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COMMISSION ON HUMAN RIGHTS
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PERIODIC REPORTS ON HUMAN RIGHTS

Reports on economic, social and cultural rights, for the period
1 July 1969-30 June 1973, received from specialized agencies
under Economic and Social Council resolution 1074 C (XXXIX)

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WORLD METEOROLOGICAL ORGANIZATION

/22 February 1974/

1. It has been duly noted that the report is required to be presented under the headings prepared by the United Nations Secretariat in accordance with paragraph 4 of resolution 16 B (XXIII) of the Commission on Human Rights. WMO has no specific information to provide under those headings since they are not relevant to its activities which relate solely to scientific and technical matters in the field of meteorology. Some information of a general nature, is however given below:

2. United Nations resolutions on human rights and racial discrimination containing requests addressed to the specialized agencies and referred to WMO are brought to the attention of the Congress of the Organization. This body meets on a four-yearly basis, the last Congress being held in 1971. The relevant extract from the report of the 1971 session of Congress is reproduced below:

5.3.11 Congress categorically condemned the policies of racial discrimination and colonial domination as practised by the Governments of South Africa and Portugal in Africa. It was pointed out that inhuman practices amounted not only to a denial of the dignity, worth and fundamental human rights of the indigenous people of South Africa and Portuguese colonial territories in Africa, but also to an oppressive rule of a minority over the majority.

5.3.12 Congress therefore noted with concern that the discriminatory and colonial policies practised by the Governments of South Africa and Portugal were not conducive to promoting the technical and scientific collaboration necessary to the fulfilment of the objectives of WMO and that it was necessary to bring this to the attention of the countries concerned.

5.3.13 It is the view of Congress that the countries concerned should take urgent measures to change these discriminatory and colonial policies in the interests of the Organization.

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UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

/4 April 1974/

I. Concise introductory description of general policies of economic and social development which have contributed in a significant manner during the period from 1 July 1969 to 30 June 1973 to ensuring the recognition, realization and protection of economic, social and cultural rights

(a) The problem of the implementation of the provisions of the Universal Declaration of Human Rights has been discussed under one form or other at all the meetings of UNESCO's General Conference.

It should be noted that the entire UNESCO programme is concerned with the implementation of key social, economic and cultural rights: the right to education, the right to culture, the right to information, the effect of social structure on the access to human rights and the definition of human rights, the meaning of the rights themselves and the philosophical foundation of human rights.

(b) Within this general framework some problem areas merit special attention, e.g. racism, colonialism, apartheid, the rights of women.

II. Influence of United Nations instruments containing principles and norms for the recognition, realization and protection of economic, social and cultural rights and, in particular, measures adopted to implement such instruments during the period from 1 July 1969 to 30 June 1973.

(a) It should be noted, that this heading is difficult if not impossible to reply to. The influence of United Nations instruments is not easy to assess. They never work in a vacuum but work together with other pressures: social, economic and political. Even the ratification of the United Nations conventions is not necessarily the same as implementation. This ratification may be done for all sorts of reasons. It is particularly difficult to assess "progress" in any single social field. In fact the indications are that the principle of equality and at least some redistribution of the internal economic and social cake remains as unrealized in 1974 as it was in 1969. At the same time, social expectations are growing particularly among the most underprivileged sectors of the community. It should be underlined that there are two major problems: (i) the imbalance of wealth as between States, (ii) the distribution of wealth within States.

(b) The Convention and Recommendation against Discrimination in Education (1960)

These two international standards - setting instruments for the promotion of human rights in education - were adopted on 14 December 1960 by the General Conference at its eleventh session.

Initial special reports of Member States (Doc. 12 C/11) on action taken by

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them upon the Convention and upon the Recommendation were submitted to the General Conference at its twelfth session in 1962. Subsequently, periodic reports of Member States on the implementation of the Convention and the Recommendation have been examined on several occasions by the special committee of the Executive Board on Conventions and Recommendations in Education. Analyses of these reports, the latest one of which was prepared in 1972, are embodied in documents 14 C/29, 14 C/29 Add.I, II, III, V and VI, 15 C/10, 15 C/10 Add., 15 C/11 and 17 C/15.

As at 30 June 1973, instruments of ratification or acceptance of, or accession to, the Convention had been deposited with the Director-General on behalf of 60 States. Instruments were deposited within the present reporting period on behalf of Chile, Cyprus, Finland, Libya, Luxembourg, Mauritius, Nigeria, Spain, Swaziland and Tunisia.

- (c) 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 Education (1962)

The Protocol which was adopted on 10 December 1962 by the General Conference at its twelfth session entered into force on 24 October 1968. As at 30 June 1973, it had been ratified, accepted or acceded to by 21 States.

At its sixteenth session, the General Conference elected the 11 members of the Commission which held its first meeting on 1-3 February 1971 to elect its Chairman and Vice-Chairman and also to draft its rules of procedure.

