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REPORT OF THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS

1. The Committee on Conventions and Recommendations (CR) held two public working meetings on Wednesday 6 April 2016, that were provisionally chaired by Dr Kamal Abdul Naser Chowdhury, Representative of Bangladesh, who, pursuant to Rule 16.3 of the Rules of Procedure of the Executive Board, was subsequently elected as Chair of the CR Committee at the plenary meeting of the Board on 7 April 2016. Pursuant to Rule 16.2 of the Rules of Procedure of the Executive Board, the CR Committee elected Mr Bishwo Prakash Pandit, Representative of Nepal, as Temporary Chair. The Committee met on Wednesday 13 April 2016 to adopt the present report.
2. The Committee on Conventions and Recommendations examined the following item on the agenda of the Executive Board:

Item 14 Implementation of standard-setting instruments

Part I General monitoring (199 EX/14 Part I and 199 EX/14.INF)

3. Introducing the item, the Director of the Office of International Standards and Legal Affairs, representing the Director-General, drew attention to document 199 EX/14 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. The representative of the Director-General also indicated that the document contains the revised timetable of work of the CR Committee for 2014-2017 as well as a timetable for submission of Member States' reports on measures taken to implement the conventions and recommendations for the period 2016-2017. Finally, she brought to the attention of the Committee members the document 199 EX/14.INF on the implementation of Decision 197 EX/Decision 20 (VIII) on the strategy to improve visibility, ratification, implementation, monitoring and cooperation concerning education-related standard-setting instruments.
4. The Members of the CR Committee raised questions on the means of improving the state of ratification of the *1989 Convention on Technical and Vocational Education* and whether the Secretariat intended to use the updated Recommendation on TVET for its monitoring. The role of parliamentarians and the need to further engage with them to improve ratification was pointed out. Regarding the strategy on standard setting instruments, the importance of the costs required for the development of the Observatory for a period of 6 years was highlighted and suggestions were made to reduce them by using ICTs in order to make this activity more cost-effective. The importance of advocacy activities was also raised in view to promote the status of teachers, as was noted in the World Education Forum and endorsed by the two Recommendations on teaching



personnel from 1966 and 1997. Some Members also requested further information about actions taken by the Secretariat to ensure protection of the right to education of refugees and asylum seekers as well as those of people with special needs. Regarding the preparation of the global convention on the recognition of higher education qualifications, questions were raised about the establishment of the drafting committee and the organization of its first meeting.

5. The Director of the Division of Policy and Lifelong Learning Systems, representative of the Education Sector, responded to concerns regarding the *1989 Convention on Technical and Vocational Education*, by recalling that the Recommendation concerning technical and vocational education and training was updated to take into account new developments, therefore the new Recommendation, being the most up-to-date normative instrument concerning TVET can be used as a benchmark and encourage new ratifications. He affirmed that the Secretariat will be pressing forward to encourage ratification, agreeing that parliamentarians play an important role in this process. He informed that, in the African region, UNESCO had done a lot of outreach, working together with the African Union and drawing support from the European Union. He affirmed the importance of funding the Strategy with regular budget, but also stressed the need for extrabudgetary resources as a condition to implement part of it, for instance, to reinforce the Secretariat's capacity to fully fulfill this work. To this extent, he informed that the Secretariat had engaged discussions with Member States and ways are being explored to second national experts. Regarding the protection of refugees' right to education, he specified that UNESCO had established a working group to address this issue by notably analyzing legal texts, policies and implementation in order to provide guidelines. He then recalled UNESCO's programme to respond to the Syrian crisis through concrete actions taken at the regional and national levels (Egypt, Iraq, Jordan, Lebanon, and Turkey). Regarding the preparation of the global convention on the recognition of higher education qualifications, the representative of the Education Sector stressed that the Secretariat has been working with the electoral groups on the experts for the drafting committee and the first meeting will take place on 11 and 12 May 2016, in Paris. Regarding education of people with disabilities, he stressed that this is captured by the broader concept of inclusion, through which are addressed questions of accessibility, pedagogy, teachers and content to ensure the right to education of all categories of learners.

