



United Nations
Educational, Scientific and
Cultural Organization

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Ref.: CL/4147

Subject: **Reports by Member States on the implementation of the Convention and Recommendation against Discrimination in Education**

Dear Minister,

Realizing the right to education for everyone is one of the major challenges faced today when millions of children and adolescents remain out of school. The monitoring of the right to education in the context of **Education 2030** and the **Sustainable Development agenda** is of crucial importance to guarantee government accountability and transparency. Emphasizing the state legal obligations will ensure that the objectives and targets will not be empty promises of the international community. The **purpose of the Convention against Discrimination in Education**, a cornerstone of Education 2030, is the adoption of concrete measures aimed at promoting equality of opportunities and treatment in this field. As a powerful tool for supporting the implementation of Education 2030 agenda, the monitoring of this instrument is of crucial importance in order to counter persistent inequalities in access, participation and learning outcomes at all levels and ensure an education that is equitable and truly inclusive.

Under Article VIII of UNESCO's Constitution, Member States are required to **submit regular reports** on the measures taken to implement the conventions and recommendations. In accordance with the specific multi-stage procedure for the monitoring of the implementation of UNESCO's conventions and recommendations for which no specific institutional mechanism is provided (adopted in 2007 and amended in 2015), the frequency for submitting such reports is set at four-year intervals. The **Recommendation against Discrimination in Education** is monitored in conjunction with the Convention. The reporting obligation under the provisions of Article VII of the Convention and of the Recommendation is the same.

Pursuant to Resolution 37 C/Resolution 89 of UNESCO General Conference, we are launching the **Ninth Consultation** on the implementation of these instruments, and it is my duty to request your government to prepare a report covering the period 2012-2015.

To assist your relevant authorities in this regard, please find enclosed **Guidelines** for the Preparation of national reports. These Guidelines were approved by the Executive Board in October 2015 (197 EX/Decision 20 (V)). The national report should be comprehensive and prepared in cooperation between ministry of education and other ministries dealing with the right to education issues. I would like to insist on the fact that relevant information from **non-governmental organizations** should also be provided. The reporting process needs to be truly

participatory. The preparation of this report is a good opportunity to Member States to assess the implementation of the right to education in their country and create a constructive dialogue with other actors involved in this field.

This time, in order to encourage the participation of the maximum of Member States the Secretariat makes the new Consultation also available online for Member States through an **online platform**. An explanatory e-mail will be sent shortly to the Permanent Delegations to UNESCO regarding the online platform. However, if you choose to submit the report in paper version, we request you kindly to send it to the following address: righttoeducation@unesco.org.

The report should be submitted **before 30 June 2016**, in order to the Secretariat to prepare an analytical report and submit to the UNESCO's governing bodies in 2017.

Finally, I would like to take this opportunity add that, as part of the preparation of their national report, Member States are also encouraged to consult the [Global Database on the Right to education](#)¹ launched in 2014 and eventually share with the Secretariat (righttoeducation@unesco.org) updated information on their country profile.

UNESCO field offices will be ready to assist you in this process.

In thanking you for your kind attention to this matter, I remain,

Yours sincerely,

Irina Bokova
Director-General

Enclosures: 1
– Guidelines

cc: Permanent Delegations to UNESCO
National Commissions for UNESCO
Regional Offices
Field Offices

¹ <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/database/>

ANNEX

DRAFT GUIDELINES FOR THE PREPARATION OF REPORTS BY MEMBER STATES ON THE APPLICATION OF THE 1960 CONVENTION AND RECOMMENDATION AGAINST DISCRIMINATION IN EDUCATION

1. Preliminary remarks

These Guidelines are intended to assist Member States in the preparation of the Reports on the implementation of the 1960 Convention against Discrimination in Education (“the Convention”) as well as the 1960 Recommendation against Discrimination in Education (“the Recommendation”).

The Convention and the Recommendation, adopted by UNESCO’s General Conference in 1960, correspond to UNESCO’s constitutional mandate to “advance the ideal of equality of educational opportunities without regard to race, sex or any distinctions, economic or social”.

In light of the post-2015 development agenda, the monitoring of the implementation of the Convention and Recommendation is of crucial importance, in order to ensure an education for all and to counter persistent inequalities in access, participation and learning outcomes at all levels, particularly for the most vulnerable groups. National action aimed at making quality education accessible to all without discrimination needs to be emphasized. Concrete measures taken by Member States in accordance with their legal obligations under the Convention and the Recommendation contribute to this process.