- (d) Convention on the Means of Prohibiting and Preventing the Illicit Import Export and Transfer of Ownership of Cultural Property (1970)

This instrument whose objective is implicit in its title was adopted on 14 November 1970 by the General Conference at its sixteenth session. As at the end of the period covered by the present report, instruments of ratification or acceptance of, or accession to, the Convention had been deposited with the Director-General on behalf of Argentina, Brazil, Bulgaria, Cameroon, Central African Republic, Dominican Republic, Ecuador, Egypt, Iraq, Khmer Republic, Kuwait, Libya, Mexico, Niger, Nigeria and Yugoslavia.

- (e) Convention concerning the protection of the world cultural and natural heritage (1972) and the Recommendation concerning the protection, at national level, of the cultural and natural heritage (1972)

The above-mentioned instruments were adopted on 16 November 1972 by the seventeenth session of the General Conference. By 30 June 1973, no State had ratified, accepted or acceded to the Convention.

(f) Formulation of new international standards

In compliance with the terms of resolution 3.411 adopted by the General Conference at its seventeenth session in 1972, the Director-General has been studying technical, legal and administrative aspects of:

- (i) The exchange of original object and specimens among institutions in different countries;
- (ii) The preservation of historic quarters and historic cities within modern environment;
- (iii) Action to ensure that the people at large have free, democratic access to culture and participate actively in the cultural life of society.

The studies will be submitted to the General Conference at its eighteenth session for decision as to whether the questions should be regulated at the international level.

III. Significant developments during the period from 1 July 1969 to 30 June 1973 with regard to the recognition, realization and protection of economic, social and cultural rights, referring where appropriate to constitutional provisions, legislative measures and administrative regulations and procedures enacted and court decisions rendered

This is at least as difficult to assess as (II). I would include as significant developments (a) the pressure exerted by minority groups which has resulted in a recognition of the diversity of cultures, the problem of political centralization, differential access to education etc., (b) the increase in prices of primary products which has added a new dimension to the problem of development, (c) the questioning of means and ends in liberal democratic States, (d) the growing disillusionment in Human Rights with increasing repression in some States and with an opting out of certain sections of populations, (e) the growing dialogue on peace, the meaning of peace and the structural requirements for peace.

D. The right to the enjoyment of the highest attainable standard of physical and mental health

D.1. The reduction of the still-birth rate and of infant mortality and for the healthy development of the child

From 1968 to 1972 the Department of Social Sciences provided a social anthropologist for the project "the access of women to education in Upper Volta". Although the project was primarily concerned with functional literacy one by-product was the reduction of the still-birth rate in three villages by the introduction of simple hygienic techniques via the local tradition of delivering births. Cotton co-operatives were also introduced via the "help" tradition among Mossi women in Upper Volta.

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D.2. The improvement of all aspects of environmental and industrial hygiene

UNESCO will help the International Association of Legal Science organize a symposium, to be held in Mexico in 1974, on the developing countries' problems in promulgating and implementing environmental law.

Furthermore, future research plans include environmental law (project 18 C/5) in three regions of the world, dealing in particular with the role of legislation in the protection and improvement of the environment.

F. The right to education

F.1. Right to free primary education

The second consultation of Member States on the implementation of the Convention and Recommendation against discrimination in education was carried out during 1971 and 1972 and provided the Secretariat with reports from 55 Member States, 41 of which were received in time to be analysed by the Executive Board's Committee on conventions and recommendations in education. As regards the implementation of the right to free primary education, 32 of the 41 Member States who submitted their report in time have already instituted de jure free and compulsory primary education.

The effective implementation of such legislation is, however, differently applied. Thus, the Republic of Korea and the Solomon Islands reported that primary education was not yet absolutely free whilst in Nigeria it was said to be free in certain parts of the country. In India, the first five years are free - a period which corresponds more or less to the elementary course. In Hong Kong, poor children are allowed a reduction of 20 per cent on their school fees and the intention was to abolish fees altogether in 1971. On the other hand, in countries or territories which reported that primary education is free (Cyprus, Czechoslovakia, France, Italy, Japan, Senegal, Seychelles, USSR) school textbooks are also distributed to pupils and additional free facilities are sometimes provided, such as transportation, clothing, meals and accommodation.

F.2. Right to equal access to higher education on the basis of capacity or merit, including technical, vocational and professional education

The same periodic consultation of Member States requested information on means taken to make higher education accessible to all on the basis of individual capacity. However, the reports received from Member States are not always detailed on the subject. Thus, certain countries observed merely that such education is accessible to all, or to all who possess the necessary qualifications. In eight countries (Argentina, Belgium, France, Italy, Senegal, Sri Lanka, Syrian Arab Republic and Uruguay), all students who have completed the secondary school course or have obtained the school-leaving certificates have access to higher education.

Italy, however, states that a further course of preparation is required in the case of certain subjects, Syrian Arab Republic, that students must obtain the mark required by the various faculties and Belgium, that it is more difficult to enter higher education from technical or vocational schools, since the subjects taught in them are quite different. Argentina states that at the University of Buenos Aires a special examination eliminates up to 60 per cent of candidates. Uruguay considers that access to higher education should depend on both specific aptitude and the economic needs of the country. In France, those who have not obtained their baccalauréat are allowed to sit for an entrance examination after five years in employment, and a law passed in 1968 provided that workers who have not obtained their baccalauréat are entitled to attend evening classes.

