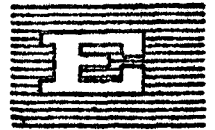


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Item 5 of the agenda

COMMENTS OF THE EXECUTIVE BOARD, FOR THE UNITED NATIONS COMMISSION
ON HUMAN RIGHTS, ON THE RECOMMENDATIONS OF THE SUB-COMMISSION ON
PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES REGARDING
THE STUDY OF DISCRIMINATION IN EDUCATION

(Note by the Secretary-General)

The Secretary-General has received the following communication from the Director-General of the United Nations Educational, Scientific and Cultural Organization:

"Sir,

"I have the honour to inform you that the Executive Board of UNESCO considered, at its 47th session, the recommendations adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its 9th session regarding the study of discrimination in education.

"I am attaching the text in English and in French of the comments which were adopted by the Executive Board at its meeting held on 29 March 1957, and I would appreciate it if these were transmitted to the Commission on Human Rights at its thirteenth session.

I have the honour to be, etc.,

Luther H. Evans,
Director-General."

The comments of the Executive Board are reproduced below:

COMMENTS OF THE EXECUTIVE BOARD, FOR THE UNITED NATIONS COMMISSION
ON HUMAN RIGHTS, ON THE RECOMMENDATIONS OF THE SUB-COMMISSION ON
PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES REGARDING
THE STUDY OF DISCRIMINATION IN EDUCATION

1. The Executive Board of UNESCO considered with much interest the resolutions adopted, at its ninth session, by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
2. The Executive Board is of the opinion that the prevention of discrimination in education is a very important aspect of the implementation of the right to education, that is to say, of one of UNESCO's primary objects.
3. Owing to the rather short time at its disposal, however, the Executive Board was not able to consider as fully as it would have wished the highly complex problems raised by the very interesting study presented by the Special Rapporteur, Maitre Ammoun, and by the resolutions adopted on the subject by the Sub-Commission.
4. While deciding to formulate and transmit the following observations to the Commission on Human Rights, on behalf of UNESCO, the Executive Board therefore intends to continue, at subsequent sessions, its study of these problems, with due regard to the developments which may occur in this field as a result of the action taken by the competent organs of the United Nations.

General principles and terminology

5. The Executive Board noted that, in the final version of his study, the Special Rapporteur has taken considerable notice of the comments previously put forward by UNESCO, more especially in the section dealing with general principles and terminology. A clear distinction is now made, for instance, between situations resulting from deliberate acts of discrimination and de facto inequalities due to circumstances unconnected with any deliberate action by governments or particular groups.
6. The Executive Board recalls the desire it expressed in paragraph 18 of its previous comments (document E/CN.4/Sub.2/L.103) that in future work more precise criteria should be developed for determining the existence of discrimination in education.

Preparation of an International Instrument

7. In resolutions A and B, the Sub-Commission advocates the preparation of an international instrument for the prevention of discrimination in education. In this connexion, it suggests three possibilities. The first is that the Economic and Social Council might decide to prepare the instrument. The second is that UNESCO might be asked "to consider the possibility of the drafting and adoption of an appropriate international instrument or instruments for the prevention of discrimination in education". It is also suggested that, in preparing any such instrument, UNESCO should take into account the principles set forth in paragraph 4 of resolution C.

8. The Executive Board wishes to recall that in its previous comments on this subject, after describing the two methods of regulating questions at the international level for which provision is made in UNESCO's Constitution (international conventions and recommendations), it made the following observations:

"1. An international regulation for the prevention of discrimination in education would require more detailed study;

2. If nevertheless the later studies to be undertaken show international regulation to be desirable in this matter, the preparation of such regulation would fall to UNESCO."

9. Consequently, should the Economic and Social Council deem it advisable that an international instrument be prepared in this field, the Executive Board would take all necessary steps to enable the General Conference, at its tenth session in 1958, to reach a decision thereon in conformity with the Rules of Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution.

10. The third possibility suggested by the Sub-Commission was that the draft International Covenant on Economic, Social and Cultural Rights, now in preparation, might include a statement of the principles set forth by the Sub-Commission in its resolution C. The Executive Board observes in this connexion that the draft Covenant already contains a provision relating to discrimination, and that, moreover, the draft Covenant is not so much a definition of positive rights as a description of the aims to be achieved by gradual action in individual countries and at the international level.

11. This being so, the various economic, social and cultural rights are given summary treatment in the draft Covenant, only one Article being devoted to the right to education. Article 24 of the draft Covenant, on the other hand, provides that international conventions or recommendations should be drawn up for the purpose of implementing the rights with which it deals.

12. It therefore seems unlikely that the principles to be applied for the prevention of discrimination in education could be adequately dealt with without a complete recasting of the draft Covenant and a revision of the present balance of its various provisions. It would seem to be more in keeping with the spirit of the discussions and decisions of the Commission on Human Rights to deal with the principles of non-discrimination which should govern the application of the right to education in a special international instrument.

Use by UNESCO of the study of discrimination in education

13. The Executive Board considers that UNESCO should make use of the copious information supplied in the study, and of many of the analyses it presents, for the purposes of its work to make education universally available.

