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SESSIONAL WORKING GROUP OF INTERGOVERNMENTAL EXPERTS ON THE
IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 20th MEETING

Held at Headquarters, New York,
on Tuesday, 20 April 1982, at 3 p.m.

Chairman: Mr. BURWIN (Libyan Arab Jamahiriya)

later: Mrs. de ARANA (Peru)

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The meeting was called to order at 3.25 p.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX)
BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 13 to 15
(continued)

Report of Sweden (continued) (E/1982/3/Add.2)

1. Mr. DANIELUS (Sweden), observing that the material listed in the annex to the report (E/1982/3/Add.2) must be considered an integral part of the report itself, said that he would group his answers to the questions raised by the members of the Working Group according to subject-matter.
2. On the subject of compulsory schooling, he said that attendance was compulsory for nine years. Public comprehensive schools covered both primary and lower secondary education. The uneven distribution of population in Sweden meant that schoolchildren in the sparsely populated northern part of the country often had to travel long distances to school. The State offset the cost of travel, however, by a system of free rides for children on public transport and special facilities such as school buses.
3. Although there were a number of special State-operated boarding schools for disabled children, the general policy of the Government was to bring disabled children - and as far as possible mentally retarded children - into the educational mainstream and allow them to follow the normal curriculum in the regular school system. Special schools tended to be reserved exclusively for severely disabled children.
4. The subject termed "religious knowledge" on the curriculum of public comprehensive schools had originally been called "Christianity" and had involved the teaching of the Bible and the prevailing Lutheran faith. It had been changed to "religious knowledge", because it now called for the teaching of all religions, not only Christianity, in a neutral and objective way like history or geography. It had been found over the years, however, that not only the parents of the Roman Catholic and Jewish pupils, who had always been exempt from religious instruction, but also the parents of other pupils had begun to request exemption. The general pattern was for an increasing number of exemptions to be granted.
5. The right to private education established in the 1962 School Act was restricted only by the requirement that educational standards should be essentially equivalent to those of public or municipal schools and the qualifications of the head teacher of an equivalent level. Authorization to operate a private school could be withdrawn on the decision of the local school board or occasionally by the Government itself. However, the only grounds for a denial of authorization were failure to meet the required educational standards. The State policy for subsidizing private schools was to grant financial assistance only to those private schools which met requirements not covered by municipal comprehensive schools, to boarding schools for the children of Swedish citizens residing abroad, to special

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schools based on experimental educational methods and to schools where education was entirely in a foreign language, such as the Estonian, French and German schools. The amount of the subsidies was determined by Parliament on a case-by-case-basis and generally met a large part of the costs incurred by private schools.

6. A wide range of options were available in upper secondary education. Vocational training formed an integral part of the general upper secondary curriculum. Outside the school system training therefore tended to be geared to certain specific trades. Generally speaking, roughly 85 per cent of children went straight from public comprehensive school to upper secondary school. Approximately 46 per cent of schoolchildren selected a syllabus with a vocational slant, while 54 per cent opted for academic studies in science, the arts and social subjects.

7. When the number of applicants exceeded the number of places available in university courses, a certain percentage of places was allocated according to grades received in school-leaving examinations and a certain percentage was filled on the basis of not only of grades but of other criteria such as practical work experience. There was also a complex system of entrance examinations in some subjects. The maximum quota for applicants from foreign schools was 10 per cent of the vacancies per subject.

8. The system of grants was guided by the fundamental principle that all students in need of financial assistance received State grants and loans, the amount was adjusted on the basis of income or assets, as distinct from the economic means of their parents. Foreign students were not eligible for such grants or loans except when they were resident in Sweden, like the children of migrant workers. Each student was entitled to one non-repayable State grant and one interest-free State loan with favourable repayment terms.

9. The children of immigrant workers had the same right of access to higher education as Swedish citizens. However, if they had attended foreign schools only, they were admitted to university on the same basis as other foreign students. In addition the cultural rights of immigrant workers and their families were protected through a wide range of activities designed to preserve their cultural identity, such as instruction in their native language, access to extensive collections of their own literature through Swedish public libraries, the publication of books and periodicals under State auspices and State support for associations of immigrants which organized their own cultural activities.

