



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and eighty-third session

183 EX/DR.2¹
PARIS, 12 November 2009
Original: English

Item 12 Proposed terms of reference of the Committee on Conventions and Recommendations (... members)²

The Executive Board,

1. Recalling 98 EX/Decision 9.6(II), whereby it defined, in paragraph 12, the terms of reference of the Committee on Conventions and Recommendations in Education, namely:
 - (a) to examine periodic reports by Member States on their implementation of the Convention and Recommendation against Discrimination in Education,
 - (b) to examine communications addressed to UNESCO in connection with specific cases alleging a violation of human rights in education, science and culture,
 - (c) to examine the report of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers,³
2. Also recalling 104 EX/Decision 3.3, whereby it decided that the Committee would thenceforth be designated the "Committee on Conventions and Recommendations" and established the conditions and procedures for consideration of communications received by the Organization concerning cases and questions of violations of human rights within UNESCO's fields of competence,
3. Further recalling 162 EX/Decision 5.4(II), paragraph 5, and 171 EX/Decision 27, paragraph 5(d), concerning the Committee's examination, once a year, of the reports of the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the Monitoring of the Right to Education,
4. Renews the terms of reference mentioned above and decides that the Committee will also consider all questions entrusted to the Executive Board concerning the implementation of UNESCO's standard-setting instruments, in accordance with Article 18.1 of the Rules of Procedure concerning recommendations to Member States and

¹ The background of this Committee is attached to this draft resolution for the information of Board Members.

² For the period 2008-2009, the Committee had 30 members.

³ Now the Joint ILO-UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel.

international conventions, ensuring in particular the monitoring of the three conventions and 11 recommendations referred to, respectively, in Part II of 177 EX/Decision 35 and in 34 C/Resolution 87.⁴

⁴

These conventions and recommendations are: Convention against Discrimination in Education (Paris, 14 December 1960); Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Paris, 14 November 1970); Convention on Technical and Vocational Education (Paris, 10 November 1989); 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 on the Recognition of Studies and Qualifications in Higher Education (13 November 1993); 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).

C.

COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS

I. BACKGROUND

1. It was in 1965, at its 70th session, that the Executive Board, ‘having noted resolution 16.1, adopted by the General Conference at its 13th session, on the plan prepared by the Director-General concerning the submission of periodic reports by Member States on their implementation of the Convention and Recommendation against Discrimination in Education’ decided that ‘the reports submitted by governments shall be ... examined by a ... special committee of the Executive Board ...’ (70 EX/Decision 5.2.1).
2. At its 71st session the Board decided, in order to implement the above-mentioned decision, to set up ‘a Special Committee ... to examine the reports of Member States on the implementation of the Convention and Recommendation against Discrimination in Education’ (71 EX/Decision 3.2).
3. This Committee was set up anew by the Board at its 75th session, as the ‘Special Committee on Discrimination in Education’ (75 EX/Decision 6.II).
4. At its 77th session, under item 8.3 of its agenda, entitled ‘Procedure for handling communications on individual cases involving human rights in education, science and culture’, the Board, having decided on the procedure to be followed, requested ‘the Director-General, in accordance with the said procedure, to bring the communications in question to the notice of the Special Committee on Discrimination in Education’ and decided ‘to extend the terms of reference of the Committee for this purpose’ (77 EX/Decision 8.3).
5. The General Conference, at its 15th session (1968), invited the Board: firstly, ‘to extend the term of office of its Special Committee on Discrimination’ (15 C/Resolution 29.1) and, secondly, ‘to make appropriate arrangements for reports by Member States on the implementation of conventions or recommendations to be examined by a subsidiary organ of the Board, such as the Present Special Committee on Discrimination in Education ...’ (15 C/Resolution 12.2).
6. The Executive Board, at its 81st session, taking account of the above-mentioned 15 C/Resolution 29.1, again set up its Committee (81 EX/Decision 6.II).

7. At its 82nd session, under item 4.2.4 'Implementation of the Recommendation concerning the Status of Teachers', the Board, being of the opinion that its Committee on Discrimination in Education could be given the task of examining the report of the Joint ILO/UNESCO Committee of Experts on the application of this Recommendation, decided, when entrusting it with this task, to change the name of the Committee to 'Committee on Conventions and Recommendations in Education' (82 EX/Decision 4.2.4).
8. The Committee was subsequently re-established without a break, at the same time as the other subsidiary organs of the Board, at the Board's first session after the end of the General Conference. The various changes made to its terms of reference are dealt with in section II below.
9. It should be mentioned that at its 104th session the Board decided that the Committee would henceforth be designated 'Committee on Conventions and Recommendations'.
10. Finally, at the 122nd session, this Committee became a permanent Committee of the Board (see 122 EX/Decision 3.6 and 123 EX/Decision 4).
11. Details of this Committee (name, number of members and names of Chairmen) will be found in Annex V.