It appears that the provision of different forms of secondary education in a number of States and the new procedure to facilitate transfer from one type of secondary school course to another help indirectly to broaden access to higher education. Switzerland points out, however, that owing to the number of students taking technical and vocational training courses, only 6 per cent of students who have completed the secondary school course go on to a university.

In the case of the Federal Republic of Germany and Senegal, candidates who have not obtained their school-leaving certificate have to pass an entrance examination or a special aptitude test. Senegal adds that, among those with the required certificates, it is often only the higher education scholarship holders who are able to enter university. The Government comes to the assistance of the others by providing facilities for them to continue their studies at the Centre des oeuvres universitaires. Australia states that, contrary to what was said in its first periodical report (ref. UNESCO 15 C/11, para. 570), higher education can no longer be provided for all who have the required qualifications, despite the increased number of universities which, in nearly every case, apply a quota system.

Access can also be obtained through competitive examination. This system operates in eight States (Bulgaria, Byelorussian SSR, Lebanon, Poland, Romania, Turkey, Ukrainian SSR, USSR). It should be noted that Romanian students are permitted to express themselves in the language of their ethnic minority in the case of subjects taught in that language, and that in Poland the children of workers and peasants are awarded five extra marks at the examination. Both in Australia and the Federal Republic of Germany, student intake is restricted by a numerus clausus in the case of certain subjects. While in Germany measures are being considered to accelerate the building of new institutions, in Australia a wide variety of non-university institutions provide opportunities for third-level studies. In the Republic of Korea, candidates are also required to take an entrance examination, except in art subjects and physical education. The quota system operating in this country, coupled with the unfavourable economic situation and the persistence of traditions, can mean that qualified students from technical or vocational training colleges are refused admission to university. Lebanon draws attention to de facto discrimination due to the fees charged by private universities and to the limited number of specialized courses, as well as to the system of selection by competitive examination.

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Reports from five States (Denmark, Hungary, Malta, New Zealand (Guernsey)) indicate that access to higher education depends on the pupil's intellectual abilities. Turkey states that their abilities are revealed at the entrance examination, but that the country's needs are also taken into consideration. Poland also states that both students' abilities and national needs are taken into consideration, as the number seeking admission exceeds the number of vacancies. Four countries (Australia, Canada, Federal Republic of Germany, India) announce the establishment of new higher institutions, while two others (Byelorussian SSR and Norway) say that new educational opportunities at this level are being provided in the rural districts, and the number of students is rising. Four countries (Hungary, Italy, Lebanon, Sri Lanka) state that foreigners have the same opportunities of admission to higher education as nationals; one of them (Italy) mentions equivalence of qualifications as a condition.

In order to make higher education accessible to all, it is necessary to test the abilities of prospective students and also to provide them with the means of subsistence for several years of study. The great majority of states and dependent territories of Member States have made every effort to do this. In the first place, 10 states (Byelorussian SSR, Czechoslovakia, Arab Republic of Egypt, Malta, Norway, Sri Lanka, Syrian Arab Republic, Ukrainian SSR, Uruguay, Venezuela) say that instruction is free of charge. Under another heading, the USSR states that education is free everywhere in its territory; Malta says that instruction in teacher-training schools and at the Malta College of Arts, Sciences and Technology is free, and Venezuela that, according to the law, free education can be withheld in cases where a student's family possesses private means. Although education is free, the above countries - as also the majority of those that replied to this part of the questionnaire - make arrangements for the systematic provision of aid to students, either in money or in kind. Such aid is granted in accordance with fixed criteria based on the student's ability to pursue university studies and on his examination results and on the economic resources of the student's family and also, sometimes, on the distance he lives from his place of study.

Replies received from 35 States indicate that various forms of financial aid are provided - scholarships, loans, allowances of different kinds - or aid in numerous other forms which may sometimes be cumulative. Such forms of aid, which are usually provided for in the Constitution or by legislation, are granted by the State, but students can also obtain help in the form of scholarships or other advantages from private bodies which, in certain cases, receive government support. Aid is usually provided for students at universities and technical or vocational institutes and students attending teacher-training colleges. Such aid may be merely a matter of exemption from enrolment fees or it may take the form of scholarships covering the whole or a student's expenses. It may also be subject to selection, usually based on merit or needs or, it may be available to all students or all who are nationals of the country. In some countries, foreign students are entitled to receive aid under certain conditions.

The reports from several States contain interesting particulars on the forms of aid supplied to students and often refer legislative or administrative provisions. Australia gives 50 per cent as the number of students who receive aid.

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Cyprus mentions the establishment, in 1971, of a public foundation to provide scholarships for able, but needy students. A third country (Syrian Arab Republic) states that, in addition to various forms of financial aid, prizes are awarded to outstanding students. In the United States, a programme of special services was organized in 1970 to assist numerous handicapped or underprivileged students of that country. In 1968, with a view to bringing about equality of opportunity, another country (Argentina) established a "National Educational Loan Institute" which enables a much larger number of scholarships to be awarded. Argentina also mentions that health and student welfare services are available, as well as low-priced hostels and restaurants. Still another country (Republic of Korea) reports that in 1971, under the auspices of the Ministry of Education, the "Korean Scholarship Foundation" was set up, which, by 1975, will enable scholarships to be awarded to five times more students than in 1971. In 1969 one dependent territory of a Member State (Hong Kong) established a government aid plan to help needy students in two local universities. The same State reports that any resident of the country (United Kingdom (Scotland)) undertaking third-level studies is entitled to receive financial aid; while in another territory of the same state (Guernsey) and in four of its dependent territories (Seychelles, Solomon Islands, Turks and Caicos Islands, Virgin Islands), which have no provision for higher education, financial aid is granted to pupils who are considered capable of continuing their studies abroad, one of the latter territories (Solomon Islands) observing that in 1970 the number of such grants was ten times greater than in 1966.

