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para la Educación,
la Ciencia y la Cultura

Организация
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منظمة الأمم المتحدة
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联合国教育、
科学及文化组织

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SUMMARY OF THE REPORTS RECEIVED FROM MEMBER STATES ON THE MEASURES TAKEN TO IMPLEMENT THE 1960 CONVENTION AND RECOMMENDATION AGAINST DISCRIMINATION IN EDUCATION

OUTLINE

Background: In accordance with 34 C/Resolution 13, 177 EX/Decision 35 (I and II), 184 EX/Decision 20 and 186 EX/Decision 19 (II), the Executive Board has monitored the implementation of the 1960 Convention and Recommendation against Discrimination in Education. Pursuant to 192 EX/Decision 20 (II), the Director-General submits the summary of the reports received from Member States on the measures taken to implement these two normative instruments.

Purpose: This document reports on the results of the Eighth Consultation of Member States on the Implementation of the 1960 Convention and the Recommendation against Discrimination in Education (covering the period 2006-2011). The analysis was prepared on the basis of 58 national reports from Member States received by the Secretariat.

Decision required: Paragraph 6.

BACKGROUND

1. Adopted by UNESCO's General Conference on 14 December 1960, the Convention and Recommendation against Discrimination in Education (referred to as the "1960 Convention" and the "1960 Recommendation", respectively) reflect UNESCO's constitutional mission of instituting collaboration among nations to "*advance the ideal of equality of educational opportunities without regard to race, sex or any distinctions, economic or social*". The purpose of these normative instruments is not only the elimination of discrimination in education, but also the adoption of measures aimed at promoting equality of opportunity and treatment in this field.

2. Since their adoption, the Secretariat has conducted seven periodic consultations of Member States, each of them reported to the Executive Board and the General Conference. In compliance with 177 EX/Decision 35 (I and II), and as scheduled per 184 EX/Decision 20, the Eighth Consultation was launched in September 2011 to monitor the measures taken by Member States to implement the two normative instruments for the period 2006-2011. The Consultation was conducted in line with the guidelines for the preparation of national reports as adopted by 186 EX/Decision 19 (II). The 192nd session of the Executive Board examined the summary of the reports received from Member States on the implementation of this Convention and Recommendations (document 192 EX/20 Part II), which is reproduced in Annex I of this document.

SUMMARY OF THE REPORTS AND COMMENTS FROM THE EXECUTIVE BOARD

3. Annex I of this document presents to the General Conference the summary prepared by the Secretariat of the information contained in the national reports submitted. As of September 2013, the UNESCO Secretariat had received reports from 58 Member States, 44 of which are States Parties to the Convention¹ (see Annexes II and III of this document). All UNESCO regions are represented in the group of responding Member States. This document summarizes the information provided by Member States in response to the guidelines. A more extensive report is available, in the six working languages of UNESCO, on the webpage dedicated to this 8th Consultation².

4. At the 192nd session of the Executive Board, the Secretariat presented this summary, highlighting the salient thematic areas related to the right to education included in the national reports. It was noted that the number of Member States participating in the 6th, 7th and 8th consultations remains rather constant with a slight increase for the 8th Consultation. However the number of reporting countries by regions differs from one consultation to another. In its 192 EX/Decision 20 (II) (see Annex IV of this document), the Executive Board included reference to the *1962 Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any dispute which might arise between States Parties to the Convention against Discrimination in Education*, and requested the Director-General to urge the State Parties to look into the functioning of the *Conciliation and Good Offices Commission*.

5. The Executive Board invited the Director-General to transmit to the General Conference, at its 37th session, this summary of the reports received from Member States on the measures taken to implement the 1960 Convention and Recommendation, together with comments by the Board as presented above.

¹ Broken down as follows: 8 from Group I, 16 from Group II, 8 from Group III, 10 from Group IV, 8 from Group V(a), and 8 from Group V(b).

² <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/monitoring/8eme-consultation-of-member-states-on-their-implementation/>

