

- ▶ the communication must indicate whether an attempt has been made to exhaust available domestic remedies with regard to the facts which constitute the subject matter of the communication and the result of such an attempt, if any.

The Committee then proceeds to examine the substance of the communications. For this purpose, the representatives of the governments concerned are invited to provide information or answer questions asked by members of the Committee on either the admissibility or the merits of the communication. Since the Committee is not in any way an international tribunal, it endeavours to resolve the problem in a spirit of international cooperation, dialogue, conciliation and mutual understanding. Out of a concern for efficiency in the search for a friendly solution, the Committee works in the strictest confidentiality, which is vital to the success of its action.

Following the session during which a communication has been examined by the Committee, its author and the government concerned by it are informed of the Committee's decisions, which are not subject to appeal. However, the Committee may agree to re-examine a communication if it receives additional information or new facts.

Role of the Director-General

In 104 EX/Decision 3.3, the Executive Board recalled and confirmed the role that the Director-General has always played with regard to the promotion of human rights. In accordance with well-established practice, in the context of his right of intercession, which was recognized by the General Conference, he has had occasion personally to make various humanitarian representations on behalf of persons, alleged victims of human rights violations in UNESCO's fields of competence, whose cases demanded urgent examination.

How can a communication be sent to UNESCO?

By a letter sent to

the Director of the Office of International Standards and Legal Affairs of UNESCO
7 place de Fontenoy,
75352 Paris 07 SP France
Fax : +33(0)1 45 68 55 75
sec.cr@unesco.org

This letter containing a concise statement of the allegations must be signed and drafted in one of the Organization's working languages (English or French). Following this, the UNESCO Secretariat will send the author of the letter a form to be completed, which constitutes his/her communication and which will be transmitted to the government concerned and examined by the Committee on Conventions and Recommendations of the Executive Board.

It is to be noted that no action on a communication can be taken if its author does not will for his/her name to be divulged to the government concerned or to the Committee. It is essential that during all the stage of the procedure, the author of a communication replies to the requests for further information of the Committee and keeps it informed of any new information concerning the situation of the alleged victim.

For more information on the procedure: www.unesco.org/en/la/cr

UNESCO'S Procedure for dealing with alleged violations of human rights

Introduction

Under Article I, paragraph 1, of its Constitution, adopted on 16 November 1945, UNESCO's purpose is **to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.**

Accordingly, in 1978 the Executive Board of UNESCO laid down a procedure for the examination of complaints (called communications) received by the Organization concerning alleged violations of human rights in its fields of competence, namely education, science, culture and communication. This procedure is set out in 104 EX/Decision 3.3 of the Executive Board.



United Nations Educational, Scientific and Cultural Organization
7, place de Fontenoy, F-75352 Paris 07 SP (Fax : +33(0)1 45 68 55 75)
e-mail : sec.cr@unesco.org

UNESCO'S Procedure for dealing with alleged violations of human rights

Purpose of the procedure

The purpose of the procedure is to seek a friendly solution to cases brought to UNESCO's attention:

- ▶ by establishing a dialogue with the governments concerned to examine with them in complete confidentiality what could be done to promote human rights falling within the Organization's competence;
- ▶ by acting "in a spirit of international cooperation, conciliation and mutual understanding ... and recalling that UNESCO should not play the role of an international judicial body" (paragraph 7 of 104 EX/Decision 3.3).

Specific nature of the procedure

This procedure has certain specific features in comparison with similar procedures existing in other agencies of the United Nations system:

- ▶ the mechanism is not treaty-based; it is a decision of the Executive Board which defines the procedure;
- ▶ a complaint may be made against any Member State precisely because it is a Member of UNESCO;
- ▶ the complaint will be examined following a procedure that retains its individual nature from start to finish, unlike procedures that consider individual communications as sources of information relating to a given situation that reveal a set of flagrant and systematic human rights violations;
- ▶ every effort is made under this procedure to avoid a conflictual and accusatory context. The aim is to improve the lot of the alleged victims, not to condemn the governments concerned, and certainly not to penalize them.

Who may submit a communication?

Individuals, groups of individuals and non-governmental organizations may submit communications (complaints) to UNESCO concerning violations of human rights, whether the authors of these communications are themselves victims of such violations or whether they deem to have reliable knowledge of such violations.

Who are the victims of human rights violations?

Teachers, students, researchers, artists, writers, journalists, in short intellectuals, be they men or women, who, by virtue of their position, come within UNESCO's fields of competence, or any other person on account of having exercised one or other of the rights falling within UNESCO's competence.

Which rights fall within UNESCO's competence?

The rights falling within UNESCO's competence are essentially the following (each article mentioned hereunder refers to the Universal Declaration of Human Rights and the rights concerned also appear in the United Nations Covenants of 16 December 1966):

- ▶ the right to education (Article 26);
- ▶ the right to share in scientific advancement (Article 27);
- ▶ the right to participate freely in cultural life (Article 27);
- ▶ the right to information, including freedom of opinion and expression (Article 19).

These rights may imply the exercise of others, the most noteworthy of which are:

- ▶ the right to freedom of thought, conscience and religion (Article 18);
- ▶ the right to seek, receive and impart information and ideas through any media and regardless of frontiers (Article 19);
- ▶ the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production (Article 27);
- ▶ the right to freedom of assembly and association (Article 20) for the purposes of activities connected with education, science, culture and information.

How are the communications examined?

The Committee on Conventions and Recommendations examines communications in private session. The Committee consists of 30 Member States, meets at UNESCO Headquarters twice yearly during Executive Board sessions (in Spring and Autumn).

In the first instance, it examines the admissibility of the communications. There are ten conditions governing admissibility which are set out in 104 EX/Decision 3.3; if one of them is not met, no further action is taken on the communication. Thus, for a communication to be admissible, it must, inter alia, meet the following conditions:

- ▶ the communication must not be anonymous;
- ▶ the communication must not be manifestly ill-founded and must appear to contain relevant evidence;
- ▶ the communication must be neither offensive nor an abuse of the right to submit communications;
- ▶ the communication must not be based exclusively on information disseminated through the mass media (the press, television, radio, internet...);
- ▶ the communication must be submitted within a reasonable time limit following the facts which constitute its subject matter or within a reasonable time limit after the facts have become known;

Summary of the results of the application of the procedure laid down by 104 EX/decision 3.3

From 1978 to 2009, 551 communications were considered by the Committee on Conventions and Recommendations. The results concerning alleged victims (or groups of alleged victims) for this period may be broken down as follows:

released before completion of sentence	206
released after completion of sentence	12
authorized to leave their country to go study or teach	21
authorized to return to their country	35
able to resume their employment or activity falling within UNESCO's fields of competence	29
able to resume a banned publication or broadcast programme	14
able to resume normal life following a cessation of threats	4
able to benefit from changes in certain education laws which were discriminatory towards ethnic or religious minorities	10
able to obtain passports and/or grants, or receive diplomas	12
able to resume studies	9
Total	<u>352</u>

(the 199 remaining cases concern communications that are inadmissible or whose examination has been suspended or is under way)

(Updated: 28 February 2010)