



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Two hundredth session

200 EX/33

PARIS, 14 October 2016
Original: English

REPORT OF THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS

1. The Committee on Conventions and Recommendations (CR) held two public meetings on Thursday 6 October 2016, that were chaired by Dr Kamal Abdul Naser Chowdhury, Representative of Bangladesh. The Committee met on Friday 14 October 2016 to adopt the present report under the temporary chairmanship of Mr Lionel Veer, representative of the Netherlands.

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

Item 16 Implementation of standard-setting instruments

Part I General monitoring (200 EX/16 Part I)

3. Introducing the item, the Director of the Office of International Standards and Legal Affairs, representing the Director-General, drew attention to document 200 EX/16 Part I containing a comprehensive report on the UNESCO conventions and recommendations that the CR Committee was required to monitor and an analysis of specific measures adopted by the Secretariat in monitoring the implementation of standard-setting instruments and the difficulties encountered for each of the instruments.

4. The Director of the Division of Policy and Lifelong Learning Systems, representative of the Education Sector, presented the report on normative instruments in the field of education. Questions were raised by Member States regarding the extension of the deadline for the submissions of the national reports on the 9th Consultation of the 1960 Convention against Discrimination in Education. Besides the Secretariat was congratulated for the publication "*Implementing the Right to Education – A Compendium of practical examples*", and its wide dissemination was encouraged in order for lessons to be drawn from national experiences. Moreover, the topical question of the right to education of refugees was raised. With regards to the 1966 Recommendation concerning the Status of Teachers and 1997 Recommendation concerning the Status of Higher-Education Teaching Personnel, and the various projects put in place in line with their implementation, a mapping of projects and good practices was suggested to improve South-South collaboration and increase visibility within the Education 2030 framework. Questions regarding the status of the 1989 Convention on Technical and Vocational Education were also raised. Nevertheless, the main focus of the interventions was around the proposal regarding the re-establishment of the former Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the monitoring of the right to education as a new Joint Advisory Group UNESCO (CR)/ECOSOC (CESCR). The need for institutional cooperation between UNESCO and ECOSOC was highlighted particularly on critical issues in the context of Education 2030 such as privatization of education, the concept of the right to higher education and life-long learning. Past collaboration of the Secretariat with ECOSOC (CESCR) was also recalled. However, divergences



emerged between members of the Committee on the idea of reinstating cooperation. Several members of the Committee were not in favour of the re-establishment of the Joint Expert Group. Concern was indeed raised about the mandate and the nature of this Group which could interfere with the mechanisms already in place. The lack of expertise within CR on right to education was also raised by those members, who questioned the political sense of this Group as this Group does not have the power to make decisions but only submit recommendations. Furthermore, the issue of funding was also brought forward. While commending the efforts of the Secretariat to enhance the mainstreaming of human rights in the field of education, some members of the Committee nevertheless requested a detailed presentation of the proposal to be produced for the next session of the CR taking into consideration the remarks put forward during the discussion.

5. In reply to these comments, the representative of the Education Sector confirmed that the deadline for the 9th Consultation will be extended to the end of November and affirmed that the Secretariat will ensure wide dissemination of the Compendium of practical examples based on the 8th Consultation. The issue of refugees, which is at the top of the United Nations Agenda and UNESCO, is being addressed through the launch of an initiative to contributing to promoting access to education for migrants and refugees by defining their specific rights to education and providing guidelines to Member States in this respect. Then, he confirmed that about 60 national reports have been submitted or being finalized for the 9th Consultation and more than 30 reports have been submitted for the 6th Consultation of the 1974 Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms and that the deadline for this instrument has been pushed to the end of October. He also took note of the suggestion regarding the mapping on the projects in relation to the implementation of the 1966 and 1997 Recommendations.

6. Regarding the creation of the Joint Advisory Group, the representative of the Education Sector clarified that the objectives and modalities are in line with the strategy on standard-setting instruments in the field of education which states increased collaboration with CESCR through the creation of such a Joint Advisory Group. He emphasized its usefulness in responding to new challenges within the framework of SDG 4 which extend the education principles to vocational, higher and life-long learning education. The feasible and flexible structure would have a reasonable and compatible budget allocated. The representative of the Education Sector reiterated that it would indeed be an advisory body which would produce recommendations for consideration by the governing bodies. Furthermore, he highlighted the importance of increased institutional collaboration on the right to education and confirmed that a proposal could be developed for the next session.