PROPOSED RESOLUTION

6. In light of the foregoing, the General Conference may wish to adopt the following resolution:

The General Conference,

1. Recalling 34 C/Resolution 13, 177 EX/Decision 35 (I and II), 184 EX/Decision 20 and 186 EX/Decision 19 (II),
2. Reaffirming the importance of the 1960 Convention and Recommendation and of their implementation by Member States in order to make the full exercise of the right to education a reality for all,
3. Having examined 37 C/26 containing the report on the implementation of the 1960 Convention and Recommendation against discrimination in education,
4. Endorses 192 EX/Decision 20 (II), in particular its request to the Director-General to make the national reports available online through the newly established global database on the right to education;
5. Notes with appreciation that 58 Member States submitted their reports under the eighth consultation, 44 of which were States Parties to the 1960 Convention and the efforts of Member States to ensure equality of educational opportunity for all;
6. Expresses its satisfaction that between 2005 and 2013, 11 Member States have ratified the 1960 Convention, signifying an increase from 89 to 100;
7. Encourages all Member States to strengthen their efforts to ensure the full and comprehensive implementation of the 1960 Convention and Recommendation and further urges Member States which are not Party to the Convention to consider doing so and to make the 1960 Convention and the Recommendation as well as the Protocol instituting a Conciliation and Good Offices Commission of 1962 better known to the bodies, target groups and other entities interested in matters dealt with therein;
8. Encourages the Director-General, in close collaboration with the United Nations Special Rapporteur on the right to education, to support Member States in their efforts to realization of right to education;
9. Requests the Director-General to intensify her efforts to foster inclusion in education and encourage Member States to adopt effective domestic measures intended to secure education for all without discrimination or exclusion;
10. Further requests the Director-General to take appropriate follow-up action to the eighth Consultation and to initiate the ninth consultation of Member States;
11. Invites the Director-General to transmit to it, at its 39th session, the next summary of the reports received from Member States on measures taken to implement the 1960 Convention and Recommendation, and decides to include an item on this matter in the agenda of its 39th session.

ANNEX I

IMPLEMENTATION OF THE 1960 CONVENTION AND RECOMMENDATION AGAINST DISCRIMINATION IN EDUCATION

Introduction

1. Since 1960, when the Convention and Recommendation against Discrimination in Education (hereinafter referred to as the “1960 Convention”, and the “1960 Recommendation”, respectively) were adopted, the Secretariat has conducted seven periodic consultations of Member States. As of June 2013, there are 99 States Parties to the Convention. Since the end of last Consultation (covering the period 2000-2005), it is encouraging that 10 Member States have ratified the Convention. The Recommendation, which sought to take into account the difficulties Member States might experience in ratifying the Convention for various reasons, is monitored in conjunction with the Convention.

2. In compliance with 177 EX/Decision 35 (I and II), and as scheduled per 184 EX/Decision 20, the eighth consultation was launched in September 2011 (CL/3974) to monitor the measures taken by Member States to implement the two normative instruments for the period 2006-2011. The consultation is in line with the guidelines for the preparation of national reports as adopted by 186 EX/Decision 19 (II).

3. As of 4 June 2013, the Secretariat had received **58 reports** from States, 44 of which are States Parties to the Convention.³ This document summarizes the information provided by Member States in response to the guidelines. A more extensive report will be available in the six working languages of the Executive Board on the UNESCO webpage dedicated to this eighth consultation.⁴

General measures on the implementation of the Convention against Discrimination in Education and the domestic legal order

4. Most Member States reported having a clear constitutional or legislative framework that enshrines the right to education as well as the principle of non-discrimination. A general constitutional or legal provision stating that each citizen has the right to education is necessary but not sufficient. It is equally important that policies be in place to ensure that these principles are materialized. The constitutional principles reported by Member States have to be coupled with an institutional framework that ensures that individuals and civil society can hold governments accountable and address violations. Some States have reported on how the provisions in the Convention can be invoked before and given effect to by courts, tribunals and administrative authorities. The components of the Right to Education must be precisely described in law and illustrations of such specifications are included in some reports.

The principle of non-discrimination

5. According to many reports, constitutional laws and legislative texts prohibiting discrimination in education have been adopted. Moreover, some States have constitutional provisions that allow for judicial review if a law is contrary to the principle of non-discrimination. Many European countries have adopted new non-discrimination laws in recent years due to European Union regulations. It is important that the principle of non-discrimination cover not only laws, but also administrative practices and individual acts of public authorities. Likewise, it is important that such non-discrimination laws not be restricted to public educational institutions. Consequently, the

³ Broken down as follows: 8 from Group I, 16 from Group II, 8 from Group III, 10 from Group IV, 8 from Group V(a), and 8 from Group V(b). (See Annexes II and III).

⁴ <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/monitoring/8eme-consultation-of-member-states-on-their-implementation/>.

principle of non-discrimination should accordingly be interpreted so that discriminatory acts in private institutions are also prohibited. It is unclear from the reports to what extent this is the case in the Member States. It appears from the reports that a challenge is to identify discrimination and then effectively combat it with relevant policies that support the laws. Some States, therefore, discuss the need to build up knowledge and support research on discrimination.

