoring stages;
3. the monitoring methods.

1. Bodies in charge of implementation monitoring

37. At present, the terms of reference of CR have been widened considerably, both quantitatively – in terms of the number of standard-setting texts that it is required to monitor – and qualitatively – in terms of the diversity of the themes concerned – which does entail organizational difficulties.

38. In the light of the practices of the other international and regional organizations detailed above, it must be stressed that it is most unusual for an intergovernmental committee alone to discharge such responsibilities. Given this fact, and in order to reinforce and improve the first aspect of its terms of reference, the CR could establish more appropriate monitoring bodies. Two options could thus be considered:

- (a) follow the Council of Europe's model of steering committees composed of experts representing each State and appointed according to their expertise in the field concerned, be they civil servants from line ministries, judges, lawyers, and so on. This option would consist in appointing to the CR experts responsible for examining States' reports in the fields of education, science, culture and communication;
- (b) establish within the CR one or more specialized subcommittees or working groups. It is thus conceivable that two or three advisory committees (education, science, culture and communication), each composed of about 10 experts, would be attached to the current CR. In this connection, it will be noted that CEART and the Joint Expert Group (CR)/ECOSOC (CESCR) on the Monitoring of the Right to Education,⁸ to which other groups with specific tasks could be added, are already in place.

2. The major stages of the monitoring process

39. The first stage is to promote implementation of standard-setting texts. The task of promotion falls first to the General Conference which, through its resolutions, could encourage Member States to ratify conventions or urge them to comply with the principles set out in recommendations and declarations. It is also the responsibility of the Director-General to promote the implementation of these texts. In this regard, the comprehensive report that the General Conference has just invited the Director-General to prepare (33 C/Resolution 88) should help to renew efforts aimed at ratification of the conventions adopted under UNESCO auspices.

40. The second step is the effective implementation of standard-setting texts. This is the core of the monitoring mechanism based on the periodic reports. The collective momentum leading to the adoption of texts must therefore be sustained by comprehensive reports that concern all States, States Parties and third-party States alike. The purpose of the exercise is, above all, to assess impartially the effective fulfilment of the obligations assumed by States when adopting conventions.

⁸ See paragraph 10 of this document.

41. The same applies to recommendations and declarations setting out principles for incorporation into national law. In such a case, more flexible monitoring mechanisms might be considered – for example, the Secretariat could gather information from its local representatives or with the help of the National Commissions. The main thing is to have as comprehensive an overview as possible in order to decide on how to promote standard-setting texts, through the holding of workshops or training sessions, or the preparation of model laws for the “beneficiaries” of such texts.

3. Monitoring methods

42. The main task is to devise a reporting methodology that can mobilize States. All too often they are overwhelmed by questionnaires and requests for reports or useless and unusable information. These circumstances, which characterize many systems, need to be modified by endeavouring to set precise objectives and clear priorities at each stage. Lightening the workload of Member States in this respect does not mean reducing their responsibilities; on the contrary, the aim is to achieve greater effectiveness through the use of well-defined priorities, transparent methods, shorter cycles and specific indicators.

43. To be effective, monitoring must:

- be selective about the instruments, following the example of the International Labour Organization (ILO) which concentrates on eight fundamental conventions whose implementation is examined, alternatively, every two years. Moreover, there should be no hesitation in declaring texts obsolete for lack of updating, as ILO regularly does, or putting them on hold (see document 174 EX/22 Part I);
- use guidelines, through “targeted” questions addressed to States, which spares them the task of preparing legislation compilations which are difficult to produce and inappropriate as indicators. While guidelines for the preparation of reports are indispensable (see document 174 EX/22 Part III), targeted questions for each report are even more so, either based on the conclusions of the previous cycle or on available information;
- be carried out regularly, in both senses of the term, avoiding cumulative delays, which make the work even more complicated and unfocused, and keeping the reporting period short (four to five years);
- include civil society partners (NGOs, etc.) by involving them directly in monitoring activities.