6. In addition, the Assistant Director-General of the Communication and Information Sector emphasised that important principles on the role of ICT's in Education for persons with disabilities have recently been set up by the "*New Delhi Declaration on Inclusive ICTs for Persons with Disabilities: Making Empowerment a Reality*", the outcome of which was endorsed by the General Conference in 2015

7. Following request by Members States of the Committee, a part of the meeting was devoted to a dialogue with Mr Kishore Singh, the United Nations Special Rapporteur on the right to education. Emphasizing that the right to education relates to both entitlement and empowerment, he started his statement recalling that we are at a historical moment for the right to education, after the commitments expressed with the adoption the Sustainable Development Agenda. He stressed the key issues impeding the full realization of the right to education are growing inequalities in education leading to social tensions. Recalling the UNESCO's missions, he complimented UNESCO for the establishment of the Strategy on normative instruments. He highlighted the importance of quality education and underlined that education financing and privatization are key challenges. During the course of his mandate, he observed that the main problems we are facing today are the inequalities and disparities in the field of education, particularly concerning the access to education, which is an essential aspect of the right to education. Despite that, States are investing less and less in education and there is a serious rise of massive privatization of education. In this regard, stressing the importance of regulating private education, Mr Singh proposed what he calls the "3 P" to strengthen the right to education in the context of progressive privatization: *prescriptive*, *prohibitive* and *punitive*. He also underlined the importance to strengthen the justiciability of the right to education. Education should also respond to manifestations of violence and terrorism, taking into consideration principles of social justice, equity and peace, underlining the importance of the *1974 Recommendation concerning Education for International*

Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedom and the need to ensure quality humanistic education promoting tolerance, respect for cultural diversity, human development, etc. Education has to be considered as a public good.

8. The United Nations Special Rapporteur's statement was followed by a discussion with Members States of the Committee and Observers who expressed their deep gratitude to Mr Singh and congratulated his work and his strong engagement in favor of the right to education. This dialogue was considered to be a proactive measure taken by the Secretariat to facilitate the CR Committee to discuss in-depth the issues related to the right to education. Members raised the fact that to some extent, private education has the reputation of having higher quality than public education and facilitates the entrance in the labour market, however a shift in this trend is being observed. The importance of international cooperation was raised, particularly its legal basis as well as the need for international assistance. Other issues were stressed such as the need of the adaptation of the strategies to the community or indigenous system at the local level the difficulties to ensure the justiciability of the right to education in poor countries or the issue of getting additional funding to ensure equity and inclusiveness, bearing in mind that illiteracy is a major issue. In his responses, Mr Singh highlighted the need to regulate privatization, reminding that in his latest report presented to the United Nations General Assembly, he addressed the issue of public-private partnership and presented as a reasonable solution in the current context. The partnership could be with philanthropic associations or community organizations contributing to the development of education. He reminded again the commitments of the Education 2030 Agenda and the responsibility to ensure education for all based on humanistic values. He recalled the importance of quality education, which should be equal in public and private schools.

9. 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 and 197 EX/Decision 20 (I) and (VIII) 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 documents 199 EX/14 Part I and 199 EX/14.INF and the report of the Committee on Conventions and Recommendations thereon (199 EX/30),
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 upon the conventions and recommendations;
4. Takes note of the discussion held in the Committee on Conventions and Recommendations and expresses its deep appreciation for the presentation made by Mr Kishore Singh, the United Nations Special Rapporteur on the right to education, and invites the Director-General to take it into account in the implementation of the Strategy on standard-setting instruments in the field of education;
5. Also takes note of the timetable for submission of Member States' reports on measures taken to implement the conventions and recommendations for 2016-2017 as contained in Annex I to document 199 EX/14 Part I and amended pursuant to 199 EX/Decision 14 (IV);

6. Requests the Director-General to ensure the implementation of the legal framework for the enforcement of standard-setting instruments, as 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;
7. Decides to continue consideration of the matter at its 200th session.