2. Reporting obligations

Member States are expected to bear in mind the difference in the legal nature of the obligations under the Convention, as distinguished from those under the Recommendation. The **Convention has binding force**, and the States Parties must incorporate its provisions into the national Constitution or domestic law. **The Recommendation, non-binding in nature, has political and moral force**. It seeks to take into account the difficulties that certain States might experience, for various reasons and in particular on account of their federal structure, in ratifying the Convention. Barring differences in wording and in legal scope inherent to the nature of these two categories of instrument, the content of the Recommendation is identical to that of the Convention. Articles I to VII of the Convention and the Recommendation are identical in wording and contain similar provisions. Member States are expected to give effect to it in national legislation and education policies. In addition, the reporting obligation under the provisions of Article VII of the Convention and of the Recommendation is the same.

Article VIII of UNESCO’s Constitution states that “Each Member State shall submit to the Organization, at such times and in such manner as shall be determined by the General Conference, reports on the laws, regulations and statistics relating to its educational, scientific and cultural institutions and activities, and on the action taken upon the recommendations and conventions referred to in Article IV, paragraph 4”. Therefore, even if countries are not a State Party to the Convention, they need to submit a report on the implementation of the Recommendation.

The reporting should be as comprehensive as possible and the process needs to be participatory and conducted in cooperation between ministries of education and other ministries dealing with the right to education issues. Relevant information from NGOs having Education as their main field of activity should also be provided. The preparation of this report is a good opportunity for Member States to assess the implementation of the right to education in their country and create a dialogue with other actors involved in this field.

3. General indications

Even though some points are framed as questions, the document should be regarded more as a guide than as a questionnaire. Member States are encouraged to provide as much information as possible. In addition to a description of the constitutional, legislative and administrative and policy framework established for the implementation of the provisions guaranteed by the instruments, the information supplied by Member States should also demonstrate how laws and practices comply with the Convention and the Recommendations rights describing legal norms as well as the factual situation.

Member States which already reported to the Eighth Consultation (2011-2013) are invited to refer to it when appropriate. In case some of the information supplied for the national Education for All 2015 Review Report is relevant, Member States may reproduce or refer to it with precise **indication as to its retrieval**.

The reporting period for the Ninth Consultation on the implementation of the Convention and the Recommendation covers four years (2012-2015).

4. Modalities

The present Guidelines present two series of questions/remarks: (1) basic questions to be directly filled by Member States (States parties to the Convention and others) and (2) additional questions with support elements aimed at guiding the Members States to structure and detail their responses (including helpful remarks on how to respond efficiently to the questions raised) these elements are presented in italics. The aim is to simplify and shorten the Guidelines while providing necessary information in order to assist Member States in the preparation of responses.

I. Information on the legislative, judicial, administrative and other measures taken by the State at the national level

1. Ratification of the Convention

1.1 If the Convention has not been ratified yet:

- Does your country plan to ratify this instrument?
Yes/No
- Please indicate the stage of ratification process reached by your country.
 - *Close to ratification*
 - *Under way*
 - *Actively under preparation*
 - *Not considering ratification in the short, medium or long term*
- Please briefly explain which are the obstacles or difficulties encountered in completing the ratification process and the means of overcoming them.

Describe:

- *the obstacles, whether legal, institutional, political or practical*
- *the means of overcoming them*
- *the extent to which UNESCO can assist in completing the process*

1.2 If the 1962 Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education² is not ratified yet:

- Does your country plan to ratify this instrument?

Yes/No

- Please indicate the stage of ratification process reached by your country.
 - *Close to ratification*
 - *Under way*
 - *Actively under preparation*
 - *Not considering ratification in the short, medium or long term*
- Please explain which are the obstacles or difficulties encountered in completing the ratification process and the means of overcoming them.

Describe:

- *the obstacles, whether legal, institutional, political or practical*
- *the means of overcoming them*
- *the extent to which UNESCO can assist in completing the process*

2. Legal framework governing the protection of rights guaranteed in the Convention and the Recommendation in the national legal system

2.1 In case your country is a State Party to the Convention:

- Is the Convention directly applicable in your country's domestic law following its ratification?