Eight other States (Bulgaria, Byelorussian SSR, Arab Republic of Egypt, Nigeria, Poland, Romania, Senegal, Ukrainian SSR) supply information on other forms of aid for students. In addition to various allowances, they are assisted by the provision of hostels, cheap meals, free medical care and transport. Three of the above States (Bulgaria, Byelorussian SSR, Poland) state that workers have paid leave when sitting for examinations and also if they are taking correspondence courses. In another State (Nigeria), local commercial and industrial firms are urged to offer students work during the holidays. One State (Romania) says that students whose results are exceptional may be awarded scholarships, the amount of which is not affected by their family circumstances. In one country (Iraq), a number of measures to provide aid which are designed to foster the expansion of higher education are incorporated in the national development plan at present being implemented.

F.3. Right of parents to choose the kind of education that shall be given to their children

The right of parents to choose the kind of education for their children is closely linked to the tolerance, by a State, of private schools. A question relating to such educational establishments was put to Member States for the second consultation on the implementation of the Convention and Recommendation against discrimination in education. Although the questionnaire only referred to the standards laid down or approved for such schools with respect to the education provided in them, the replies received in many cases went further than this and gave particulars relating to the establishment of such institutions, their legal status and the conditions for admission to them.

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Twenty-nine States (Argentina, Australia, Belgium, Canada, Sri Lanka, Cyprus, Denmark, Arab Republic of Egypt, France, Federal Republic of Germany, Iraq, Japan, Republic of Korea, Lebanon, Malta, Netherlands (Antilles), New Zealand, Nigeria, Norway, Panama, Senegal, Switzerland, Syrian Arab Republic, Turkey, United Kingdom (Scotland, Guernsey), Gibraltar, Gilbert and Ellice Islands, Hong Kong, Seychelles, Solomon Islands, Virgin Islands, United States of America, Uruguay, Venezuela, Zambia) replied that private schools exist in their countries. One State (Hungary), while observing that there are no private schools in the country, adds, however, that the churches are permitted to maintain a prescribed number of confessional schools. Another State (Poland), under an education law of 1961, authorizes the existence of non-governmental educational and social welfare institutions. Five other States (Byelorussian SSR, Czechoslovakia, Romania, Ukrainian SSR, USSR) replied that there are no private schools in their countries, one of them stating that all such schools were abolished in 1944. In the countries where there are such schools, their purpose often seems to be to supplement the educational facilities provided by the public authorities, and not to exclude a particular social group. Some States mention this specifically, or recognize the social service rendered to the country by private schools. There is no doubt the meaning which should be attached to the reply made by Venezuela, where provision is made under the Constitution for the promotion and protection of such schools. Three other States report that private schools represent between 13 and 15 per cent of the whole school system (Panama, Senegal) and that these schools cater for nearly twice as many pupils as are enrolled in the public schools (Lebanon). In the Republic of Korea, private universities are twice as numerous as public higher education institutions.

Another State (Cyprus) mentions that private schools serving the interests of a particular section of the population have almost doubled in number since 1966 and have since then quadrupled their enrolment figures despite the fact that they receive no state subsidy.

Lebanon adds that because of the high fees charged by such schools only the well-to-do classes of the population can attend them; another State (United States of America) reports a development of private education with the intention of excluding certain sections of the population. On the other hand, two States report either that subsidized private schools are required to reserve places for holders of a State scholarship (which is the case in Panama), or that such schools are not permitted to discriminate with regard to the admission of pupils.

Private schools provide education at the primary level in Turkey, there are also pre-primary private schools), often at the secondary level, and in some cases even at the higher level.

Private schools may serve the interest of special linguistic groups and sometimes they are confessional in nature. Senegal reports, however, that the Catholic schools in the country also admit non-Catholic children, as religious instruction is not compulsory under the country's secular education system.

G. The right to participate freely in cultural life

G.1. Right to take part in cultural life and to enjoy the benefits of scientific progress and its applications

The Intergovernmental Conference on Institutional, Administrative and Financial Aspects of Cultural Policies (Venice, August 1970) stated: "If everyone, as an essential part of his dignity as a man, has the right to share in the cultural heritage and cultural activities of the community ... - it follows that the authorities responsible for these communities have a duty, so far as their resources permit, to provide him with the means for such participation." On that basis, and recognizing that, in order to safeguard the right of individuals and peoples to culture and to confront present threats to culture, Governments have a duty to establish clear and consistent cultural policies, the Conference made a series of recommendations to the member States of UNESCO.