10. The indigenous ethnic minority of about 15,000 Lapps, the majority of whom spoke Swedish in addition to their own language, was free to choose between the nine-year compulsory public comprehensive schools and one of the eight State schools established specially for the Lapp population where the curriculum was the same as in ordinary schools except that the Lapp language and culture were taught. There were also a number of special colleges of higher education for the Lapp population.

11. Teachers enjoyed the same trade union rights as all other State or private employees to collective bargaining and to go on strike over issues within the terms of their contracts, such as salaries and working conditions. The majority of

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teachers were members of nation-wide unions which decided whether the strike was to be confined to certain schools, grades or districts or whether it was to be country-wide. In the past, conflicts had always been solved by negotiation.

12. Mr. MRACHKOV (Bulgaria) said that he would appreciate a more specific answer to his earlier question as to whether the relatively few private schools reflected a State policy of phasing them out or they no longer fulfilled a useful purpose in the existing educational context.

13. Mr. DANIELUS (Sweden) said that the main reason for their small number was the prohibitive fees charged by private schools, particularly since the educational standards of municipal and public schools tended to be very high. Even where private schools were State subsidized, it was difficult for them to compete with municipal schools, except for the special schools mentioned earlier such as boarding schools, foreign schools or schools offering special religious or cultural features.

14. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that if he had understood the answer to his question correctly, the 15,000 Lapps resident in Sweden received schooling in their native language.

15. Mr. DANIELUS (Sweden) confirmed that Lapps were free to choose between State schools and special Lapp schools where emphasis was placed on the teaching of the Lapp language and culture.

16. The CHAIRMAN said that, if he heard no objection, he would take it that the Working Group had concluded its consideration of the report of Sweden (E/1982/3/Add.2) concerning rights covered by articles 13 to 15.

17. Mr. Danielus (Sweden) withdrew.

Report of the United Kingdom (continued) (E/1982/3/Add.16)

18. Mr. BORCHARD (Federal Republic of Germany) said that, the criticism voiced earlier regarding the volume of the report notwithstanding, it clearly represented a commendable effort on the part of the Government of the United Kingdom to give a comprehensive picture of the dynamic process of education not only in the United Kingdom but also in the States of Jersey, Guernsey, the Isle of Man and the dependent territories. It was particularly detailed and informative regarding legal provisions for the implementation of the right to cultural life and regarding the wealth of artistic and literary activities being fostered.

19. In his introduction, the representative of the United Kingdom had referred to a target of about 80 per cent having been achieved for enrolment at publicly controlled secondary schools. Did the Government regard that target as satisfactory and what exactly was its policy with respect to comprehensive schools and its assessment of the educational standards attained?

20. As far as nursery schools were concerned, he found it difficult to understand the reasoning behind the policy of subsidizing inner city and urban nursery

(Mr. Borchard, Federal Republic of Germany)

facilities to a greater extent than those in rural areas. Were there any plans to redress the balance?

21. He would also welcome clarification regarding the statements in paragraph 27 to the effect that the conditions of service of teachers were the responsibility of local education authorities. Surely that might lead to discrepancies in standards, since normally the best qualified teachers applied for posts in schools offering the best conditions.

22. Finally, one feature of British society which was always striking to any foreigner was the diversity of accents. Did the Government of the United Kingdom have any specific policy for developing a standard pronunciation to eliminate any distinctions which might affect the employment and promotion prospects of certain classes of the population and certain regional groups?

23. Mr. BERGTHUN (Norway) congratulated the United Kingdom delegation on its Government's informative and detailed report.

24. With regard to the reference in paragraph 5 to a European Community Regulation and to a Directive, he would like to know how far co-operation with the European Community extended, through such regulations, to education and culture. In connexion with the adult education programmes referred to in paragraph 14, he asked whether all the applicants for such programmes were admitted and, if not, what selection criteria were used. In view of the statement in paragraph 27 that the conditions of service for teachers were the responsibility of local education authorities, he wondered whether there was strong competition between local authorities for the best qualified staff. It was stated in paragraph 35 that, as a result of the recent campaign, businesses in the United Kingdom were providing some \$6 million a year for the arts. He would like to know how much the Government provided for that purpose, and whether it was felt that there was any risk that through such sponsorship business circles might be taking over the direction of the arts in the United Kingdom. Lastly, he would like further details on the admission of foreign students to United Kingdom universities. He understood that the United Kingdom Government was very liberal in that respect.