7. In the light of the reply of the representative of the Education Sector on the re-establishment of the former Joint Expert Group, the Committee decided to request the Secretariat to explore along with ECOSOC the ways for renewed cooperation between UNESCO (CR) and ECOSOC (CESCR) on the practical aspects of the right to education in the context of the Sustainable Development Goal 4 (SDG 4) – Education 2030, in another form than had originally been proposed.

8. The Director of the Division for Heritage and the World Heritage Centre and the Chief of the Cultural Diversity Section presented the report on normative instruments in the field of culture. The Committee took note of progress made in the implementation of the 2011 Recommendation on the Historic Urban Landscape and 2015 Recommendation concerning the Protection and Promotion of Museums and Collection, their Diversity and their Role in Society. Some Committee members raised questions concerning cultural heritage destructions, including museums, as well as on the lack of measures taken by Member States to implement the Recommendations. In this regard, the Director of the Division for Heritage and the World Heritage Centre informed the Committee about the integrated approach developed by the Culture Sector through its Conventions and Recommendations, framed under the “Strategy for Reinforcing UNESCO’s Action for the Protection of Culture and the Promotion of Cultural Pluralism in the Event of Armed Conflict” and

its Action Plan to be examined at this session of the Executive Board, and referred in particular to capacity-building activities, including first aid courses for museum personnel in conflict areas.

9. The Committee thanked the Chief of the Cultural Diversity Section for the synergies pursued in the monitoring of the 1980 Recommendation on the Status of the Artist and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. It recognized the valuable information published in the consolidated report presented to the General Conference at its 38th session and encouraged the Secretariat to continue collecting data and good practices ahead of the next report to be presented to the General Conference at its 40th session.

10. The Chief of the Section for Universal Access and Preservation of the Knowledge Societies Division, representative of the Communication and Information Sector, presented the report on normative instruments in the field of communication and information. With regards to the implementation of the 2003 Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace and of the 2015 Recommendation concerning the Preservation of, and Access to, Documentary Heritage including in Digital Form, he underlined the importance of actively involving the relevant institutions of Member States in all efforts aiming at the effective advancement of, and the awareness-raising about, these two normative instruments so as to facilitate the further practical steps for their implementation in national policies, strategies and legislation.

11. With regard to the 1974 Recommendation on the Status of Scientific Researchers, the Director of the Division of Ethics, Youth and Sport, representative of the Social and Human Sciences Sector, recalled that the revised proposals and guidelines with a questionnaire for the reporting on the implementation of this Recommendation during the period from 2013 to 2016 will be discussed by the CR Committee under Part II of item 16. Following the question raised by a Member of the Committee, she clarified that in 2014-2017, the Secretariat's work on the monitoring of the implementation of the 1974 Recommendation is carried out in close relationship with the preparation of its revision, in conformity with 37 C/Resolutions 40 and 91. Thus, the General Conference at its 39th session in 2017 will consider both issues, namely the revision of the 1974 Recommendation and the consolidated report on the implementation of the current 1974 Recommendation. She further noted that the consultations with Member States, launched by the Director-General through her Circular Letter of 12 September 2016, are related to the preliminary proposals for the revision of the 1974 Recommendation, which were presented in the form of a questionnaire. At the same time, the consultations on the monitoring of the 1974 Recommendation are scheduled to be launched immediately after the 200th session of the Board after consideration by the Committee of the revised proposals accompanied by the guidelines and a questionnaire (see below paragraphs 14 to 25).

12. A special session was devoted to an informal presentation by the Internal Oversight Service of the outcomes of the evaluation of the regional conventions on the recognition of studies and qualifications in higher education.¹ The Director of the Internal Oversight Service presented the key evaluation findings and conclusions as they relate to the three focus areas of the evaluation: role and importance of the regional conventions; effectiveness of the governance mechanisms of the conventions; and effectiveness of UNESCO support. In addition, the representative of the Education Sector highlighted the usefulness of this exercise which is timely as the Education Sector is deeply engaged in the revision of regional conventions and the preparation of the global convention. In response to questions raised by members of the Committee, the Director of the Internal Oversight Service explained that the purpose of the evaluation was to present overall findings and recommendations for the work going forward. She also pointed out that the context in each region and subregion was different, and that the evaluation could not look at the situation in each individual country. However, observations regarding the overall challenges and obstacles related to this work were outlined in the evaluation report. Finally, the members of the Committee

¹ The IOS Powerpoint presentation is available on the CR Committee's website.

expressed their appreciation of the evaluation and the work conducted by the Internal Oversight Service.