In particular, it recommended that UNESCO should "seek ways and means of helping Member States to ensure the protection of indigenous cultures against harmful external influences" (resolution No. 4); "encourage studies that will make it possible to devise strategies for cultural action adapted to the needs of individuals and nations ..." (resolution No. 18).

UNESCO's cultural development programme has since 1971-1972 been based on the recommendations of that conference and, since 1973, on those of the Intergovernmental Conference on Cultural Policies in Europe (Helsinki, June 1972).

The Helsinki Conference unanimously reaffirmed the need to promote cultural development as a factor of integral development and a corollary of the human right to culture, recognized as a basic dimension of human life, a universal need and no longer the privilege of an élite. These concepts, earlier affirmed at Venice, were explored in detail and the conditions for and methods of applying them determined in the context of European socio-cultural, economic and political circumstances. The Conference stressed the need for continually broadening access to and participation in cultural activities by all social classes and recommended (rec. No. 2) that UNESCO should: "when carrying out research on questions of cultural policy, pay special attention to study of the problems involved in giving working people access to culture and bringing them to participate more actively in the cultural life of society - in particular those raised by the effect exercised by various cultural factors on forming and developing man's intellectual universe, the spiritual requirements of the various sections of the population, the rational use of working people's free time for the pursuit of cultural and educational activities, etc.;" and "make provision, in its future programme, for the elaboration of a draft international instrument to ensure the general public free and democratic access to culture and enable them to take an active part in the cultural life of society". (see also chapter II, section (f)).

In 1968 the Department of Social Sciences held a meeting of experts on cultural rights as human rights. 1/ In 1971 a follow-up meeting was held on the

1/ UNESCO, Paris, July 1968.

influence of colonialism on the artist, his milieu and his public in developing countries. 2/ In addition the Department commissioned a series of studies on the access to élite culture. A case study was done at the Centre for Contemporary Cultural Studies, University of Birmingham, on the working class culture around the Double Zero Club.

G.2. Right to the protection of the moral and material interests arising out of scientific, literary or artistic work

During the period under review (1 July 1969-30 June 1973), UNESCO has carried out many activities relating to article 27 (2) of the Universal Declaration of Human Rights. These undertakings fall generally into the following categories:

Implementation and development of conventions relating to copyright and neighbouring rights

(i) Universal Copyright Convention

An International Conference of States was held at UNESCO headquarters in Paris, from 5 to 24 July 1971, to revise the Universal Copyright Convention (UCC) adopted at Geneva in 1952. The purpose of this revision, which was closely co-ordinated with a concurrent revision of the International Convention for the Protection of Literary and Artistic Works (the Berne Convention), was to extend the basic rights ensuring the author's economic interests, including the exclusive rights to authorize reproduction, public performance and broadcasting, and to make limited compulsory licensing systems available for the benefit of developing countries with respect to translations and reproductions.

The idea of a revision of the UCC was first formulated in 1966, during the fourteenth session of the General Conference of UNESCO. Without going into details concerning the preparatory work which preceded the revision conference, mention should be made of the International Copyright Joint Study Group held at Washington from 29 September to 3 October 1969. After an exchange of views concerning the entire situation of international relations in the field of copyright, the Study Group adopted a text known as the "Washington Recommendation" which provided, inter alia, that the Universal Copyright Convention and the Berne Convention should be revised simultaneously at conferences to be held in the same place at the same time so as to ensure that certain specific changes would be made in the texts of both Conventions.

After expressing the opinion that the preparation of the revision of the Universal Copyright Convention should be made in accordance with the considerations set forth in the "Washington Recommendation" and the provisions contained in it, the Intergovernmental Copyright Committee of the UCC at its tenth ordinary session (15-19 December 1969) set up an Ad Hoc Preparatory Committee, which met at UNESCO

2/ Dar es Salaam, Tanzania, July 1971.

headquarters in Paris from 11 to 15 May 1970, to prepare a preliminary draft of proposals for the revision of the convention. During its second extraordinary session held at UNESCO headquarters in Paris from 2 to 11 September 1970, the Intergovernmental Committee clarified the proposals for revision drawn up by the Ad Hoc Preparatory Committee. The General Conference of UNESCO at its sixteenth session, after taking note of the state of preparations for the revision of the Universal Convention, authorized the Director-General "to take the appropriate steps in preparation for the conference which is to revise the Universal Copyright Convention".

The revised Universal Convention adopted by the diplomatic conference on 24 July 1971 was opened for signature to States party to the 1952 Convention on that date, together with its two annexed Protocols on the Protection of works of certain International Organizations and the Protection of works of Stateless persons and refugees. The revised Universal Convention will enter into force three months after the deposit of 12 instruments of ratification, acceptance or accession. As of 1 January 1974, 10 States had ratified or acceded to the revised Convention.