25. Mr. VEITIA (Venezuela) had found the United Kingdom report very enlightening and largely in conformity with the frame of reference constituted by articles 13 to 15 of the Covenant. Regarding paragraph 28 of chapter E of the section of the report on the dependent territories, however, he said that his delegation had noted the comments made at the previous meeting and, as it did not share all the views expressed, wished to make known its reservations in that connexion.

26. Paragraph 4 of section I of the report stated that the 1980 Education Act enabled parents to express a preference as to the school they wished their children to attend, and placed a duty on local education authorities to comply with the parents' choice, except in certain specified circumstances. He would like to know what happened if the school in question would not accept the children. Regarding the decentralization of education, he would like to know in general terms whether there was any marked imbalance between the benefits extended to students in the

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metropolis and those in the dependent territories. In paragraph 1 of the chapter of the report on the States of Jersey, there was a statement to the effect that the right of all persons to take part in cultural life was enshrined in the unwritten Constitution of the Island. He would be glad of an explanation of that phrase.

27. Mr. ALLAFI (Libyan Arab Jamahiriya) asked for further details about the scholarships available from endowments and business firms referred to in paragraph 24 of section I. He wondered whether persons holding scholarships given by the private sector were subject to any special conditions and whether they were required to work for the sponsoring company after graduation.

28. He noted from paragraph 25 of the report on the Open University that although no formal academic qualifications were required in order to register, the standards of its degrees were the same as those of other universities. He asked what kind of people attended the Open University and how they were able to qualify for the same degrees.

29. Paragraph 29 referred to the inauguration of a scheme to enable pupils from "poorer families" to attend selected independent schools; he would like to know who those families were and whether they were British or non-British. There was a reference in paragraph 30, on schools run by religious faiths and the possibility of establishing such schools, to "qualifying criteria". Paragraph 31, on the other hand, said that any individual had the right to found and manage an independent school. He would welcome a further explanation.

30. Paragraph 54, on international co-operation in the field of science and culture said that it was for individual scientists and independent scientific organizations to decide on appropriate initiatives in making contact with counterpart personnel in other countries. He would like to know whether that independence was limited in any way and whether there was any government control over such contacts, particularly in view of the statement in paragraph 56 that the Government was in favour of greater freedom for scientific research and researchers and the dissemination of the findings "consistent with the needs of national security and commercial enterprise".

31. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that he had been personally associated for many years with the negotiation of cultural exchanges between his country and the United Kingdom, starting with the first such agreement in 1959. He regretted that those cultural ties were now being reduced, though not at the instigation of the Soviet Union, and wondered whether such action was not in contradiction with article 15 of the Covenant in that it limited access to foreign culture.

32. In the mid-1960s, there had been some 78,000 foreign students in the United Kingdom, a very large number in proportion to the population, and he would like to know the current figure.

33. In paragraph 19 of the report there was a reference to a possible 2 million illiterates in the United Kingdom. There was no information suggesting the existence of illiteracy in the dependent territories, however, and he wondered whether they had overtaken the United Kingdom in that respect.

(Mr. Sofinsky, USSR)

34. In March 1982, the Commission on the Status of Women had adopted a resolution appealing for an end to still corporal punishment in schools. He would like to know whether there was corporal punishment in schools in the United Kingdom and if not, how and when it had been ended.

35. Regarding the so-called public schools in the United Kingdom, he would like to know what percentage of students completing the course in those schools went on to universities and what percentage of students from other schools proceeded to universities. There was a statement in paragraph 29 of the report to the effect that some 5,000 pupils at selected public schools had received government assistance in 1981 and he asked what percentage that represented of all students in public schools. He would also like to know the fees charged at the various universities, Oxford and Cambridge and the rest, for room and board and tuition.