II. TERMS OF REFERENCE AND METHODS OF WORK

12. At its 178th session (November 2007) the Executive Board, having established its Committee on Conventions and Recommendations, gave it the following terms of reference (178 EX/Decision 12):

‘The Executive Board,

1. *Recalling* 98 EX/Decision 9.6(II), whereby it defined, in paragraph 12, the terms of reference of the Committee on Conventions and Recommendations in Education, namely:
 - (a) to examine periodic reports by Member States on their implementation of the Convention and Recommendation against Discrimination in Education,
 - (b) to examine communications addressed to UNESCO in connection with specific cases alleging a violation of human rights in education, science and culture,
 - (c) to examine the report of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers,¹
2. *Also recalling* 104 EX/Decision 3.3, whereby it decided that the Committee would thenceforth be designated the “Committee on Conventions and Recommendations” and established the conditions and procedures for consideration of communications received by the Organization concerning cases and questions of violations of human rights within UNESCO’s fields of competence,
3. *Further recalling* 162 EX/Decision 5.4(II), paragraph 5, and 171 EX/Decision 27, paragraph 5(d), concerning the Committee’s examination, once a year, of the reports of the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the Monitoring of the Right to Education,
4. *Renews* the terms of reference mentioned above and *decides* that the Committee will also consider all questions entrusted to the Executive Board concerning the implementation of UNESCO’s standard-setting instruments, in accordance with Article 18.1 of the Rules of Procedure concerning recommendations to Member States and international conventions, ensuring in particular the monitoring of the three conventions and 11 recommendations referred to, respectively, in Part II of 177 EX/Decision 35 and in 34 C/Resolution 87.²

1. Now the Joint ILO-UNESCO Committee of Experts on the Application of the Recommendation concerning Teaching Personnel.

2. These conventions and recommendations are: Convention against Discrimination in Education (Paris, 14 December 1960); Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Paris, 14 November 1970); Convention on Technical and Vocational Education (Paris, 10 November 1989); 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 on the Recognition of Studies and Qualifications in Higher Education (13 November 1993); 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).

13. The Committee is thus entrusted with two tasks:
- (1) 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' reports on the implementation of Conventions and Recommendations, with the exception of standard-setting instruments that provide for a specific monitoring mechanism;
 - (2) to examine communications relating to cases and questions concerning the exercise of human rights in UNESCO's fields of competence.

Implementation of UNESCO's standard-setting instruments

14. The Committee's competence in this sphere dates back to the 15th session (1968) of the General Conference, which decided (15 C/Resolution 12.2) to entrust the examination of the implementation of conventions or recommendations to a subsidiary organ of the Executive Board. The Committee's terms of reference, however, covered only the examination of those reports expressly entrusted to it. For instance, at its 71st session (1965) the Executive Board required the Committee to examine periodic reports relating to the implementation of the Convention and Recommendation on Discrimination in Education; at its 82nd session (1969) the report of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers; at its 105th session (1978) reports on the implementation of the Convention and Recommendation on the Means of Prohibiting and Preventing the Illicit Export, Import and Transfer of Ownership of Cultural Property. It should be noted, in this connection, that only *periodic* reports were submitted to the Committee for examination, the initial special reports Member States were required to submit at the first ordinary session of the General Conference following the adoption of the Convention or Recommendation in question being examined by the Legal Committee of the General Conference. At its 32nd session, the General Conference, by 32 C/Resolution 77, decided that henceforth it would entrust to the Executive Board, and in particular to the Committee on Conventions and Recommendations, the examination of the reports that it requested from Member States on conventions and recommendations. Accordingly, the distinction between periodic reports and special reports no longer exists. The reports adopted by the Committee following its examination will be submitted to the General Conference with the reports of Member States or (if so decided by the General Conference) the analytical summaries thereof, together with the Executive Board's comments. With a view to strengthening the first aspect of the Committee's terms of reference, the Executive Board at its 177th session, adopted the specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided (177 EX/Decision 35 I).¹ At the very same session, the Board also adopted framework guidelines for the preparation of reports on the implementation of conventions for whose monitoring the CR Committee is responsible (177 EX/Decision 35 II), which shall be applied to the three conventions that are already monitored regularly.² In addition, by 34 C/Resolution 87, the General