The adoption of the Paris texts of the Universal and Berne Conventions revived interest in the development of one or more model laws on copyright for developing countries. Although at the outset of the current programme the view had been expressed that separate model laws should be prepared for French-speaking and English-speaking developing countries, some African experts at the World Intellectual Property Organization's (WIPO) African Seminar on Intellectual Property, held in Nairobi in October 1972, expressed the wish that WIPO and UNESCO jointly prepare a single draft for both English-speaking and French-speaking African countries. The General Conference of UNESCO, at its seventeenth session also favoured the approach of a single draft without regard to the languages of the countries concerned. Under these circumstances the International Bureau of WIPO co-operated in the preparation, by the Secretariat of UNESCO, of the preliminary draft of such a single text, taking into account various earlier drafts of model laws. At the beginning of 1973, the Secretariat of UNESCO and the International Bureau of WIPO submitted the preliminary draft model law for comments to the Governments of the member States of UNESCO and of the Berne Union, to interested international non-governmental organizations and to a working group of African consultants. The latter met in Geneva from 19 to 21 March 1973.

(ii) International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (the Rome Convention)

The third ordinary session of the Intergovernmental Committee of the Rome Convention (Geneva, 1-2 November 1971) approved the idea, put forward at its preceding session, of the preparation of a draft model law to facilitate the application of the Rome Convention or accession to it. For this purpose it decided that its Secretariat should prepare a text, in consultation with a limited number of experts, that the said text should be sent for comments to the States party to the Rome Convention and to the interested international

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non-governmental organizations and that the Committee should, at its next session, consider the text and any comments received.

A progress report on the preparation of the draft model law was included on the agenda of an extraordinary session of the Intergovernmental Committee held in Geneva on 21 and 22 September 1972. As stated in the report of the extraordinary session (ILO/UNESCO/WIPO/ICR/1972 EX/6): "The Committee recognized the difficulties involved in the preparation of the draft model law but considered that the attempt should continue to be made to provide as simple a text as possible, where necessary taking into account differing legal traditions, and presenting such alternatives as appear necessary ..." A preliminary draft of a model law relating to the Rome Convention was prepared by UNESCO, which solicited comments on its text from various international non-governmental organizations as a guide for the next stage in the drafting.

(iii) Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms

The attention of the Ad Hoc Preparatory Committee, set up for the revision of the Universal Convention and the Berne Convention, which met in May 1970, was drawn to the necessity of studying the steps that should be taken to prohibit the production and the importation of unauthorized recordings. Subsequently, the Intergovernmental Copyright Committee and the Permanent Committee of the Berne Union, at their sessions held in September 1970, expressed their concern at the widespread and increasing piracy of phonograms and at the damage which this occasions to the interests of authors, performers and producers of phonograms. The two Committees expressed the wish that the Directors-General of UNESCO and WIPO should convene a Committee of Governmental Experts for the purpose of preparing a draft international instrument to protect producers of phonograms against the unauthorized reproduction of their phonograms. The convening of these experts was approved by the competent organs of UNESCO and WIPO, and a Committee of Governmental Experts on the Protection of Phonograms met from 1-5 March 1971. At the close of its work, the Committee adopted a draft Convention for the Protection of Producers of Phonograms against Unauthorized Duplicates which served as a basis for discussion at the International Conference of States convened jointly by UNESCO and WIPO at Geneva from 18 to 29 October 1971. The Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms adopted by the Conference on 29 October 1971, entered into force on 18 April 1973.

(iv) Proposed Convention relating to the distribution of programme-carrying signals transmitted by satellite

Following decisions taken by the General Conference of UNESCO and the Permanent Committee of the Berne Union, the Directors-General of UNESCO and WIPO convened a committee of governmental experts in Lausanne (Switzerland) from 21 to 30 April 1971. The object of the meeting was to study problems raised by transmissions by satellites in the field of copyright and of the protection of performers, producers of phonograms and broadcasting organizations, and in

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particular to specify whether the protection of television signals transmitted by communications satellites would require modification of existing conventions or the preparation of a new international instrument.

After hearing arguments for and against various approaches, the Committee proceeded to draw up the draft text of a new convention on the subject, but concluded that the matter was not yet ripe for a diplomatic conference. It therefore expressed the wish "that the committee of experts be convened at least once more to attempt to achieve a greater degree of reconciliation between the positions both of governments and of the interested circles".

The second committee of governmental experts was convened at UNESCO headquarters in Paris from 9 to 17 May 1972 by the Directors-General of UNESCO and WIPO. Following a general discussion that closely paralleled that at Lausanne, most of the delegations, including those that would rather have settled the matter in the context of the Rome Convention, declared their readiness to co-operate in drawing up an independent new treaty. It was understood that, were any such new treaty adopted, it should not prejudice wider acceptance of the Rome Convention.

After an article-by-article review of the draft convention prepared by the first committee of experts, the second committee prepared a new draft which incorporated a number of major revisions. The most notable changes involved the nature of the obligations to be undertaken by Contracting States, and protection of the interests of authors and performers. At the close of its discussions, the Committee adopted a resolution recommending that, after the secretariat of UNESCO and WIPO had prepared explanatory notes on the draft convention and the Governments and interested organizations had made their comments, a third Committee of Governmental Experts should be convened in 1973.

Extension of the protection of intellectual rights to new categories of beneficiaries and in the light of new communications techniques

(i) Translators

UNESCO has carried out studies relating to the legal rights of translators and the practical implementation of translators' rights under national laws and regulations. A committee of experts met in September 1968 to examine the legal and practical position of translators in the light of these studies and to put forward recommendations to improve the status of this category of intellectual workers. The recommendations adopted following these deliberations involve associating the translator as far as possible with the results deriving from the use made of the work, and recognizing and safeguarding his moral rights, and establishing standard contracts between translators and publishers or other users.