Towards equal access to educational opportunities

6. Most States have reported mainly on the constitutional and legislative measures for the progressive expansion of a free and compulsory education system and have emphasized its importance to increase access and educational opportunities for all and at all levels (i.e. from pre-school to higher education), especially for vulnerable populations. The reports show that the countries experiencing progress in terms of school enrolment and completion have taken a holistic approach and identified the strengths and weaknesses of their legal measures, policies and implementation.

7. Some States have strived to give free pre-primary education for economically disadvantaged families as a means of encouraging learning at an early age and facilitating integration into primary education. As regards children from poor households, the measures that States have reported are mainly financial aid initiatives and programmes that facilitate access and continuation of education. Many countries have devised policies to eliminate costs related to education, especially for children living in rural and/or remote areas.

8. Regarding secondary education, Iraq, for instance, has reported on measures to include students who could not attend schools from 2006 to 2008. Some countries discuss how civil society is included in decision-making processes in order to achieve policies that are democratically founded and informed.

Inclusive education

9. Some States have established a right for student with disabilities to assistance and a special study plan. Another common policy of many States is to integrate students with special needs into the regular school system and adapt school infrastructures to students with disabilities.

10. A substantial majority of States have reported on their various initiatives and measures to ensure gender equality, and thus, make their education system more inclusive both to women and men, girls and boys. To this end, the Philippines reported on legal provisions that mandate a revision of educational material to eliminate gender stereotypes and prohibit exclusion from education for pregnant girls. The provided examples illustrate the need for a gender approach *in education* and not only *to education*.

11. Most States have reported on the measures they have taken to expand access to education, reaching groups of their respective populations that surpass the compulsory school age. These measures are mainly educational programmes aiming to eliminate adult illiteracy. To provide continuing education, some countries offer short-term training programmes for professionals on demand and others have devised programmes focusing on developing entrepreneurship.

12. Many States have institutionalized equivalent ways for adults to complete primary and secondary education. Moreover, many countries have recognized that ensuring equitable access for young and adults to appropriate learning and life-skills necessitates initiatives to create a learning society, where the engagement for lifelong education is spread throughout society.

13. The States have reported on how they have eliminated and prevented discrimination in education by giving foreign nationals the same access to education as that given to their own nationals. Regarding cultural, ethnic and linguistic minorities, States' reports mainly focus on measures that improve inclusion of the minorities of their respective countries. Concerning

immigrants, most of these initiatives launched by States deal with language programmes and aim to facilitate immigrant integration into society.

Towards quality education

14. Several Member States report on measures to evaluate the educational system and assess strengths and addressing weaknesses. Some countries point to the fact that if educational policy development is to have an impact, long-term coordination in collaboration with experts and civil society is required. The policies that the countries report on to ensure quality are numerous. A common strategy is to introduce teaching pedagogies directed to the individualization of learning. Many States report on improving Information and Communication Technologies (ICTs) in education and several countries have integrated human rights education in the curriculum. Other policies include reducing class sizes, centralizing the way examinations are conducted, and raising and enforcing teaching qualification. However, very few States report on quality in relation to an overarching human rights objective.

15. Most Member States report on administrative measures to guarantee quality through national monitoring procedures. The comprehensiveness of these monitoring processes varies between countries and there are differences in how countries use the gathered information in policy revision. A noticeable trend is that many countries give importance to international standards and best practices to measure and improve the quality of education.

16. Almost no Member State reports cases of discrimination against teachers and some report on the lack of statistical data in this domain. Many report on the living conditions of teachers compared to other civil servants, and the reports demonstrate that there are sharp differences in teachers' salaries between countries and, in many cases, within them. As a response to this situation, many countries have devised policies that aim to help teachers with housing and to support teachers who teach in remote areas. To improve the quality of teaching as well as encourage professional development, many countries have established professional development programmes and opportunities for further studies.

17. Two tendencies can be seen in the reports regarding teachers' training. First, the link between education and work in teachers' education is addressed in many countries by creating in-service teacher training. Secondly, training using ICTs has been integrated into professional training in many countries. Moreover, some countries report on strengthening the role of teachers by giving them a more autonomous role in teaching.

Challenges and the way forward

18. The difficulties and obstacles encountered by Member States in the process of implementing key provisions provide an interesting map of the work ahead in realizing the Right to Education. Although many obstacles are local, most Member States report on shared challenges. For example, countries report on lack of financial resources in ensuring a quality education for all. Fulfilling the Right to Education requires that necessary resources be allocated to the education sector and that these funds be well-managed.