Yes/No

- If not, has it been incorporated into the national Constitution or domestic law so as to be directly applicable?

This seeks information on whether the provisions of the Convention are guaranteed in a domestic legal instrument (Constitution, legislative text or other national provisions).

- Please indicate whether the provisions of the Convention can be invoked before and given effect to by courts, tribunals and administrative authorities.

Information should be given about the judicial, administrative and other competent authorities having jurisdiction with respect to the rights guaranteed by the Convention and the scope of such competence. If possible, illustrate on the basis of available case law and jurisprudence.

2.2 In case your country is not a State Party to the Convention:

- Have legislative measures been taken pursuant to the Recommendation?

²

The Protocol was adopted in 1962. For more information on this Commission:
http://portal.unesco.org/en/ev.php-URL_ID=23762&URL_DO=DO_TOPIC&URL_SECTION=201.html

- Please explain briefly the ways in which public policies and programmes correspond to its provisions.
- Information supplied should demonstrate how such norms and programmes comply with commitments under the Recommendation. If possible and when appropriate, describe legal norms, national education policy and programs as well as the factual situation.

2.3 For either the provisions of the Convention or the Recommendation, please list the principal national laws and regulations adopted in order to implement them.

For each of them indicate:

- ➔ *References*
- ➔ *Dates*
- ➔ *Aims*

The Report should cover texts adopted to combat, prohibit and eliminate gradually discrimination in education as rooted in the historical, cultural, economic and political conditions and to promote equal educational opportunities.

Please include sufficient quotations from or summaries of the relevant principal constitutional, legislative and other texts which guarantee and provide remedies in relation to the rights enshrined in the Convention and the Recommendation.

II. Information on the implementation of the Convention or Recommendation (with reference to their provisions)

1. Non-discrimination in education

1.1 Is discrimination in education based notably on grounds specified in the Convention/Recommendation fully outlawed in your country?

Yes/No

1.2. Please explain which measures are adopted to:

- Eliminate discrimination within the meaning of the Convention/Recommendation?
- Prevent discrimination within the meaning of the Convention/Recommendation?

The description should include measures taken as regards:

- *Non-discrimination in the admission of pupils to educational institutions*
- *Non-differential treatment*
- *Treatment of foreign nationals resident in your country*

This should also include assistance granted by public educational authorities to educational institutions.

2. Equal opportunities in education

2.1 Please explain what are the concrete actions taken by your government to guarantee equal access to all level of education in your country?

In this part, please include anti-discriminatory measures, financial incentives, fellowships, positive or affirmative action.

- 2.2 Please indicate how strategies and programmes are being implemented with a view to ensuring, in your country, equality of educational opportunities (in terms of access, participation and completion).

Particular emphasis should be placed on gender equality.

- 2.3 Please describe the actions planned and taken in your country to ensure inclusion of all learners in learning process.

Here please describe measures taken for instance to give special consideration to gender equity and equality in education including addressing gender-based violence, and the educational needs of the poor, economically and socially marginalized and other vulnerable groups, including people with disabilities.

3. Progress made with respect to implementing the right to education

3.1 Universal primary education

- Please provide information on the progress made with respect to ensuring universal access to primary education.
- Please provide details on the availability of compulsory and free of charge primary education in your country:

→ *Is primary education available free of charge to all? Yes/No*

→ *If so, please list the laws and policies that ensure this universal free availability of primary education.*

→ *If not, does your government intend to ensure free primary education? Yes/No*

→ *If so, how?*

- Is primary education compulsory in your country?

Yes/No

→ *If not, please provide details on its implementation and indicate the current period of compulsory education.*

→ *Indicate whether your country has adopted and reviewed legislation so that minimum ages for the end of compulsory education, for marriage and for entry into employment are coherent and aligned.*

In this part, details should be provided on the difficulties experimented by your government in the realization of universal access to free and compulsory primary education.

3.2 Secondary education

- Please provide information on the general availability and accessibility to all of secondary education, including technical and vocational secondary education and training in your country.

Please provide details on the difficulties experienced by your government to guarantee gender parity in terms of accessibility to technical and vocational secondary education and training.

- Is it available free of charge?

Yes/No

→ *If so, please describe the extent to which it is.*

Please also provide details on the difficulties experienced by your government in the realization of universal access to free secondary education. Please provide quantitative and descriptive information on these difficulties and on the progress realized.