36. Mr. ARSOV (United Nations Educational, Scientific and Cultural Organization), introducing the report of UNESCO (E/1982/10), said that the mandate of his agency in the field of human rights had been defined in article 1 of its constituent act, in resolutions of its General Conference such as resolutions 20C/10.1 and 21C/10.1, and in resolutions of the General Assembly and the Economic and Social Council, notably, Economic and Social Council resolution 1988 (LX).

37. The report which UNESCO had submitted in accordance with Economic and Social Council resolution 1988 (LX), concerning rights covered by articles 13 to 15 of the Covenant, was the first report of UNESCO on the implementation of the provisions of the Covenant.

38. Reviewing the contents, he pointed out, in connexion with article 13, that particular attention should be given to the International Conference on the Teaching of Human Rights, Vienna, 12-16 September 1978; the conclusions and recommendations of that Conference had been included in UNESCO's regular programme.

39. An important activity of UNESCO concerning article 14 consisted of promoting international and regional co-operation for the development of education and the provision of assistance in mobilizing funds for such education in close co-operation with the World Bank, UNICEF, the World Food Programme and the regional banks. By way of illustration, reference might be made to UNESCO's co-operative programme with UNICEF. In the period 1981-1983, UNESCO would step up its co-operation with UNICEF under the programme for the development of educational services for children. It would continue to provide member States and UNICEF with advice and technical services, would assist in the identification, programming and evaluation of UNICEF-assisted projects and, in co-operation with other agencies of the United Nations system, would carry out technical studies on the education of children from deprived backgrounds.

40. The section of the report dealing with article 15 gave special consideration to three of the many normative instruments adopted by UNESCO's General Conference: the Recommendation on Participation by the People at Large in Cultural Life and Their Contribution to It, adopted by the General Conference on 26 November 1976; the Declaration on Fundamental Principles Concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of

(Mr. Arsov, UNESCO)

Human Rights and to Countering Racism, Apartheid and Incitement to War, adopted on 28 November 1978; and the Recommendation concerning the Status of the Artist, adopted on 27 October 1980.

41. The meeting was suspended at 4.50 p.m. and resumed at 5.15 p.m.

42. Mrs. de Arana (Peru) took the Chair.

Report of the United Kingdom (continued) (E/1982/3/Add.16)

43. Mr. CHATTERJIE (United Kingdom of Great Britain and Northern Ireland), replying to questions, said that the representative of Bulgaria had requested clarification of the constitutional status of the Isle of Man and the Islands of Jersey and Guernsey. Those islands were not part of the United Kingdom but were dependent territories of the British Crown and had their own legislatures, executives and judiciaries. In each case, the Lieutenant-Governor was the appointed representative of the Crown. He presided over the island parliaments and was the official channel of communication between the United Kingdom and the island governments. The United Kingdom Government was responsible only for foreign relations and external defence. The people of the islands were responsible for their own affairs and almost all domestic legislation was prepared by their legislatures. They had prepared their own reports.

44. In reply to a further question from the representative of Bulgaria, the term "higher education" employed in the report of Jersey was intended to mean post-school education, namely, advanced education at the university or similar level.

45. The representative of Venezuela had inquired regarding the nature of Jersey's "unwritten constitution". Like the United Kingdom itself, Jersey did not have a written constitution. In practice what was meant in both cases was that the constitution comprised custom, practices and jurisprudence.

46. The representatives of the Soviet Union and the Byelorussian SSR had asked for elucidation of the phrase in the report which referred to a "counter-inflation strategy". The term was intended to denote a main priority of the United Kingdom's economic policy, namely to reduce inflation in order to provide more jobs for all the people now receiving an education. The strategy applied to the whole economy; the Government, in deciding its priorities, was obliged to determine how much money to spend on all services, including education. In that sense the counter-inflation strategy related to education. It did not, however, necessarily mean that less money was being spent on education; for example, for 1982-1983 the Government had planned expenditure of £12.2 billion which represented an increase of almost 3.5 per cent over the estimated spending level during the current year. Demographic trends were also helping to ease the effects of a reduced rate of increase in spending on education as there had been a reduction in the number of people entering schools and universities as a consequence of the decline in population growth.

47. Mr. GRIFFITHS (United Kingdom of Great Britain and Northern Ireland) said that questions asked by the representatives of the Byelorussian SSR, France and Mexico called for a general explanation of the administration of education in the United Kingdom.