44. As is true of the ILO mechanism and, more recently, that of the United Nations, assistance is a vital part of monitoring. Through the field offices, the Secretariat could get involved upstream by helping States to launch extensive awareness-raising and information-gathering campaigns that would enable them to prepare their reports with the support of the National Commissions. The National Commissions could thus relieve States of some of their obligations in that regard, as was done in the case of the United Nations Decade for Human Rights Education. Downstream, once the impartial assessment has been completed, the Secretariat will be in a position to help States implement the corrective measures deemed necessary by CR following the examination of the reports.

45. In other words, the report is merely one stage in an ongoing process in the course of which evaluation, follow-up and assistance must become part of a cycle of dialogue between States and monitoring bodies, based on guidelines for the preparation of reports.

IV. PROPOSALS

46. In the light of the above, the Committee on Conventions and Recommendations may wish to consider the suggestions summed up below.

1. CR BODIES

Two options:

- Option (a): for the review of reports on the monitoring of standard-setting instruments (first aspect of the terms of reference), the Committee on Conventions and Recommendations would be composed of governmental experts appointed by each State, having regard to their expertise in the fields concerned (education, science, culture and communication) and to the related instruments;
- Option (b): the Committee on Conventions and Recommendations would remain unchanged as to its composition but would be assisted by one or more advisory subcommittees or groups specialized in each of UNESCO's fields of competence. These advisory bodies would be composed of about 10 governmental experts. Use could also be made of joint groups such as CEART and the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the Monitoring of the Right to Education.

2. MAJOR MONITORING STAGES

(a) 1st stage: Promoting the implementation of standard-setting texts

1. Resume efforts to promote the ratification by Member States of conventions adopted under the auspices of UNESCO.
2. Resume efforts to promote the implementation of the principles set forth in recommendations and declarations adopted by UNESCO.

(b) 2nd stage: Monitoring effective implementation of standard-setting texts

1. Impartial assessment of the effective discharge of the obligations undertaken by States when adopting conventions.
2. Recommendations and declarations could be monitored in the same way as conventions or more flexible monitoring arrangements could be introduced through the collection of information by the Secretariat or comparative law studies, the holding of workshops or training sessions, or the framing of "model laws" for the "intended beneficiaries" of these texts.

3. MONITORING METHODS

1. A comprehensive report by the Secretariat on standard-setting instruments would be examined every two years.
2. Proposals on the promotion of standard-setting instruments would have to be submitted to the General Conference.
3. Recommendations and declarations that are no longer considered to be priorities should be updated or held in abeyance (see document 174 EX/22 Part I).

4. Guidelines for the drafting of reports should be drawn up and harmonized, with specific questions being addressed to States for each report (see document 174 EX/22 Part III) in the light of the conclusions of either the previous consultation or available information.
5. In regard to recommendations and declarations, monitoring arrangements should be identified either along the lines of those established for conventions or along more flexible lines consisting of information gathering by the Secretariat, the holding of workshops or the drafting of model laws.
6. The frequency should be regular (four to five years).
7. Technical assistance by the Secretariat, in particular through the field offices, should be provided:
 - (a) upstream, to assist the State in conducting in-depth educational awareness-raising and information-gathering work and thus in drafting an exhaustive report with the support of the National Commissions which will relieve States of some of their obligations in respect of guidelines, assessments or action plans;
 - (b) downstream, to assist the State in implementing remedial measures considered necessary by the Committee on Conventions and Recommendations after examination of the reports.
8. Information would also be gathered from other civil society stakeholders (non-governmental organizations).
9. In regard to the examination of reports, the debates and meetings of the Committee on Conventions and Recommendations should be public.
10. The final conclusions with a view to the adoption by the General Conference of recommendations addressed to Member States would be formulated by the Committee on Conventions and Recommendations.

Hundred and seventy-fifth session

175 EX/27
Part II Corr.
PARIS, 25 August 2006
English, Russian and Arabic
only

Item 28 of the provisional agenda

**MONITORING OF THE IMPLEMENTATION OF UNESCO'S
STANDARD-SETTING INSTRUMENTS**

PART II

CORRIGENDUM

**Proposed new procedures specifically for the monitoring of the
implementation of UNESCO conventions and recommendations for which
no specific institutional mechanism is provided**

In document 175 EX/27 Part II, the second paragraph should begin with: "In order to facilitate the work of the Committee members ...".

Consequently, the paragraphs should be renumbered.