1. See Annex I.

2. See footnote 2, page 61.

Conference at its 34th session decided that of the Organization's 31 recommendations, the Executive Board should focus its monitoring efforts primarily on 11 recommendations.¹

15. By 162 EX/Decision 5.4 (October 2001), the Executive Board established the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the monitoring of the right to education. It is composed of two representatives of the Committee on Economic, Social and Cultural Rights (CESCR) nominated by its Chairperson and two representatives of the Committee on Conventions and Recommendations (CR) nominated by the Chairperson of the Executive Board of UNESCO in consultation with the Chairperson of CR. By 171 EX/Decision 27, paragraph 5, of the Executive Board, the reports of the Joint Expert Group are examined once a year. The terms of reference of the Joint Expert Group are to:
 - (a) formulate practical suggestions for strengthening the growing collaboration between UNESCO (CR) and ECOSOC (CESCR) for the purpose of monitoring and promoting the right to education in all its dimensions;
 - (b) suggest specific measures for cooperative action by the two bodies with a view to imparting synergy to the follow-up to the Dakar Framework for Action within the United Nations system;
 - (c) consider the possibilities for reducing the reporting burden on States in relation to the right to education and identify ways in which arrangements could be both streamlined and made more effective;
 - (d) advise on right to education indicators.

Communications relating to cases and questions concerning the exercise of human rights in UNESCO's fields of competence

16. The procedure followed by UNESCO in the examination of communications relating to cases and questions concerning the exercise of human rights in its spheres of competence is laid down in 104 EX/Decision 3.3 (see Annex II). This procedure replaces that laid down in 77 EX/Decision 8.3.
17. Under this procedure, any communication received by the Director-General and appearing, at first sight, to be covered by the provisions of 104 EX/Decision 3.3 is treated in the following manner:
 - (a) it is given a serial number, by which it is referred to throughout the procedure;
 - (b) an action form is prepared for each communication;
 - (c) as soon as possible after receipt of the communication, the Director of the Office of International Standards and Legal Affairs sends a letter to its author (see Annex III) informing him of the procedure laid down in 104 EX/Decision 3.3, drawing his attention to the conditions governing admissibility listed in paragraph 14(a) of that decision and asking him to fill in a form (see Annex IV). At the end of this form the author is asked to sign a declaration agreeing to the examination of his communication in accordance with 104 EX/Decision 3.3;

1. See footnote 2, page 61.

- (d) as soon as possible after receipt of an affirmative answer from the author of the communication, a letter is sent by the Director-General to the government concerned, with a copy of the communication, informing it that any reply it may wish to make will be brought to the notice of the Committee and that a representative of the government concerned may attend meetings of the Committee in order to provide additional information or answer questions asked by members of the Committee on either the admissibility or the merits of the communication.
18. After allowing a reasonable time (three months) for the government to reply – further examination of the communication, however, not being conditional upon the receipt of such a reply – the Secretariat transmits to the members of the Committee the texts of the communications that have been dealt with as described above, together with a summary of the facts and information concerning the replies given by the government.
19. In accordance with paragraph 14(c) of 104 EX/Decision 3.3, the Committee meets in private session to examine the communications transmitted to it by the Director-General. Its first task is to determine whether the conditions governing admissibility set out in paragraph 14(a) are met. If the information furnished by the author of the communication is not such that the Committee can reach a decision on this point, it may ask the representative of the government concerned to supply further details and invite him to answer questions asked by members of the Committee on the admissibility or merits of the communication; the Committee may also draw on any relevant information at the disposal of the Director-General. Furthermore, by virtue of Article 30 of the Rules of Procedure, it may request the permission of the Executive Board to invite observers of Member States, non-Member States, intergovernmental or non-governmental international organizations and other qualified persons to address it on matters within their competence.
20. If the Committee considers that it needs further information before it can rule as to the admissibility of a communication it can keep the communication on its agenda with a view to obtaining such information.
21. Having declared a communication admissible, the Committee pursues its examination as far as possible, with a view to finding an amicable way of dealing with the matter so as to advance the promotion of human rights.
22. In this connection, attention should be drawn to the fact that paragraph 7 of 104 EX/Decision 3.3 reads: ‘*Considering that, in matters concerning human rights within its fields of competence, UNESCO, basing its efforts on moral considerations and its specific competence, should act in a spirit of international cooperation, conciliation and mutual understanding, and recalling that UNESCO should not play the role of an international judicial body*’.
23. It is the Committee’s responsibility to decide whether the affair in question is an individual and specific ‘case’ concerning violation of human rights or a ‘question’ of ‘massive, systematic or flagrant violations