13. At the end of the discussions, the members of the Committee decided to recommend the following draft decision to the Executive Board:

The Executive Board,

1. Recalling 15 C/Resolution 12.2, 23 C/Resolution 29.1, 165 EX/Decision 6.2, 32 C/Resolution 77, 170 EX/Decision 6.2, 171 EX/Decision 27, 174 EX/Decision 21, 175 EX/Decision 28, 176 EX/Decision 33, 177 EX/Decision 35 (I) and (II), 34 C/Resolution 87, and 195 EX/Decision 15, 196 EX/Decision 20, 197 EX/Decision 20 (I) and (VIII) and 199 EX/14 (I) relating to the first aspect of the terms of reference of the Committee on Conventions and Recommendations (CR), which concerns the implementation of standard-setting instruments,
2. Having examined document 200 EX/16 Part I and the report of the Committee on Conventions and Recommendations thereon (200 EX/33),
3. Urges Member States, once again, to fulfil their legal obligations under Article VIII of the Constitution of UNESCO regarding periodic reports on the action taken upon the conventions and recommendations;
4. Invites the Director-General to explore with the Economic and Social Council (ECOSOC) ways of renewing cooperation between the Committee on Conventions and Recommendations (CR) and the Committee on Economic, Social and Cultural Rights (CESCR) regarding the practical aspects of the right to education in the context of Sustainable Development Goal 4 (SDG 4) – Education 2030;
5. Requests the Director-General to ensure the implementation of the legal framework concerning standard-setting instruments, adopted at its 177th session and amended at its 196th session, by the programme sectors and the UNESCO Institute of Statistics (UIS), which have responsibility for the conventions and recommendations monitored by the Committee on Conventions and Recommendations (CR);
6. Decides to continue consideration of this item at its 201st session.

Part II Implementation of the Recommendation on the Status of Scientific Researchers (1974): Revised Proposal for the preparation of the next consultation (200 EX/16 Part II)

14. Introducing this item, the Director of the Division of Ethics, Youth and Sport of the Social and Human Sciences Sector, representative of the Director-General, underlined that, in line with 199 EX/Decision 14 (IV), the document 200 EX/16 Part II contains the revised proposals accompanied by the guidelines and a questionnaire for the reporting on the implementation of the 1974 Recommendation on the Status of Scientific Researchers during the period from 2013 to 2016.

15. The representative of the Director-General informed that the guidelines were elaborated by a joint Social and Human Sciences Sector and Natural Sciences Sector (SHS/SC) working group to assist Member States with the reporting on the extent to which the principles of the 1974 Recommendation were mainstreamed into national Science, Technology and Innovation (STI) systems, which include both the social and human, as well as the natural sciences.

16. The representative of the Director-General indicated that, in parallel to the preparation of the 2013-2016 monitoring exercise, the Secretariat's work on the revision of the 1974 Recommendation (37 C/Resolution 40) was advanced and the consultations on the preliminary

proposals for amendments of the 1974 Recommendation were launched on 12 September 2016. Furthermore, she also drew the attention of the Committee to the appeal of the 38th session of the General Conference (38 C/Resolution 45) to Member States and potential donors for extrabudgetary contributions “[...] to convene a special Committee of technical and legal experts (Category II) meeting to be called in order to prepare the revised text of the Recommendation based on an inclusive international process”. The Representative of the Director-General expressed gratitude to Niger for its additional financial contribution of US \$3,000 for this purpose and hoped that other Member States would follow this example to ensure a high-quality revision, which would also address the issues of the monitoring of this important instrument, that is within the competence of CR.

17. The Committee thanked the Representative of the Director-General for her presentation and expressed their appreciation about the quality of the revised guidelines, the linkages made with the 2030 Agenda for Sustainable Development, in particular with enhancing knowledge sharing and North-South, South-South and triangular cooperation. Members of the Committee also noted with satisfaction that their recommendations, formulated at the 199th session of the Board concerning the format and content of the revised guidelines were taken into account by the Secretariat. They commended the Secretariat for having formulated the monitoring questions and suggested further improvements. They also welcomed the efforts of the Secretariat to incorporate into the questionnaire the emerging issues, such as the new conditions of scientific research and its funding in the context of globalization, and the ethical use of traditional and indigenous knowledge.

18. Members of the Committee also expressed gratitude to the Representative of the Director-General for her clarifications about the parallel processes of the monitoring and revision of the 1974 Recommendation in 2014-2017. Several members of the Committee made positive observations about the close collaboration between the Social and Human Sciences and the Natural Sciences Sectors, which is also essential for the coordination of the revision of this Recommendation.

