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LOS DERECHOS ECONÓMICOS, SOCIALES Y CULTURALES

**Comunicación presentada por escrito a la Comisión de Derechos
Humanos por la Organización de las Naciones Unidas para la
Educación, la Ciencia y la Cultura (UNESCO)***

* El anexo se reproduce como se presentó, en el idioma original únicamente.

Annex

Right to education

1. The Director-General of UNESCO would like to compliment the Commission for the importance it accords to the right to education for all in its deliberations and would welcome an extension of the mandate of the Special Rapporteur on the Right to Education. UNESCO's work in this field encompasses almost the totality of the elements mentioned in Commission's Resolution 2003/19 - universalising access to education; the qualitative aspects of education and learning achievements; gender equity; lifelong learning; the United Nations Literacy Decade; and the morale and professionalism of teachers, among other considerations. Achieving the right to education for all is one of the biggest moral and developmental challenges of our times. Besides cooperating with professional bodies and the intellectual community in generating public debate on issues of critical importance, UNESCO benefits from active collaboration with National Commissions for expanding educational opportunities and for the realisation of the right to education, understood as the right to a quality education in all its dimensions.

2. UNESCO promotes quality education as a human right and supports a rights-based approach to the implementation of all educational activities. Its work is based on a number of international instruments, several of which indicate the desired nature, or quality, of education. Together these instruments speak to the depth and breadth of how we must begin to understand our commitment to the right to a quality education.

3. Education for All (EFA) as a global movement has imparted added significance to UNESCO's constitutional mission: "Full and Equal Educational Opportunities for All". The focus of UNESCO's action is twofold: on the one hand, developing and modernizing national legislation for achieving education for all, especially universal and free primary education and, on the other, ensuring that UNESCO's actions are based on the principles and fundamental freedoms enshrined in the Universal Declaration of Human Rights, namely, tolerance, peace, non-violence, respect for cultural and linguistic diversity, and inter cultural understanding. UNESCO's action will be reinforced in appreciation of the need for country-level assistance in the field of legislation and pursuant to the Recommendations of the High-Level Group on EFA, both in 2002 and 2003. Moreover, as UNESCO's Programme and Budget for 2004-2005 provides, "Targeted research and an inventory of the constitutional and legislative and policy frameworks for basic education in Member States will inform policy-making and planning". As part of the EFA process, UNESCO is also engaged in dialogue with international organizations and agencies to promote free primary education.

4. The Organization looks forward to working closely with the Office of the High Commissioner for Human Rights and with the Special Rapporteur on the Right to Education, bearing in mind the role of national human rights protection systems and constitutional and legislative bases of the right to education and its judicial protection. A new UNESCO research initiative involving the network of ombudspersons is currently being launched initially in Latin and Central American states and subsequently in Africa. This will focus on key indicators of the right to education and result in both national and regional reviews of the right to education and concomitant action plans.

5. This is closely linked with UNESCO's endeavour in promoting normative action, and with engaging the States to give full effect to the right to education, as Resolution 2003/19 stipulates. UNESCO has addressed questions concerning more effective implementation of Conventions and Recommendations in the field of education. A recent decision taken in October 2002 by UNESCO's Executive Board (165 EX/Decision 6:2) underlines the importance of relating the monitoring exercise to UNESCO's priority of basic education for all. As in the case of the Commission, emphasis is put on the *legal obligation* of Member States. The need for developing coherent monitoring mechanisms with greater complementarity with the United Nations system is fully recognized. In this context, the significance which the Commission attaches to the Convention against Discrimination in Education (1960) and the Convention on the Rights of the Child is extremely important.

6. The spirit with which the Commission noted in 2003 the establishment of the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the Monitoring of the Right to Education in October 2001 is indeed encouraging. The first meeting of the Joint Expert Group was held in May 2003 at UNESCO Headquarters and was complementary to other expert group meetings held in the same year on Human Rights Education and on Education in Multilingual Societies. UNESCO values this joint endeavour with the United Nations Committee on Economic, Social and Cultural Rights and with ECOSOC in the field of the right to education, which is central to the activities of the Organization. In a decision which UNESCO's Executive Board took at its 167th session in September 2003 after examining the Report on the aforesaid first meeting (167 EX Decision 5/8), it requested the Joint Expert Group to give priority to the "strengthening of the foundations of the right to education in national legal systems on the basis of international legal obligations". A copy of this decision is available outside the room or may be consulted on UNESCO's Website (http://unesdoc.unesco.org/ulis/cgi-bin/ulis.pl?database=extd&ord=1&req=2&look=ex&sc1=1&tx_p=phrase&words&ti_p=inc&ses=167&dc=167%2BEX/Decisions). We have no doubt that the Commission will welcome and support these developments.

United Nations Educational,
EX
Scientific and Cultural Organization

Executive Board

Hundred and sixty-seventh Session

167 EX/Decisions
PARIS, 14 November 2003

DECISIONS ADOPTED BY THE EXECUTIVE BOARD AT ITS 167th SESSION

(Paris, 15 September-15 October 2003)

5.8 Report by the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the monitoring of the right to education (167 EX/CR.2 and 167 EX/54)

The Executive Board,

1. Recalling 162 EX/Decision 5.4 relating to the creation of the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the monitoring of the right to education,
 2. Also recalling 165 EX/Decision 6.2,
 3. Having examined document 167 EX/CR.2,
 4. Compliments the Joint Expert Group on the excellent quality of the work done at its first meeting;
 5. Expresses its appreciation of the results of this meeting and requests the Joint Expert Group to continue its work;
 6. Requests the Joint Expert Group to give priority to the following issues:
 - (a) strengthening of the foundations of the right to education in national legal systems on the basis of international legal obligations;
 - (b) suggestions and possible options for integrating the reporting obligations of the States Parties to the Convention against Discrimination in Education and those of the States Parties to the International Covenant on Economic, Social and Cultural Rights in accordance with Articles 13 and 14 of the Covenant;
- definition of a set of indicators for the monitoring of the right to education.