of human rights which result either from a policy contrary to human rights applied *de jure* or *de facto* by a State or from an accumulation of individual cases forming a consistent pattern' (104 EX/Decision 3.3, paragraph 10). It should be noted that 'cases' are normally examined by the Executive Board in private meetings, whereas 'questions' may be examined by the Executive Board and the General Conference in public meeting (104 EX/Decision 3.3, paragraphs 14-18).

24. Having concluded its work, the Committee adopts a confidential report containing 'appropriate information arising from its examination of the communications which the Committee considers it useful to bring to the notice of the Executive Board. The reports shall also contain recommendations which the Committee may wish to make either generally or regarding the disposition of a communication under consideration' (104 EX/Decision 3.3, paragraph 15).

Annex I — United Nations Educational, Scientific and Cultural Organization

EXECUTIVE BOARD
Hundred and seventy-seventh session

177 EX/Decision 35 (I)
Paris, 30 November 2007

DECISIONS ADOPTED BY THE EXECUTIVE BOARD
AT ITS HUNDRED AND SEVENTY-SEVENTH SESSION
(Paris, 25 September -31 October 2007)

Specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided

Stage 1: Frequency of submission of reports on the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided

In accordance with the provisions of Article IV, paragraph 4, and Article VIII of the Constitution, reports shall be submitted every four years unless the General Conference, in the case of specific conventions or recommendations, decides otherwise.

Stage 2: Transmission of conventions and recommendations to Member States

Pursuant to the provisions 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, while transmitting a certified copy of any convention or recommendation to Member States, the Director-General will formally remind them of their obligation to submit the convention or recommendation in question to their competent national authorities in accordance with Article IV, paragraph 4, of the Constitution, and will also draw their attention to the difference in the legal nature of conventions and recommendations.

The Secretariat will ensure that the standard-setting texts adopted by the General Conference are widely disseminated to Member States and the public.

Stage 3: *Establishment of reports for monitoring the effective implementation of conventions and recommendations*

(a) Consultations concerning conventions

The Secretariat shall submit to the Executive Board its proposals concerning the modalities of consultation of Member States on any measures they have respectively adopted pursuant to Article IV, paragraphs 4 and 6, and Article VIII of the Constitution. To this effect, it shall prepare draft guidelines for the preparation of reports based on the framework guidelines adopted by the Executive Board, to which the Secretariat will add, in view of the wide variety of UNESCO's standard-setting instruments, specific questions on which additional information is sought in the light either of the conclusions of the previous consultation or of the information available.

The Executive Board shall entrust the examination of these proposals to its Committee on Conventions and Recommendations (CR).

After the guidelines have been approved by the Executive Board, the Director-General will invite the Member States to submit their report on the action taken on the convention, within a period of six months. Each Member State must submit such a report pursuant to Article 17, paragraph 1, 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.

(b) Collection of information concerning recommendations

The Secretariat will collect from Member States and National Commissions and from the various partners of the Organization such as non-governmental organizations (NGOs), information on the implementation of the recommendation in question.

This collection of information may be conducted on the basis of the model guidelines.

(c) Preparation of reports

With regard to the conventions, the Member States may prepare reports, with the cooperation and support of the National Commissions, in accordance with the model guidelines approved by the Executive Board. Within the limit of available resources, the guidelines may be made accessible on the Internet to Member States to enable them to draw up and submit their report to the Secretariat by electronic means.

With regard to the recommendations, the Secretariat will prepare a report on their implementation by the Member States, on the basis of the information collected, in particular with regard to national legislation.

(d) Technical assistance provided by the Secretariat to Member States

In order to reduce their workload, the Secretariat will provide Member States, at their request or at the request of the General Conference, with technical assistance, which will focus both on a better understanding of the objectives of the convention or recommendation in question and on practical procedures for the preparation of their reports, in particular, the collection of information and the drafting of the reports.

Stage 4: Consideration by the Executive Board of the reports for monitoring the effective implementation of conventions and recommendations

The Secretariat will submit to the Executive Board a summary of the reports received from Member States on the measures taken for the implementation of the conventions. The Executive Board may, if it so desires, ask the Secretariat to submit to it for consideration all the reports for each country.