By a letter dated 10 April 1969, the Director-General of UNESCO transmitted the report and recommendations of the Committee of Experts to Member States, inviting them to put forward their own observations and in particular to indicate

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whether they wished the General Conference to adopt international regulations on the subject. The results of the report and inquiry were put before the eighty-ninth session of the Executive Board (July 1972) and the seventeenth session of the General Conference. The latter, in resolution 5.141, decided to defer consideration of the advisability of adopting an international instrument on the protection of translators to its eighteenth session, and in the meantime invited the Director-General to prepare and submit a report on the desirability of such an instrument and its possible scope and manner of approach.

(ii) Photographic reproduction

The expanding use and rapid development of modern means of photographic reproduction in libraries, documentation centres and scientific institutions raise major questions relating to copyright. The crux of the problem is to reconcile the need for the widest possible dissemination of works the rules laid down by national legislation on literary and artistic property, the interest of the public and the interest of authors and publishers. The Intergovernmental Copyright Committee and the Executive Committee of the Berne Union, at their joint meetings in 1971, respectively adopted identical resolutions (resolution 62 (XI)) stating inter alia that, although they considered that the question of the photographic reproduction of copyright works should be regulated at the international level by a recommendation, they were of the opinion that the matter was not yet ripe for international regulation and that it should be further studied by the secretariats of UNESCO and WIPO with the assistance of experts from developed and developing countries for the purpose of formulating proposals on this subject in the first half of 1973. They further expressed the wish that the said proposals should be referred to them at their joint meetings in 1973.

In pursuance of these resolutions, and also of resolution 5.151 adopted by the General Conference of UNESCO at its seventeenth session in 1972, a Working Group met, under the joint auspices of UNESCO and WIPO, at UNESCO headquarters, Paris, 2-4 May 1973. The Working Group was composed of delegates of international organizations representing on the one hand, authors and publishers, and on the other, the users of reprographic equipment. In addition, four specialists in reprographic problems, including three specialists from developing countries, were attached to the secretariat of the meeting as consultants. Following its discussions, the Working Group adopted a number of recommendations. By way of conclusion to these recommendations, the Working Group recorded the opinion that "an international instrument in the form of a recommendation to the States, on the lines indicated above /by the Working Group/ /was/ ... feasible and desirable".

(iii) Computers

The copyright problems arising from the development of computer technology are multiple and varied. Questions such as whether the programmes which control or condition computers are protected by copyright and whether a computer can play a part in the creation of a work, have been the object of legislative and judicial action in many countries, and have been discussed in numerous articles.

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A study of one aspect of this subject, i.e., the copyright problems which arise from the storage of protected works in, and their retrieval from, a computer, was commissioned by UNESCO and WIPO, for submission to the joint meeting of the Intergovernmental Copyright Committee of the Universal Copyright Convention and the Executive Committee of the Berne Union (B/EC/ES/4-IGC/XI/6, 4 October 1971). The author of the study, Prof. Eugen Ulmer, emphasized that, in his opinion, "the essential question so far as copyright was concerned, was whether the owners of copyright could exercise control at the point of input into a computer system, or only at the output stage, and to what extent the international conventions regulated this question" (IGC/XI/14, Paris, 14 January 1972, p. 5).

International Copyright Information Centre

Access to protected works is an essential factor in development. This was agreed at the various regional meetings of experts organized by UNESCO in implementation of a long-term plan to help developing countries to increase their publishing and broadcasting activities at the national level. In all instances, it was apparent that the difficulty in obtaining the necessary authorization to publish locally is one of the main reasons for the serious shortage of books. One of the other factors holding back the internal production of books is the need to pay royalties in order to reprint, translate or adapt foreign works. Payment is all the more difficult, because it must be made in foreign currency.

The General Conference had already shown its concern in this respect at its fifteenth session when it adopted a resolution seeking to facilitate access to protected works (15C/Resolution 5.121). The question was further examined in Washington in 1969 by the International Copyright Joint Study Group which recommended that UNESCO "establish as soon as possible an international copyright information centre".

In pursuance of this recommendation, the General Conference authorized the Director-General by resolution 4.122, adopted at its sixteenth session, "to establish and operate an International Copyright Information Centre on books".

The main functions of the UNESCO Copyright Information Centre are as follows:

1. To collect information on copyright on books that can be made available to developing countries on terms as favourable to them as possible;
2. To arrange for the transfer to developing countries of rights ceded by copyright holders;
3. To help in the development of simple model forms of contracts for translation, reprint and other rights required by developing countries;
4. To study ways and means of securing copyright and other rights where foreign exchange is not available;

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5. To promote arrangements for adaptation and publication of works, particularly those of a technical and educational nature.