19. Providing a quality education appears as a main challenge for many of the Member States and the reports demonstrate the wide range of policy measures that are available in addressing this. In terms of equality of opportunities, many countries report that children's socio-economic situation largely determines their educational success. In addition, the lack of accurate and precise data is also frequently pointed out as an important obstacle to the design of efficient policies and programmes targeting children and adults who remain out of the education system.

20. Given the goal of education to "help one realize one's aspirations", educational systems must be devised so that the socio-economic background of students does not negatively impact on their academic interests and vocational aspirations. Moreover, Member States reported on many

specific issues that limit access. Some of the most common factors were educational fees and costs related to education. Some of them reported on cultural traditions and practices that block access to education. Structural problems, such as lack of birth certification and poor data collection, are also mentioned as explanations for unsatisfactory enrolment and completion rates.

ANNEX II

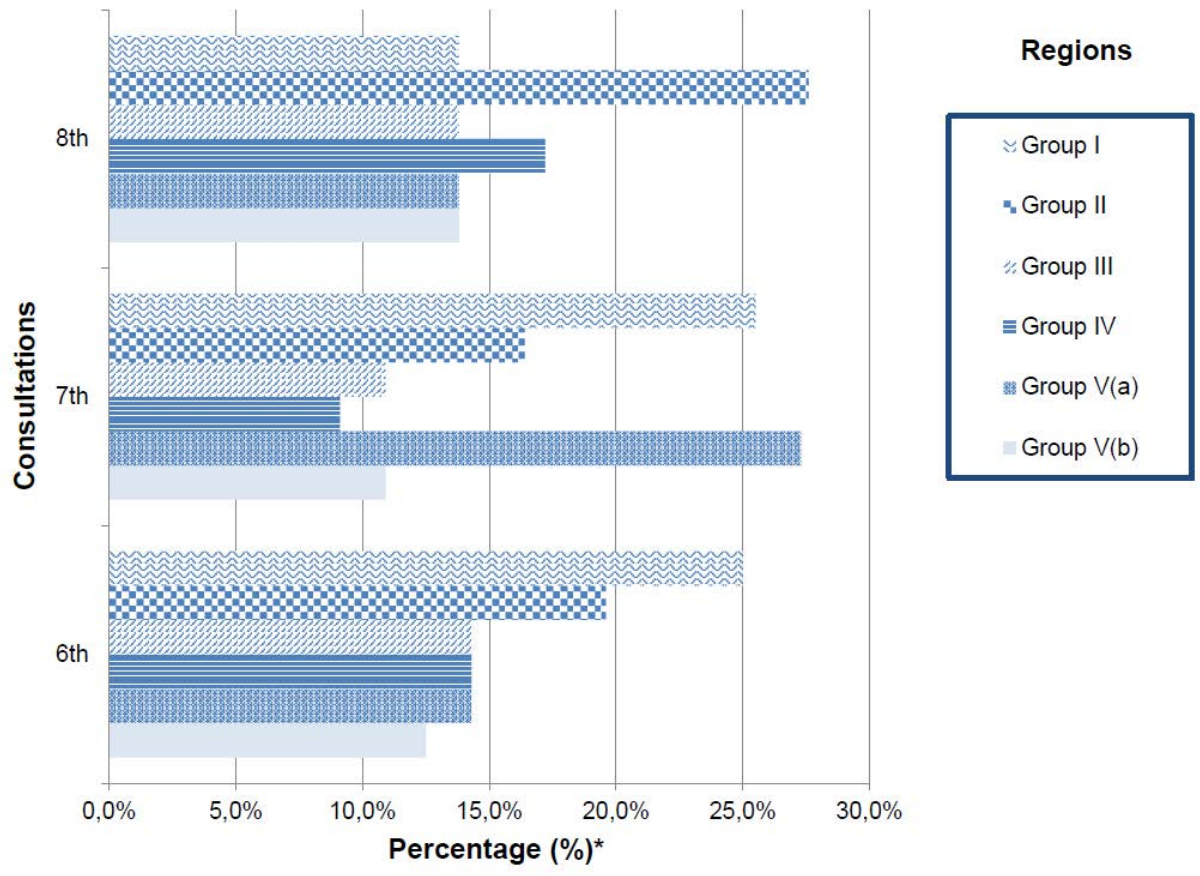
**Comparative table of 1960 Convention Consultations:
6th, 7th and 8th Consultations**