With regard to recommendations, the Secretariat will submit its consolidated report on the implementation of these instruments, prepared on the basis of the information collected.

The documents prepared by the Secretariat will be examined by the Executive Board, which will entrust the task to the Committee on Conventions and Recommendations. The debates and work of the Executive Board and the CR Committee arising from their consideration of the reports will take place in public meetings.

The Executive Board will transmit these documents to the General Conference, together with its observations or comments and any that the Director-General may make, following their consideration by the Executive Board.

Stage 5: Decision of the General Conference concerning the reports for monitoring the effective implementation of conventions and recommendations

The General Conference may take, as necessary, a decision with regard to the summaries of reports concerning the implementation of the conventions and recommendations.

The Director-General shall regularly inform the General Conference and the Executive Board with respect to the implementation of the decisions taken by the General Conference.

Annex II — United Nations Educational, Scientific and Cultural Organization

EXECUTIVE BOARD
Hundred-and-fourth Session

104 EX/Decisions
Paris, 4 July 1978

DECISIONS ADOPTED BY THE EXECUTIVE BOARD
AT ITS HUNDRED-AND-FOURTH SESSION
(Paris, 24 April-9 June 1978)

104 EX/Decision 3.3 — *Study of the procedures which should be followed in the examination of cases and questions which might be submitted to UNESCO concerning the exercise of human rights in the spheres of its competence, in order to make its action more effective: Report of the Working Party of the Executive Board (104 EX/3)*

The Executive Board,

1. *Mindful* that the competence and role of UNESCO in the field of human rights derive primarily from Article I.1 of the Constitution of UNESCO, which states: ‘The purpose of the Organization is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations’, and from the Charter of the United Nations,
2. *Recalling* the Universal Declaration of Human Rights, the international covenants on human rights and the various conventions and recommendations adopted by UNESCO,
3. *Recalling* 19 C/Resolution 6.113 concerning UNESCO’s responsibilities in the field of human rights,
4. *Recalling also* 19 C/Resolution 12.1: ‘UNESCO’s contribution to peace and its tasks with respect to the promotion of human rights and the elimination of colonialism and racialism – long-term programme of measures whereby UNESCO can contribute to the strengthening of peace’; and in particular paragraph 10 of the resolution, which invites the Executive Board and the Director-General:

- ‘(a) to examine with particular attention the general situation with regard to respect for human rights throughout the world in UNESCO’s fields of competence,
 - (b) to study the procedures which should be followed in the examination of cases and questions which might be submitted to UNESCO concerning the exercise of human rights in the spheres to which its competence extends, in order to make its action more effective,
 - (c) to continue to establish, with a view to the implementation of subparagraphs (a) and (b), close cooperation and coordination with the relevant United Nations organs so as to take advantage of their work and the lessons that can be learned from them in this field’,
5. *Having considered* the report of a working group of the Board set up by virtue of 102 EX/Decision 5.6.2 to carry out an in-depth study of document 102 EX/19, the analytical summary of discussions that took place at the 102nd session of the Board, and additional written comments provided by members of the Board,
6. *Mindful* of Article I.3 of the Constitution of UNESCO, which states: ‘With a view to preserving the independence, integrity and fruitful diversity of the cultures and educational systems of the States members of the Organization, the Organization is prohibited from intervening in matters which are essentially within their domestic jurisdiction’,
7. *Considering* that, in matters concerning human rights within its fields of competence, UNESCO, basing its efforts on moral considerations and its specific competence, should act in a spirit of international cooperation, conciliation and mutual understanding, and recalling that UNESCO should not play the role of an international judicial body,
8. *Recognizing* the important role of the Director-General, in:
- (a) seeking continually to strengthen the action of UNESCO in the promotion of human rights, both through the settlement of cases and the elimination of massive, systematic or flagrant violations of human rights and fundamental freedoms, and
 - (b) initiating consultations, in conditions of mutual respect, confidence and confidentiality, to help reach solutions to particular problems concerning human rights,
9. *Invites* the Director-General to pursue this role;
10. *Considering* that, in the exercise of its competence in the field of human rights, UNESCO is called upon to examine:
- (a) cases concerning violations of human rights which are individual and specific,
 - (b) questions of massive, systematic or flagrant violations of human rights which result either from a policy contrary to human rights applied de jure or de facto by a State or from an accumulation of individual cases forming a consistent pattern,