Part II Application of the 1966 Recommendation concerning the Status of Teachers (CEART) and the 1997 Recommendation concerning the Status of Higher Education Teaching Personnel Report by the Director-General on the Twelfth session of the Joint ILO/UNESCO Committee of Experts on the application of the recommendations concerning teaching personnel (CEART) and on allegations received by the CEART (199 EX/14 Part II)

10. The Director of the Division of Policy and Lifelong Learning Systems, representative of the Director-General, recalled the background and mission of the Joint ILO/UNESCO Committee of Experts on the application of the recommendations concerning teaching personnel (CEART) indicating its monitoring and reporting functions as relevant to the examination of key issues affecting the status of teaching personnel as well on its review of allegations. Based on the report of the twelfth session of the CEART, and underscoring that the full report is available online, he highlighted the key issues that the CEART recommended should be addressed as priorities by both ILO and UNESCO, Member States, educational institutions and teacher unions aiming to improve the status of teaching personnel as set out by the provisions of one or both Recommendations. Such issues include: Social dialogue in education; the appraisal of teaching personnel; the professionalization of early childhood education personnel; changing employment relationships in the teaching profession; the impact of information and communication technologies in the teaching profession; quality of teaching in the context of increasing non-public providers of higher education; and maintaining the professionalization of teaching in higher education. He also noted that during its twelfth session, the CEART adopted a communique on the education goal of the sustainable development agenda and which was addressed to the World Education Forum held in the Republic of Korea in May 2015.

11. The representative of the Director-General also presented the allegations examined during the CEART's twelfth session, including one from the Tokyo-to-Gakko Union in Japan, concerning the violation of principles related to academic freedom; participation of teachers in the development of courses and textbooks; and fairness in disciplinary proceedings against teachers. He pointed out that recommended measures were provided by the CEART for consideration by the Government of Japan and the Tokyo Metropolitan Government. An allegation from the Cambodian Independent Teachers' Association (CITA) was also presented as concerning the lack of a consultative framework for teachers and teacher organizations to participate in the development of education policies, the selection of teaching materials, and the setting of salaries and hours of work. Recommended measures for this case pointed to Cambodia's need to respond to the allegation and to engage in dialogue with CITA. He presented the ongoing allegations reviewed during the CEART twelfth session, including one from Denmark (Dansk Magisterforening), one from Japan (All Japan Teachers and Staff Union - ZENKYO) and another from the National Teachers' Federation in Portugal.

12. A summary of the CEART interim report was presented by the representative of the Director-General, noting that its full version was available online and by highlighting its review of an allegation received by the Joint Committee on 8 January 2014 and submitted by the All Japan Teachers and Staff Union (ZENKYO). The case was referred to as pertaining to the non-observance of the provisions of the *1966 Recommendation concerning the Status of Teachers* by the Government of Japan in relation to the overtime work of the teaching personnel and temporary appointments in public schools. He noted that the recommended measures provided by the

CEART encourage the parties involved to engage in specific policy dialogue relevant to contract and working time issues, to consider joint fact finding and to keep the CEART apprised of further developments within one year.

13. Further to remarks made by Members of the Committee, the representative of the Director-General explained that ILO is pending to communicate to UNESCO the outcome of the submission of CEART's latest interim report to the ILO Governing Body. In relation to the allegations of the Tokyo-to-Gakko Union in Japan and the Cambodian Independent Teachers' Association, he highlighted that the final report of the CEART's twelfth session indicated nine detailed measures for the case of Japan while three measures had been provided for the Cambodia case as noted in the presented summary. CEART recommendations pertaining to the *1997 Recommendation concerning the Status of Higher-education Teaching Personnel* were emphasized to be those related to the improvement of employment relationships in the teaching profession; the use of information and communication technologies in the teaching profession; maintaining the quality of teaching in the context of increasing non-public providers of higher education; and maintaining the professionalization of teaching in higher education. UNESCO activities addressing such issues were highlighted, including the professional development of higher education teaching personnel and the use of ICTs in higher education.