19. In response to comments and questions raised by members of the Committee on the complex and general language of several questions, the Representative of the Director-General explained that the Secretariat, in order to avoid any misinterpretation of the issues under review, included, after each question, both the reference to the relevant paragraphs of the 1974 Recommendation and the quotes of their main provisions, which often are written in general terms. She assured that the Secretariat took careful notes of all remarks made by the CR concerning the questionnaire, which require re-examination of their formulation with a view of putting them in a simpler language and adding some benchmarks to measure the level of the implementation in a more objective way.

20. The representative of the Director-General also expressed her understanding of the concerns expressed by several members of the Committee that the replies to some questions may be misleading as they could represent subjective views of civil servants, entrusted with submitting the replies to this questionnaire, who may also be influenced by various factors, including internal subordination, organizational and national loyalty, etc. In this regard, she observed that, though some degree of subjectivity is unavoidable in replies to any questionnaire, in order to receive a truthful picture of the situation of scientific researchers in Member States, the questionnaire invites the respondents to include concrete examples of how the principles of this Recommendation were put in place, indicating best practices, as well as possible obstacles; space is also provided to include additional information. She further noted that Member States will be invited to hold consultations at the national level with different actors, including scientific communities, professional associations of scientists, non-governmental organizations, scientific journals and other specialized mass media representatives, etc.

21. One member of the Committee expressed his view that the questionnaire should be sent not only to governmental entities, but also to non-governmental stakeholders, including individual scientists. With regard to the online character of the consultation process, another Member

expressed his reservations that this could lead to a substantial increase in the number of replies to the questionnaire; on the contrary, he welcomed sending out the questionnaire in hard copy in six official languages of the Organization, which may have a better effect. In the opinion of several other members of the Committee, if the online consultation could be open to the general public, the level of objectivity of the information received by UNESCO could be improved, giving a possibility to the Organization to form a faithful picture of the real situation of scientific researchers around the world. One Member of the Committee noted that, although there is no one way of doing things and there is always room for improvement, the questionnaire elaborated by the joint SHS/SC working group could be very useful for many countries, including in the Africa and the Arab regions, as it will push Member States to consider the situation of scientific researchers from the angle of the protection of their human rights and fundamental freedoms.

22. Finally, members of the Committee reflected on the possibility in future, prior to transmitting a monitoring questionnaire to all Member States, to test it in several pilot countries so that it could be improved and the whole monitoring process could benefit from such experience. To this, the Representative of the Director-General noted that, in the context of the ongoing revision of the 1974 Recommendation, the monitoring questionnaire for 2013-2016 can be considered as a pilot project for the future monitoring of the revised Recommendation. However, for the next round of consultations, the questionnaire will again be submitted for review to the Executive Board.

23. In conclusion, in order to avoid any confusion at the stage of the completion of the questionnaire by Member States, the Chairperson of the Committee recommended to the Secretariat to amend the questionnaire by making it more effective and objective, in particular by replacing the terms “how” by “means of verification” and by preventing any embarrassing questions for Member States as already underlined by some members of the Committee.

24. The representative of the Director-General indicated that the Secretariat will take into account the discussions and will adjust the guidelines so that their language be simplified. As such the Secretariat will ensure that the questionnaire provide the opportunity to submit additional information and its questions include concrete benchmarks to increase the objectivity of replies.

25. At the end of the discussions, the members of the Committee decided to recommend to the Executive Board the following draft decision:

The Executive Board,

1. Recalling 177 EX/Decision 35 (I) and 196 EX/Decision 20 on the specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided,
2. Further recalling 37 C/Resolutions 40 and 91, 38 C/Resolution 45, 195 EX/Decision 15 and 199 EX/Decisions 14 (I) and (IV),
3. Having examined document 200 EX/16 Part II and the report of the Committee on Conventions and Recommendations thereon (200 EX/33),
4. Bearing in mind Member States' obligations under Article VIII of UNESCO's Constitution and Article 17 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,
5. Also bearing in mind the importance of the Recommendation on the Status of Scientific Researchers (1974) as a means to support the implementation of the 2030 Agenda for Sustainable Development,
6. Approves the guidelines for the preparation of reports by Member States on the application of the 1974 Recommendation on the Status of Scientific Researchers, as

annexed to document 200 EX/16 Part II and amended in the light of the discussions during the meeting of the Committee on Conventions and Recommendations;

7. Requests the Director-General to invite and encourage Member States to submit to UNESCO reports on the implementation of the 1974 Recommendation and to ensure the monitoring thereof;
8. Further requests the Director-General to submit to it at its 202nd session the next consolidated report on the implementation of the 1974 Recommendation, with a view to transmitting that report, together with the Executive Board's comments thereon, to the General Conference at its 39th session.