11. *Considering* the terms of reference of the Committee on Conventions and Recommendations in Education,
12. *Taking into account* the tasks already entrusted to the Committee concerning human rights matters within the Organization's fields of competence,
13. *Decides* that the Committee will henceforth be designated 'the Committee on Conventions and Recommendations';
14. *Decides* that the Committee will continue to carry out its functions with respect to conventions and recommendations and will consider communications received by the Organization concerning cases and questions of violations of human rights within UNESCO's fields of competence in accordance with the following conditions and procedures:

Conditions

- (a) Communications shall be deemed admissible if they meet the following conditions:
 - (i) the communication must not be anonymous;
 - (ii) the communication must originate from a person or a group of persons who, it can be reasonably presumed, are victims of an alleged violation of any of the human rights referred to in paragraph (iii) below. It may also originate from any person, group of persons or organization having reliable knowledge of those violations;
 - (iii) the communication must concern violations of human rights falling within UNESCO's competence in the fields of education, science, culture and information and must not be motivated exclusively by other considerations;
 - (iv) the communication must be compatible with the principles of the Organization, the Charter of the United Nations, the Universal Declaration of Human Rights, the international covenants on human rights and other international instruments in the field of human rights;
 - (v) the communication must not be manifestly ill-founded and must appear to contain relevant evidence;
 - (vi) the communication must be neither offensive nor an abuse of the right to submit communications. However, such a communication may be considered if it meets all other criteria or admissibility, after the exclusion of the offensive or abusive parts;
 - (vii) the communication must not be based exclusively on information disseminated through the mass media;
 - (viii) the communication must be submitted within a reasonable time-limit following the facts which constitute its subject-matter or within a reasonable time-limit after the facts have become known;

- (ix) the communication must indicate whether an attempt has been made to exhaust available domestic remedies with regard to the facts which constitute the subject-matter of the communication and the result of such an attempt, if any;
- (x) communications relating to matters already settled by the states concerned in accordance with the human rights principles set forth in the Universal Declaration of Human Rights and the international covenants on human rights shall not be considered;

Procedures

- (b) The Director-General shall:
 - (i) acknowledge receipt of communications and inform the authors thereof of the abovementioned conditions governing admissibility;
 - (ii) ascertain that the author of the communication has no objection to his communication, after having been communicated to the government concerned, being brought to the notice of the Committee and to his name being divulged;
 - (iii) upon receipt of an affirmative answer from the author of the communication, transmit the communication to the government concerned, informing it that the communication will be brought to the notice of the Committee, together with any reply the government may wish to make;
 - (iv) transmit the communication to the Committee, together with the reply, if any, of the government concerned and additional relevant information from the author, taking into account the need to proceed without undue delay;
- (c) the Committee shall examine in private session the communications transmitted to it by the Director-General;
- (d) the Committee shall decide on the admissibility of communications in accordance with the abovementioned conditions;
- (e) representatives of the governments concerned may attend meetings of the Committee in order to pro-vide additional information or to answer questions from members of the Committee on either admissibility or the merits of the communication;
- (f) the Committee may avail itself of the relevant information at the disposal of the Director-General;
- (g) in consideration of a communication, the Committee may, in exceptional circumstances, request the Executive Board to authorize it under Rule 30 of the Rules of Procedure to take appropriate action;
- (h) the Committee may keep a communication submitted to it on its agenda while seeking additional information it may consider necessary for the disposition of the matter;
- (i) the Director-General shall notify the author of the communication and the government concerned of the Committee's decision on the admissibility of the communication;
- (j) the Committee shall dismiss any communication which, having been found admissible, does not, upon examination of the merits, appear to warrant further action. The author of the communication and the government concerned shall be notified accordingly;

-
- (k) communications which warrant further consideration shall be acted upon by the Committee with a view to helping to bring about a friendly solution designed to advance the promotion of the human rights falling within UNESCO's fields of competence;
15. *Decides further* that the Committee shall submit confidential reports to the Executive Board at each session on the carrying out of its mandate under the present decision. These reports shall contain appropriate information arising from its examination of the communications which the Committee considers it useful to bring to the notice of the Executive Board. The reports shall also contain recommendations which the Committee may wish to make either generally or regarding the disposition of a communication under consideration;
16. *Decides* to consider confidential reports of the Committee in private session and to take further action as necessary in accordance with Rule 29 of the Rules of Procedure;
17. *Decides also* that communications transmitted to it by the Committee which testify to the existence of a question shall be dealt with in accordance with paragraph 18 below;
18. Considers that questions of massive, systematic or flagrant violations of human rights and fundamental freedoms – including, for example, those perpetrated as a result of policies of aggression, interference in the internal affairs of states, occupation of foreign territory and implementation of a policy of colonialism, genocide, apartheid, racialism, or national and social oppression – falling within UNESCO's fields of competence should be considered by the Executive Board and the General Conference in public meetings;
19. *Decides* to consider at its 105th session the report to be made by the Executive Board and the Director-General to the General Conference, at its 20th session, on the implementation of Part II of 19 C/Resolution 12.1.