14. 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 154 EX/Decision 4.4, 157 EX/Decision 6.3, and 192 EX/Decision 20 (IV),
2. Having examined document 199 EX/14 Part II and the report of the Committee on Conventions and Recommendations thereon (199 EX/30),
3. Appreciating the work of the Joint Committee in stimulating action to promote greater awareness and wider application of the two Recommendations concerning the status of teaching personnel,
4. Takes note of the presentation of the report of the twelfth session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART/12/2015/14) including Part II A and B, relating to allegations and needed actions on the non-observance of certain provisions of the ILO/UNESCO Recommendation (1966) or of the UNESCO Recommendation (1997) in Cambodia, Denmark, Japan and Portugal;
5. Invites the Director-General to assist the Joint Committee in carrying out its next cycle of work and report on its work to the Executive Board in 2019;
6. Requests the Director-General to communicate the report of the twelfth session of the Joint Committee together with the observations of the Executive Board, if any, to Member States and their National Commissions, international teachers' organizations and other relevant international organizations having relations with UNESCO, inviting their consideration, action and comments on the policy recommendations of the CEART that concern them and encouraging them to continue to apply all provisions of both normative instruments, as well as to take the necessary follow-up action as recommended in the report;
7. Also takes note of the presentation of the CEART interim report (CEART/INT/2016/1) presenting the analysis and recommendations pertaining to the allegation from the All Japan Teachers and Staff Union (ZENKYO); and

8. Also invites the Director-General to communicate the CEART's interim report to the Government of Japan and to All Japan Teachers and Staff Union (ZENKYO), and to invite them to take the necessary follow-up action as recommended in that report.

Part III Application of the 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms – Consideration of the preparation of the next consultation (199 EX/14 Part III)

15. Highlighting the importance and relevance of the *1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms* in the present context, the Director of the Division for Policies and Lifelong Learning Systems, representative of the Director-General, explained that in accordance with the *Specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided*, as amended by the Executive Board at its 196th session, the Secretariat prepared draft guidelines for the reporting on the implementation of the 1974 Recommendation. He informed that the questionnaire contains a set of 29 questions including multiple choice questions to collect, in a simplified manner, information on the extent to which Member States have integrated and mainstreamed the principles of the 1974 Recommendation in their education systems and on measures taken for its implementation during the reporting period. The representative of the Director-General further indicated that the guidelines had been aligned with Target 4.7 of the Education 2030 Agenda and that they will also serve as a monitoring tool for measuring progress made towards Target 4.7. It was mentioned that following the adoption of the draft guidelines by the Executive Board, the Secretariat will officially launch the 6th consultation on the 1974 Recommendation.

16. Overall, Member States of the Committee expressed their appreciation about the quality of the draft guidelines, the linkages made with the 2030 Sustainable Development Agenda and the multiple choice approach followed therein.

17. In response to comments and questions raised by Members of the Committee, the representative of the Director-General explained that the guidelines will allow for some flexibility as Member States will have the possibility to select several answers and that space will be provided to include additional information. With regards to countries with a federal system of governance, he specified that the overall implementation of the 1974 Recommendation in the country should guide Member States' responses to the questionnaire rather than its implementation in each individual sub-national state. He further indicated that the guidelines are available in the six working languages of the governing bodies of UNESCO. Concerning question 25, he indicated that the scaling would be modified taking into account the comments made.

18. The Legal Adviser specified that once the draft decision is adopted, the draft guidelines will be considered final. The representative of the Education Sector added that the deadline for the submission of reports had been aligned with the approved timetable contained in the annex to the document 199 EX/14 Part I, and that the methodology applied to the monitoring of standard-setting instruments does not allow for changes to be made to the guidelines during the process. However, for the next round of consultations, the questionnaire will again be submitted for review to the Executive Board. Lastly, with regards to the response rate, he indicated that 57 Member States submitted reports during the previous consultation. It was further mentioned that a higher response rate is expected during the next consultation, as the questionnaire is simplified, will be made available online for the first time, reminders will be sent to encourage the submission of reports, and greater importance may be accorded by Member States to contribute to the monitoring process as the questionnaire will also serve to assess progress made towards Target 4.7.

19. Taking into account the discussions, the Secretariat will adjust the draft guidelines so that they address the needs of Member States with federal system of governance. As such the Secretariat will ensure that the questionnaire provide the opportunity to submit additional information. The wording of the scale definition on question 25 will also be modified.