3.3 Higher education

- Please explain to what extent access to higher education, based upon individual capacity, including technical and vocational education and training, is realized in your country.
- Please describe the efforts made by your government to ensure that there is no discrimination on the ground prohibited by the Convention to enter and complete higher education.

Please provide information on the financial costs to receive education in higher public or private Education institutions. Please include explanations about both public and private institutions. Please also provide quantitative and descriptive information on the difficulties experienced by your government as regards access to higher education and on the progress realized.

3.4 Adult education and lifelong learning

- What efforts has your government made to establish a system of continuing education on the basis of individual capacity?
 - *Please specify efforts made as regards education for persons who have not received or completed the whole period of their primary education.*
- What are the concrete measures implemented to ensure equitable access to continuing education?
 - *Please specify measures (including financial assistance) that ensure that the basic learning needs of all young people and adults are met through:*
 - *elimination of illiteracy*
 - *equitable access to appropriate learning and life-skills programmes.*

3.5 Quality education

- Please provide information on the measures taken by your country to ensure equivalence in all educational institutions in:
 - the standards of education
 - the conditions relating to the quality of the education provided (e.g. infrastructure, teacher/learner ratios, teaching and learning materials)

- the provisions to ensure that children learn in a safe environment free from violence or harassment, including school-related gender-based violence (at, around, and on the way to school).

Please, to provide such quality assessment, take into account all public educational institutions of the same level. Please include information on policies, protocols or codes of conduct.

3.6 Teaching profession

- Please describe the conditions of teaching staff at all levels in your country.

Please include information on teachers' average salaries (for each level of education) as compared to the salaries of (other) civil servants with equivalent qualification, and on how this ratio developed overtime.

- Please explain briefly the measures your country takes to improve the living and teaching conditions of teaching staff.
- Please explain briefly the measures your country takes regarding the training for the teaching profession.
- Have there been instances of discrimination as regards the training for the teaching profession in your country?

Yes/No

→ If so, please detail the response your government gave to this situation.

3.7 Respect for human rights and fundamental freedoms

- Please briefly report on national efforts made for directing education to:
 - the full development of the human personality
 - the strengthening of respect for human rights and fundamental freedoms.

Here the information should demonstrate how education promotes understanding, respect and further progress towards gender equality (for example, through the introduction of human rights education in curricula).

3.8 Private education and religious and moral education

- Please provide brief information on the regulatory framework relating to the establishment or maintenance of private educational institutions.

In the context of rapid privatization of education, the information should also indicate how the Government is regulating private education providers and is ensuring compliance with minimum standards of education. The information should also demonstrate how your government guarantees that the development of private education does not generate discriminations and to what extent private schools offer a relevant alternative in your country.

- Please briefly describe the education policy framework for minimum educational standards as regards the rights of the parents/legal guardian for providing religious and moral education for their children.

3.9 Rights of national minorities

- What are the rights given to national minorities to carry out their own educational activities protected?
- As regards the educational standards in educational institutions run by minorities, please describe the legal and policy framework existing in your country.

Please cover the language facilities, notably the use of teaching of languages in education policy.

III. Methods used to draw the attention of the various authorities in the country to the instruments and to remove the obstacles encountered

1. Challenges and obstacles – Please provide information on

- 1.1 The difficulties and obstacles encountered in the process of implementing the key provisions of the Convention/Recommendation.
- 1.2 The main issues that need to be addressed for promoting further the implementation of equality of educational opportunities in your country.
- 1.3 Brief assessment of the effectiveness of the methods introduced to remove obstacles encountered.

The Report should provide concrete elements on the difficulties and obstacles (including legal and practical) encountered.

2. Awareness-raising

2.1 Briefly describe activities carried out to:

- draw the attention of the various authorities of the country to the Convention/Recommendation
- raise public awareness of the principles of non-discrimination and equality of educational opportunities enshrined in the Convention and the Recommendation, and their national or local dissemination, in particular to non-governmental organizations.

This should include their translation into national and, where necessary, local languages.

2.2 Please specify activities undertaken or supported by the National Commission with a view of

- promoting the Convention/Recommendation
- fostering debate on critical issues, in relation to the rights enshrined in the instruments

UNESCO governing bodies have underlined the need for awareness-raising. Given the importance of normative action at the national level, the Convention must be given wide dissemination, with the support of National Commissions.