Annex III — Standard letter sent by the Director of the Office of International Standards and Legal Affairs to the authors of communications examined under 104 EX/Decision 3.3

On behalf of the Director-General of UNESCO, I acknowledge receipt of your letter of alleging violations of human rights. In so far as your communication concerns human rights falling within UNESCO's competence in the fields of education, science, culture or communication, it can be examined under the procedure approved by the Executive Board of UNESCO on 26 April 1978 in 104 EX/Decision 3.3, a copy of which is attached for your information.

It must be stressed that in no case is UNESCO an international court nor can it become one. The rights falling within UNESCO's spheres of competence are essentially the following:

- the right to education (Article 26 of the Universal Declaration of Human Rights);
- the right to share in scientific advancement (Article 27);
- the right to participate freely in cultural life (Article 27);
- the right to information, including freedom of opinion and expression (Article 19).

These rights may imply the exercise of others, the most noteworthy of which are set out below:

- the right to freedom of thought, conscience and religion (Article 18);
- the right to seek, receive and impart information and ideas through any media and regardless of frontiers (Article 19);
- the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production (Article 27);
- the right to freedom of assembly and association (Article 20) for the purposes of activities connected with education, science, culture and information.

In accordance with 104 EX/Decision 3.3, I wish to draw your attention to the conditions governing admissibility, which must be met before UNESCO can take action on your communication. They are listed in paragraph 14(a) of 104 EX/Decision 3.3. In order to enable the Director-General to complete the file on your communication, you are invited to fill in the enclosed form and to return it to UNESCO, duly signed by yourself, as soon as possible.

The allegations should be set out in a concise statement, specifying which of the human rights is/are considered to have been violated and which of UNESCO's fields of competence is/are concerned. The date of the decisions complained of and the authority which took them should be clearly indicated, including, in particular, whatever legal remedies have been used (for instance, recourse to the courts in the country concerned) and the

results of such action. There should also be an indication as to whether another international procedure has been used and, if so, before what body, the date on which the matter was referred to it and any results of this procedure.

You will notice that you are asked whether you have any objection to your name being divulged and to your communication being brought to the notice of the UNESCO Executive Board Committee on Conventions and Recommendations, after it has been transmitted to the government concerned. Failing an affirmative answer from you on this point, no action on your communication can be taken by UNESCO under the aforementioned decision.

CONFIDENTIAL

**Annex IV — Form for communications concerning
human rights to be submitted to UNESCO**

For UNESCO use only:

Date of communication:
Number of communication:
Date of dispatch of this form:

To be filled in by the author of the communication:

I. INFORMATION CONCERNING THE AUTHOR

Name First name(s)
Nationality Profession
Date and place of birth

Present address

Address to be used for correspondence (if other than the present address)

Indicate, by ticking the appropriate box, in what capacity you are acting:

- victim of the violation or violations described below
- representative of the victim or victims of the violation or violations described below
- person, group of persons or organization with reliable knowledge of the violation or violations described below
- in another capacity. Specify

CONFIDENTIAL

II. INFORMATION CONCERNING THE VICTIM OR VICTIMS OF THE ALLEGED VIOLATIONS¹

If the author is the victim, tick here and turn directly fo Part III.

Give the following particulars for each victim, adding as many pages as necessary.

Name Nombre(s)

Nationality Profession

Date and place of birth

Present address or whereabouts

III. INFORMATION CONCERNING THE ALLEGED FACTS

Name of the country considered by the author to be responsible for the alleged violation

Human rights allegedly violated (refer, if possible, to the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights)

Connection between the alleged violation and education, science, culture or information

Facts of the claim

1. N.B. This information is essential in cases where the communication concerns one or more individual and specific cases of violation of human rights.

CONFIDENTIAL

IV. INFORMATION CONCERNING MEANS OF REDRESS USED

What steps have been taken to exhaust domestic remedies (recourse to the courts or other public authorities), by whom, when and with what results?

.....
.....
.....