	6th Consultation	7th Consultation	8th Consultation
Total Reports	56	55	58
Group I	Belgium, Canada, Finland,* Germany,* Italy,* Luxembourg,* Malta,* Norway,* Portugal,* San Marino, Sweden,* Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland*	Austria, Canada, Cyprus,* Denmark,* France,* Germany,* Italy,* Norway,* Portugal,* San Marino, Spain,* Sweden,* Turkey, United Kingdom of Great Britain and Northern Ireland*	Canada, Cyprus,* Finland,* France,* Germany,* Luxembourg,* Norway,* Sweden*
Total	14	14	8
Group II	Azerbaijan, Belarus,* Bulgaria,* Czech Republic,* Estonia, Hungary,* Latvia,* Poland,* Slovakia,* The former Yugoslav Republic of Macedonia,* Uzbekistan*	Croatia,* Czech Republic,* Georgia,* Hungary,* Latvia,* Russian Federation,* Slovakia,* Slovenia,* Uzbekistan*	Armenia,* Bosnia and Herzegovina,* Bulgaria,* Croatia,* Czech Republic,* Estonia, Georgia,* Hungary,* Latvia,* Montenegro,* Poland,* Romania,* Russian Federation,* Serbia,* Slovakia,* Uzbekistan*
Total	11	9	16
Group III	Bahamas, Brazil,* Colombia, Cuba,* Dominican Republic,* El Salvador, Paraguay, Peru*	Brazil,* Chile,* Colombia, Ecuador,* Grenada, Jamaica*	Argentina,* Barbados,* Brazil,* Chile,* Costa Rica,* Cuba,* Dominican Republic,* Panama*
Total	8	6	8
Group IV	Australia,* Bangladesh, Iran (Islamic Republic of),* Mongolia,* New Zealand,* Pakistan, Philippines,* Republic of Korea	Australia,* Bangladesh, Malaysia, Nepal, Sri Lanka*	Afghanistan,* Australia,* Bangladesh, Cook Islands, Democratic People's Republic of Korea, Iran (Islamic Republic of),* Nauru, Pakistan, Philippines,* Sri Lanka*
Total	8	5	10
Group V(a)	Benin,* Burkina Faso,* Burundi, Cameroon, Mali,* Mauritius,* Togo,* Zimbabwe*	Benin,* Burundi, Cameroon, Côte d'Ivoire,* Gabon, Guinea,* Malawi, Mali,* Mauritius,* Niger,* Senegal,* South Africa,* Uganda,* United Republic of Tanzania,* Zimbabwe*	Burkina Faso,* Ethiopia, Ghana, Lesotho, Mauritius,* Nigeria,* United Republic of Tanzania,* Zimbabwe*
Total	8	15	8
Group V(b)	Jordan,* Lebanon,* Oman, Saudi Arabia,* Syrian Arab Republic, Tunisia,* United Arab Emirates	Algeria,* Bahrain, Egypt,* Jordan,* Kuwait,* Qatar	Bahrain, Egypt,* Iraq,* Jordan,* Kuwait,* Morocco,* Qatar, Syrian Arab Republic
Total	7	6	8

* Member States which are parties to the Convention against Discrimination in Education (1960)

ANNEX III

**Comparative bar graph of 1960 Convention Consultations:
6th, 7th and 8th Consultations**



* 100% equals the total of State reports that were submitted for each Consultation

ANNEX IV

192 EX/Decision 20 (II)

Implementation of the 1960 Convention and Recommendation against Discrimination in Education

The Executive Board,

1. Recalling 34 C/Resolution 13, 177 EX/Decision 35 (I and II), 184 EX/Decision 20 and 186 EX/Decision 19 (II),
2. Having examined document 192 EX/20 Part II and the report of the Committee on Conventions and Recommendations thereon (192 EX/45),
3. Notes with appreciation the replies of the 58 Member States that submitted their reports within the eighth consultation on the implementation of the 1960 Convention and Recommendation against Discrimination in Education, 44 of them being States Parties to the Convention;
4. Calls upon Member States that have not yet adhered to the Convention to do so, and to make the 1960 Convention and Recommendation, as well as the 1962 Protocol instituting a Conciliation and Good Offices Commission, better known, in line with Article 16.2 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 of UNESCO;
5. Commends the steps undertaken at national level on meeting the continuing challenges to fully implement the provisions of the Convention and the Recommendation;
6. Invites the Director-General to take appropriate action as follow-up to the Eighth Consultation and to intensify normative action for education for all without discrimination or exclusion, and invites also her to continue to urge the States Parties to the 1962 Protocol to look into the malfunctioning of the Conciliation and Good offices Commission during the 50 years following the adoption of the Protocol, and requests her to make the national reports available online through the newly-established global database on the right to education;
7. Further requests the Director-General to transmit to the General Conference at its 37th session document 192 EX/20 Part II, together with the Executive Board's comments and any observations or comments that the Director-General may wish to make.