48. Educational responsibilities were shared in varying degrees by ministers of the four countries of Britain, namely, England, Wales, Scotland and Northern Ireland. The Secretary of State for Education and Science was responsible for all aspects of education in England, and for the Government's relations with, and support for, universities in England, Wales and Scotland. The Secretaries of State for Wales, Scotland and Northern Ireland had full educational responsibilities in their countries except that the Secretaries of State for Wales and Scotland were consulted about university education but were not responsible for it.

49. Administration of publicly-provided schools and further education was decentralized. Responsibilities were divided between the central government departments, local education authorities and various voluntary organizations. The relationship between those bodies was based on consultation and co-operation.

50. Local educational authorities were responsible for the provision of school education and most post-school education outside the universities, and provided grants to students proceeding to higher education, including universities. They employed the teachers and other staff, provided and maintained the buildings, supplied equipment and materials and decided local policy. In Scotland, the central institutions, which provided most vocational further education to degree level, and colleges of education, which provided teacher training, were administered by independent governing bodies. In Northern Ireland, colleges of education were controlled by the appropriate government department or by voluntary agencies.

51. Universities were autonomous and their governing bodies were appointed in accordance with the terms of their individual charters or statutes. The Government exercised its responsibilities in relation to the universities and provided financial help to them through the University Grants Committee.

52. Schools supported from public funds were of two main kinds, namely, county schools and voluntary schools. County schools were provided and maintained by local education authorities wholly out of public funds. Voluntary schools had mostly been established by religious denominations and received varying amounts of public finance according to type. Nearly one third of the 30,470 schools maintained by local education authorities in England and Wales were voluntary schools.

53. In England and Wales the secular curriculum in maintained schools was the responsibility of the local education authority or, in the case of secondary schools, of the schools' governors. In practice, responsibility was borne by head teachers and their staff. Inspectors of Schools were responsible to the Secretary of State for the inspection of all schools, including independent schools. They reviewed and reported on the content and value of the education provided and advised local education authorities, schools and the Government. Local education

(Mr. Griffiths, United Kingdom)

authorities also employed inspectors or advisers to guide them on maintained schools. Curriculum materials and further guidance and encouragement for school-based research and development was available to teachers through the Schools Council for Curriculum and Examinations, which was an independent body representative of all educational interests.

54. In England and Wales, by law, all children in county or voluntary schools received religious instruction and took part in a daily corporate act of worship unless their parents should choose otherwise. In Scotland, subject to safeguards for the individual conscience, religious instruction must be given, but the content was determined by education authorities and by the schools themselves. In controlled schools in Northern Ireland, clergy had a right of access which might be used for religious instruction; in voluntary schools corporate worship and religious education were controlled by the management authorities.

55. During recent years there had been a continuing debate on the content, balance and breadth of school curricula and the extent to which they met national needs. A further development in that connexion had been the appointment of an assessment and performance unit in the Department of Education and Science with a view to promoting the development of methods of assessing and monitoring the performance of children at school. The unit had conducted a number of basic studies of educational achievement in such important areas as mathematics and English; it was currently looking into performance in modern languages and science.

56. The central Government financed the needs of local authorities in the educational field through the "Rates Support Grant", which was a means of matching local taxes. In that way, the central Government financed approximately 70 per cent of the local authorities' expenditure on education. As the system involved close collaboration between local authorities and the central Government, the local authorities had their own national associations, which were highly vocal and kept up a running discussion with the central Government on all matters relating to education.

57. Turning to the specific questions put by the representative of the Soviet Union, he said that comprehensive schools were now a well-established part of the educational system and contained some 86 per cent of all pupils in the publicly-maintained sector. As that statistic showed, relatively few modern schools remained, but it could not be accepted, in any case, that they were dead-end schools. In their day they had done a good job, as those remaining still did, for pupils at less than the highest levels of ability.

58. With reference to the question about the meaning of "ethnic minorities", the term referred to immigrant populations of primarily Asian and West Indian origin, not the Scots, Irish or Welsh living in England. The term "West Indian" applied to immigrants who came from the Caribbean area and not from elsewhere. As for the question about the meaning of the term "first language", it referred to the language spoken by ethnic groups in cases where it differed from English. That did not apply to the West Indians.