Specialized information service

The Copyright Division of UNESCO constitutes an information and documentation centre capable of providing Member States and specialists with up-to-date information on international conventions and national laws and on current legal thinking and practice with regard to the different problems raised by copyright and the so-called neighbouring rights. This is done by correspondence and personal consultation and by means of three publications of an informational character: the Copyright Bulletin (a quarterly appearing in English, French and Spanish); Copyright Laws and Treaties of the World, the English, French and Spanish versions of which are regularly brought up to date; and the Collection of Laws and Treaties concerning the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, the English version of which appeared in 1969, while the French version appeared in 1971.

IV. Action with a view to ensure that the rights referred to under III above are enjoyed by increasing numbers of the population and without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status

This mainly concerns discrimination. We would like to draw the Commission's attention to:

- (a) The UNESCO report on Apartheid: its Effects on Education, Science, Culture and Information (Revised edition: 1972).
- (b) Le Racisme devant la Science. 1/ New edition and substantially new book (1973).
- (c) Two Studies on Ethnic Group Relations in Africa, Senegal and United Republic of Tanzania (1973). 2/
- (d) The role of the Mass Media in a Multi-Racial Society: meeting of experts (UNESCO, Paris, December 1969).
- (e) Race as News: to be published in 1974-75. 3/

1/ By Lévi-Strauss, Dubinin, Beteille et al.

2/ By Diarra and Fougéyrollas, Mbilinyi, Ghai et al.

3/ By Halloran, Klineberg, Guillaumin et al.

- (f) Portuguese Colonialism: its Effects on Education, Science, Culture and Information. 4/ To be published in 1974.
- (g) The UNESCO report on the effects of Rhodesian policy on Education, Science, Culture and Information. To be published in 1974-75. In preparation.
- (h) Meeting of experts on the concepts of race, identity and dignity, UNESCO, Paris, 1972.

It also concerns problems of equal access to higher education which has been given attention in the activities of the Division of Higher Education since 1963. More recently, in 1973, the Division undertook a study and issued a publication in English and in French called "Present problems in democratisation of secondary and higher education". The problem was also studied in the European context for the preparation of the Second Conference of Ministers of Education of European Member States (Bucarest, November-December 1973).

The notion of differentiation implies differentiation of all kinds in an individual. They are held to be features which evolve under the pressure of pre-determined social moulds, the influence of which is justified according to the principle of equality.

To suppress or change purely individual characteristics from the outside must be considered a violation of the principle of liberty. With a view to ensure right to equal access to higher education on the basis of capacity or merit, higher education systems are being reformed to provide facilities in terms of methods, contents and over-all structures, both for regular students and those who are in employment.

Reference should also be made to development of self-study or independent learning situation; it is provided that new methods, means and techniques of education through a multimedia approach should help those who have been deprived of higher education either by their social origin or by economic conditions. In certain faculties of the universities and in certain national contexts selection to higher education is practised but systems are changing in certain other faculties and certain national situations, and processes of appreciating qualities and procedures for assistance to meritorious entrants to higher education are well known.

It will be appropriate in this context to refer especially to two recommendations of the Second Conference of Ministers of Education of European Member States (Bucarest - 26 November-3 December 1973). They are as follows: Title; Widened concept of higher education: (Recommendation No. 1/1).

"General economic and cultural development will lead to an increased demand

4/ By Sousa Ferrreira with an introduction by Davidson.

for higher education, as the result of the growth of the secondary school system. The development of higher education must be regarded in the context of the education system as a whole;

"In view of these circumstances, and with regard to the important rôle of higher education in a social and democratic context, a widened access to higher education appears to be an inevitable consequence. Existing barriers have to be removed and, in principle, every type of secondary school training or corresponding experience acquired in working life should qualify for higher education. With these perspectives it is self-evident that the concept of higher education must be regarded as much wider than the traditional one;"

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"Recommends to Member States and especially to universities that they ensure genuine vertical integration of the school system and open the doors of universities to all categories of people, requiring of candidates an appropriate level of knowledge and taking into account their general intellectual ability;

"Recommends to universities that they pay more attention to the social, economic and other spheres of life and also engage in closer mutual co-operation so as to try to further develop a co-ordinated system of life-long education and to co-operate in establishing criteria for evaluation of life-long education."

Title: Democratization of higher education (Recommendation No. 1/2):

"Maintaining that further democratization of higher education is one of the primary conditions of socio-economic development,

"Reaffirming the inalienable right of national minorities where they exist to access on equal terms to education, higher education included,

"Calls upon all Member States to eliminate from higher education, where they still exist, all forms of discrimination relating to race, sex, age, language, religion, political opinions, social background and economic status;"

V. Difficulties experienced in ensuring the enjoyment of the rights referred to under III above, and methods and measures applied to overcome such difficulties

There are two types of difficulties:

(a) The lack of resources among some member States. This makes it difficult to implement many social and economic rights, e.g. the right to employment, or to social security, or even to education.

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(b) The problems of an intergovernmental organization. De jure rights are fairly easy. Most nations include this in their constitution. To move from this to how the situation really is becomes more difficult. There is a built-in tension between the rights of Governments as perceived by Governments and either individual human rights or the rights of under-privileged or non-dominant groups in any given State.

We can do little about (a) except for some minor redistribution in terms of aid. As far as (b) is concerned we have attempted to be as academically honest as possible, while at the same time remaining within the limits set for us by our governing organs.