20. 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. 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,
2. 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,
3. Further recalling 37 C/Resolution 90 and 195 EX/Decision 15,
4. Having examined document 199 EX/14 Part III,
5. Also bearing in mind the importance of the Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (1974) as a means to support the implementation and monitoring of the Education 2030 Agenda, especially Target 4.7 relating to education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development;
6. Approves the guidelines for the preparation of reports by Member States on the application of the 1974 Recommendation as annexed to document 199 EX/14 Part III 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 the implementation of the 1974 Recommendation, with a view to transmitting that summary, together with the Executive Board's comments thereon, to the General Conference at its 39th session.

Part IV Application of the 1974 Recommendation on the Status of Scientific Researchers – Consideration of the preparation of the next consultation (199 EX/14 Part IV)

21. The Director of the Division of Ethics, Youth and Sport of the Social and Human Sciences Sector, representative of the Director-General, underlined that it was the first time that the Secretariat consults the CR Committee on the monitoring process after the amendment by the Executive Board at its 196 session of the *Specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided*. In 2014-17, the Secretariat's work on the monitoring of the implementation of the *1974 Recommendation on the Status of Scientific Researchers* is carried out in close

relationship with the process of its revision. Preliminary comments received during the revision process indicate a need to reinforce the monitoring mechanism of the Recommendation. A joint Social and Human Sciences Sector and Natural Sciences Sector working group has elaborated some proposals on the 2016-17 monitoring exercise, which are presented in document 199 EX/14 Part IV. It is suggested to monitor the impact of the 1974 Recommendation on several areas in the formulation of Science, Technology and Innovation policies with a view to guarantee the status of scientific researchers, namely its impact in the various areas. It is also considered important to request Member States and stakeholder to formulate their proposals with regard to the issue of how the monitoring of the 1974 Recommendation may be reinforced in future.

22. Members of the Committee thanked the representative of the Social and Human Sciences Sector for the presentation and shared the importance of the 1974 Recommendation which guides the formulation of national norms in relation to the rights and responsibilities of scientists and the application of global ethical principles of scientific researches. At the same time, members of the Committee considered that the proposals presented in the document under consideration should be revised with the aim of including, in addition to the questions about the impact of the 1974 Recommendation on specific issues of Science, Technology and Innovation policies formulation and implementation, questions concerning the new challenges for the status of scientific researchers, such as increasing role of private sector in funding of scientific research, the potential dual use of applications of scientific research resulting from scientific advances in recent years, challenges for access to scientific knowledge and processes, as well as and benefits of scientific progress, etc. Members of the Committee invited the Secretariat to prepare more comprehensive guidelines for the preparation of reports by Member States, which could be inspired by the work of Education Sector and consider the possibility of including a questionnaire which will permit to measure the extent to which the 1974 Recommendation is implemented, as well as the main achievements, current trends and challenges with regard to the status of scientific researchers.

23. The Director of the Division of Ethics, Youth and Sport and the Chief of the Bioethics and Ethics of Science of the Social and Human Sciences Sector underlined the revision process of the 1974 Recommendation whose aim is precisely to reflect the challenges for scientific researchers which emerged over the forty years since adoption of this Recommendation. However, the monitoring exercise, in accordance with the 37 C/Resolution 91 should cover the period from 2013 to 2016 and thus should monitor the implementation of the current 1974 Recommendation. With regard to monitoring the policy initiatives that have been put in place by Member States to encourage the mobility of scientific researchers, it was clarified that this is related to Part V of the 1974 Recommendation.

24. In conclusion, the Members of the Committee agreed that the current proposals should be revised and the item is to be postponed to the 200th session of the Executive Board. The monitoring process could be launched in autumn of 2016 and the next monitoring report could be submitted for consideration by the Committee at the 202nd session of the Executive Board prior to its transmission to the 39th session of the General Conference, in accordance with 37 C/Resolution 91. The draft decision was amended accordingly.

25. 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. 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,

2. 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,
3. Further recalling 37 C/Resolutions 40 and 91, 38 C/Resolution 45 and 195 EX/Decision 15,
4. Having examined document 199 EX/14 Part IV and in the light of the discussions during the meeting of the Committee on Conventions and Recommendations,
5. Invites the Director-General to submit to it at its 200th session revised proposals and a questionnaire for the 2013-2016 monitoring exercise on the implementation of the 1974 Recommendation on the Status of Scientific Researchers.