(Mr. Griffiths, United Kingdom)

59. Another question, which had also been raised by the representatives of France and Venezuela, called for clarification of the statement in paragraph 4 of the report that the 1980 Education Act placed a duty on local education authorities to comply with parental preferences in choosing schools for their children, except in certain specified circumstances. Those circumstances were laid down in a circular which stated that local education authorities and school governors were relieved of their duty to meet parent's preferences in cases where admission of their children to the schools selected by them would be prejudicial to the provision of efficient education or the efficient use of resources, where it would be incompatible with arrangements between school governors and local education authorities for the admission of pupils to aided or voluntary schools, or where it would be incompatible with the procedure for admission to schools where such admission was decided on the basis of ability or aptitude.

60. In reply to the Soviet representative's question about language teaching, he said that both Welsh and Gaelic were used as either the main or second language of instruction in areas where there was sufficient demand. There were arrangements for teaching and examinations in those languages.

61. The representatives of the Union of Soviet Socialist Republics, Bulgaria and the Byelorussian Soviet Socialist Republic had asked a series of questions about adult education and the problem of illiteracy to which the report referred. In reply to the question about adult education in rural areas, he could confirm that the needs were being met, although with greater difficulty than in urban areas. The training had as its first priority the development of abilities needed to obtain and keep jobs. With regard to the campaign to help adult illiterates mentioned in paragraph 19 of the report, the term illiterate was used for convenience and did not mean that those concerned were unable to read. The adult literacy campaign had shown that many people's freedom of action and choice was limited by lack of basic knowledge. Such people needed help with the more difficult aspects of writing and spelling and also with mathematical and general educational skills. Many were seeking guidance in coping with work, family and social situations. The unofficial estimate in 1974 that there were 2 million adults in need of help related to that wider field. Adult education was intended not only to be remedial or to provide special skills, but also to help those who were seeking simply to develop their personalities and abilities as a matter of self-fulfilment. Local authorities provided the greater part of the funds for the evening and part-time education classes involved.

62. In reply to the Soviet and Byelorussian representatives' questioning of the statement in paragraph 21 of the report that the provisions of article 13, paragraph 2 (a), (b), (c) and (e) were already well met before the Covenant came into force and that there had been no specific developments since 1976, he said that those provisions of the Covenant had in fact been fulfilled both before and since it came into force.

63. In reply to the question from the representative of France about post-school education, he pointed out that there were some 852,000 students taking full-time and sandwich courses, of whom almost 300,000 were at universities, 220,000 attended advanced courses at polytechnics and colleges of further and higher education and

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over 332,000 were taking non-advanced courses. In addition there were some 3.6 million part-time students, of whom over 640,000 were released by their employers for part-time study during working hours.

64. The representative of France had also asked the meaning of the statement in paragraph 22 of the report that parents had a duty to ensure that their children received full-time education either by regular attendance at school or otherwise. It was open to parents to fulfil their duty under the Education Act of 1944 by providing efficient full-time education otherwise than at school; but that option did not give them a free hand, since they had to present their proposed curriculum to the local education authority for approval.

65. In reply to the question from the representative of France about future prospects in the field of full-time higher education, it should be noted that statistical examination of the participation rates was difficult because the trends had been distorted by a number of structural changes in recent years, in particular by the phasing out of many teacher training colleges which accepted students with lower qualifications than those required for university entrance. The current aim was to have an all-graduate teaching profession. When the statistics were adjusted to allow for the structural changes, they would no longer show a sharp decline in participation in higher education.

66. On the contrary, the statistics showed a marked trend towards an increase in the number of mature entrants to higher education throughout the last decade. It was also worth noting that rates for participation by women in higher education had risen while those for men remained constant, although there were still noticeably fewer women than men. As for future prospects, it had already been noted that current economic and financial constraints were affecting education. On the other hand, demographic factors were helping to reduce the impact of those constraints. In a few years' time, the demographic factors which were already affecting schools would also start to affect the higher education sector. So, although there would probably be certain reductions in the provision of higher education, they would be offset by the decline in demand.

The meeting rose at 6.10 p.m.