14. The Executive Board considers that, should the Economic and Social Council so recommend, Unesco would, so far as its funds would allow, prepare and publish a booklet designed for the general public, making use of the information given in the study by the Special Rapporteur.

Fundamental principles

15. In resolution C, the Sub-Commission sets forth a number of fundamental principles which it suggests might be adopted by the Economic and Social Council in the form of a declaration, and which should also be taken into account in the preparation of any international instrument. The Executive Board maintains the opinion expressed at its 44th session that the preparation of any regulation in this field would require more detailed study and states its readiness to facilitate the conduct of such a study in order to make recommendations in this respect to the General Conference, as referred to in paragraph 9 above.

16. However, the attention of the Commission on Human Rights should be called to clause I(c) of the statement of principles, which declares that all provisions should be abolished, and all practices opposed, which, for the purpose of discriminating against any group, establish or maintain separate educational systems or institutions for persons or distinct groups of persons. The Executive Board interprets these provisions as not being in conflict with the existence of educational institutions reserved for pupils of either sex, confessionnal schools or schools whose teaching respects the national and linguistic traditions of the inhabitants, in conformity with resolution 7.81 adopted by the General Conference at its ninth session. It would welcome a clarification to that effect.

Action on the national and local level (resolution C, paragraph 5)

17. The Executive Board, whilst acknowledging the importance of the measures proposed by the Sub-Commission, adopts on this subject the same stand as in paragraph 15 above.

International measures (resolution C, paragraphs 6 and 7)

18. The Sub-Commission expressed the hope that Unesco would allocate to measures for the prevention and abolition of discrimination as high a proportion as possible of the funds at its disposal. The Executive Board will take this into account when it comes to consider Unesco's proposed programme and budget for 1959-1960.

Seminars (resolution C, paragraph 8)

19. With regard to the three seminars which the Sub-Commission wishes Unesco to organize in collaboration with the United Nations, the Executive Board considers that the subjects proposed are indeed within the scope of Unesco's interests. It also seems that they might be of interest, in varying degrees, to certain other

international organizations besides the United Nations, such as the International Labour Organization, the World Health Organization and the Food and Agriculture Organization. The Executive Board also wishes to point out that the problems mentioned are already being dealt with by Unesco as part of the programme adopted by the General Conference.

20. Unesco takes this opportunity of referring to activities it has already promoted in its effort to remove instances of inequality of educational opportunity. For example:

(a) The Major Project on the Extension of Primary Education in Latin America may certainly be expected to make a very useful contribution to the solution of the problem of education for rural and indigenous peoples in Latin America, since it will, among other things, help to do away with the de facto inequalities which have been found to exist between the educational opportunities available to the rural population and those open to the urban population, inequalities which are not the result of discrimination. The implementation of this Major Project will entail Unesco's taking part in the work of the Inter-American Rural Normal School (Rubio), together with surveys of rural communities, the provision of experts, and the grant of fellowships; it may also be expected that the States concerned in this Project will organize meetings at the national or regional level. The Executive Board therefore invites the Director-General to submit, to the next session of the Intergovernmental Advisory Committee on this Major Project, the question of the organization of such a seminar as that proposed by the Sub-Commission.

(b) With regard to the seminar on education for rural and nomadic peoples in the Middle East, it should be remembered that, under the Major Project on Research on Arid Lands, Unesco is already organizing studies which will attempt, among other things, at determining what methods of education may be of most direct help to such groups. Furthermore, several technical assistance missions in this region are expressly concerned with studying problems connected with rural education, and more especially with that of nomads. It seems advisable to await the outcome of these studies, before contemplating the organization of a meeting of experts on the education of nomads. The Executive Board believes, however, that the Director-General should consult Member States of the Middle East region on the advisability of organizing such a seminar as that proposed by the Sub-Commission. It would also be appropriate to give these countries the benefit of experience gained in other parts of the world, especially in the North European Countries.

(c) As for the promotion of study abroad for students from under-developed countries and territories, it should be mentioned that this problem has a bearing on one of the principal aims of Unesco's programme for the exchange of persons. Several meetings have been organized for this purpose, the most recent having been held last year in Japan, for the benefit of Asian Member States. The programme for 1957-1958 provides for the continuation of these activities, and it will be possible to help Member States, at their request, to organize similar national or regional meetings to study these questions. The further extension of these activities might again be considered when the programme for 1959-1960 is drawn up.

Reports by Member States on progress achieved in the elimination and prevention of discrimination in education

21. The Executive Board shares the Sub-Commission's views concerning the desirability of obtaining, under the programme of periodical reports on human rights, provided for in Resolution 624 B (XXIII) of the Economic and Social Council, detailed information on progress achieved by Member States in the elimination and prevention of discrimination in education. However, it would point out that, in accordance with Resolution 49, adopted by the General Conference of Unesco at its ninth session, a plan was prepared by the Organization and transmitted to Member States to help them in drawing up three-yearly reports on human rights in the fields of education and culture. This plan was prepared with due regard to the desirability of obtaining the information mentioned by the Sub-Commission. It would therefore seem superfluous to ask Member States to make the extra effort of preparing an additional report. If experience shows any change in this plan to be desirable, the Executive Board will take the necessary steps.