Has the same matter been submitted to another international authority concerned with protection of human rights? If so, when and with what results?

.....
.....
.....

V. PURPOSE AND AIM OF THIS COMMUNICATION

.....
.....
.....

VI. DECLARATION BY THE AUTHOR

Does the author agree to his communication being examined in accordance with the procedure approved by the Executive Board of UNESCO in 104 EX/Decision 3.3 and, in particular, is he willing for his name to be divulged and for the communication to be transmitted to the government concerned and brought to the notice of the UNESCO Executive Board Committee on Conventions and Recommendations.

Yes No

Date:

Name, first name:

Signature of author:

Annex V — **List of committees set up since 1965**

- 1965-1966 **Special Committee to examine the reports of Member States on the implementation of the Convention and Recommendation against Discrimination in Education**
12 members
Chairman: Mr Atilio Dell’Oro Maini (Argentina)
- 1967-1968 **Special Committee on Discrimination in Education**
12 members
Chairman: Mr Juvenal Hernández (Chile), followed by
Mr Ilmo Hela (Finland)
- 1969-1970 **Special Committee on Discrimination in Education**
Name changed, by a decision taken at the 82nd session, to:
Committee on Conventions and Recommendations in Education
12 members
Chairman: Mr Paulo E. de Berrêdo Carneiro (Brazil)
(N.B.: The Committee met in 1970 only)
- 1971-1972 12 members
Chairman: Mr Paulo E. de Berrêdo Carneiro (Brazil)
(N.B.: The Committee met in 1972 only)
- 1973-1974 14 members
Chairman: Mr Atilio Dell’Oro Maini (Argentina)
(N.B.: The Committee met in 1974 only)
- 1975-1976 14 members
Chairman: Mr Paulo E. de Berrêdo Carneiro (Brazil)
- 1977-1978 **Committee on Conventions and Recommendations in Education**
Name changed, by a decision taken at the 104th session, to:
Committee on Conventions and Recommendations
16 members
Chairman: Mr Gunnar Garbo (Norway)
- 1979-1980 20 members
Chairman: Mr Arturo Uslar-Pietri (Venezuela), followed by
Mr Guillermo Putzeys Alvarez (Guatemala)
- 1981-1983 25 members
Chairman: Mr Guillermo Putzeys Alvarez (Guatemala)
- 1984-1985 25 members
Chairman: Mr Hubert de Ronceray (Haití), followed by
Mr Ben Kufakunesu Jambga (Zimbabwe)

1986-1987	27 members Chairman: Sra. Gisèle Halimi (France), followed by Mr Georges-Henri Dumont (Belgium)
1988-1989	25 members Chairman: Mr Georges-Henri Dumont (Belgium)
1990-1991	24 members Chairman: Mr Jorge Cayetano Zaín Asís (Argentina)
1992-1993	24 members Chairman: Mr Barry O. Jones (Australia)
1994-1995	30 members Chairman: Mr Mwindaaace N. Siamwiza (Zambia)
1996-1997	30 members Chairman: Mr Jorge Edwards Valdes (Chile)
1998-1999	30 members Chairman: Mr Victor Massuh (Argentina)
2000-2001	29 members Chairman: Mr Héctor K. Villarroel (Philippines)
2002-2003	30 members Chairman: Mr Louis Peter Van Vliet (Netherlands)
2004-2005	30 members Chairman: Mr Davidson Hepburn (Bahamas)
2006-2007	30 members Chairman: Mr Davidson Hepburn (Bahamas) followed by Mr Luiz Filipe de Macedo Soares (Brazil) (174th-177th sessions)
2008-2009	30 members Chairperson: Mr Günter Overfeld (Germany)

**Members of the Committee on Conventions
and Recommendations in 2007-2009**

COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS

(30 members)

Chairperson: Mr Günter Overfeld (Germany) (179th-181st sessions) (elected at the 178th session)

Chairperson: Mr Georges Santer (Luxembourg) (182nd session) (elected at the 182nd session)

<p>Group I France Germany Italy Luxembourg Portugal</p>	<p>Group II Bulgaria Hungary Lithuania Russian Federation Serbia</p>	<p>Group III Argentina Chile Colombia Cuba Mexico</p>
<p>Group IV China India Republic of Korea Sri Lanka Thailand</p>	<p>Group V(a) Ethiopia Madagascar South Africa Togo United Republic of Tanzania</p>	<p>Group V(b) Algeria Egypt Lebanon Saudi Arabia Tunisia</p>