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

SUMMARY RECORD OF THE 6th MEETING

Held at Headquarters, New York,
on Thursday, 25 April 1985 at 10.30 a.m.

Chairman: Mr. KORDS (German Democratic Republic)

later: Mr. TEXIER (France)

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by States parties to the Covenant concerning rights covered by articles 13
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session.

The meeting was called to order at 11.05 a.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 Guyana (E/1982/3/Add.32)

1. At the invitation of the Chairman, Mr. Karran (Guyana) took a place at the table.
2. Mr. KARRAN (Guyana), introducing the report contained in document E/1982/3/Add.32, said that his Government had been pleased by the interest which the Working Group had shown in Guyana's efforts to implement articles 13 to 15 of the Covenant, as evidenced by the questions raised and observations made during the consideration of Guyana's initial report on those articles (E/1982/3/Add.5 and Add.29) at the Working Group's first regular session of 1984. The current report had been prepared in order to expand on the information he had presented orally in 1984, and to address questions which he had been unable to answer then.
3. He wished first of all to correct two errors contained in the current report. In table 4 (para. 32), the number of Guyanese students studying in the United States should be 79 rather than 3, and the total number of students should be 204 rather than 128. In addition, the reference to the Republic of Korea in paragraph 33 of the English text should in fact be to the Democratic People's Republic of Korea.
4. The report was largely self-explanatory. The information contained in paragraphs 1 to 9 had been presented orally at the Working Group's first regular session of 1984. In paragraph 10, the Guyanese Government had sought to describe in some detail the educational programmes offered by the Adult Education Association (AEA). It should be noted that the programmes mentioned in paragraph 10 (b) were formal academic programmes designed to prepare students for the General Certificate of Education and Caribbean Examination Council examinations. With regard to the courses in metrication referred to in paragraph 10 (f), he recalled that the phasing in of the metric system in Guyana had been discussed in 1984.
5. The information contained in paragraph 11 was intended to supplement the information already provided concerning the activities of the May Rodrigues Early School Leavers' Centre, while paragraphs 12 and 13 gave further details regarding the activities of the Sophia Centre. The work at the Centre by university students referred to in paragraph 13 (a), which the Guyanese Government considered to be particularly valuable in the case of students whose main field of study was science or mathematics, could be performed either before or after they had completed their studies. If such work was in fulfilment of a national service commitment, it took place after the student had received three months of military training. The Guyana National Service was explained in some detail in paragraphs 14 to 18.

(Mr. Karran, Guyana)

6. Paragraph 19 contained the text of the Guyanese legislation which dealt with private education. The State's decision to prohibit the establishment of any private educational institution was in keeping with its philosophy that the provision of educational facilities was its own responsibility. However, under certain circumstances it was possible to obtain special written permission from the Minister of Education to establish a non-government school.
7. Paragraphs 20 and 21 simply presented in written form the replies to questions which he had presented orally in 1984. Paragraphs 22 to 24 were intended to supplement the information provided in document E/1982/3/Add.29, on article 15 of the Covenant.
8. The statistics contained in tables 1 to 4 had been provided in an effort to comply with requests made by experts in 1984. Drawing attention to tables 1-A to 1-D, he explained that the school year in Guyana ran from September to July of the following year and recalled that the division of Guyanese primary schools into primary and secondary departments had been explained when Guyana's initial report on articles 13 to 15 had been presented.
9. While most of the information contained in paragraphs 27 to 29 had been presented orally in 1984, table 2 contained data which had been unavailable to him at that time. Tables 3 and 4 answered questions raised by experts with regard to the number of women teachers in Guyana and the number of Guyanese students studying abroad. Finally, he wished to draw attention to the Parent Action Committees, described in paragraph 34 (c).
10. His Government sought to ensure that Guyanese teachers at all levels were adequately trained. The statistics contained in the report had been furnished in order to demonstrate the special effort it was making to render education in Guyana as effective as possible. Note should also be taken of women's involvement in education and cultural life in Guyana, a fact which was evident from the report.
11. Mr. DE ALBA (Mexico) thanked the representative of Guyana for the additional information he had presented; the additional report was an excellent manifestation of Guyana's commitment to the implementation of articles 13 to 15 of the Covenant, and of its respect for the work of the Sessional Working Group of Governmental Experts.
12. Mr. BENDIX (Denmark) also thanked the representative of Guyana for the additional information which he had provided. While he did not wish to reopen the debate on a report which the Working Group had already considered, he sought a few clarifications with regard to the newly furnished information.
13. He could not understand why the figures given in table 1-B for 1982 were so much lower than the figures given for that year in table 1-A. In addition, it still seemed to him that the legislation quoted in paragraph 19 of the report contravened article 13, paragraph 3, of the Covenant. The punishments set out in that legislation, particularly the imprisonment of private citizens, seemed a rather unusual example of the implementation of the Covenant.

14. Mr. LUKYANOVICH (Union of Soviet Socialist Republics) joined previous speakers in expressing appreciation for the precise information provided by the representative of Guyana. The development of education in Guyana indicated genuine respect for the Covenant and provided a good example of its implementation for other Governments.

15. Mrs. BUTRAGUEÑO (Spain) thanked the representative of Guyana for the information provided, particularly regarding the status of women. However, she sought additional clarification with regard to the May Rodrigues Early School Leavers' Centre. Since it appeared that the Centre was intended for girls, the use of the Spanish word "alumnos" "students" in that paragraph was somewhat confusing. She also found table 1-A less than clear, since it contained data only for 1982 and 1983, while the table heading indicated that the data provided covered the period from 1977-78 to 1982-83. Finally, she wished to know the difference between "trained" and "untrained" teachers referred to in tables 1-A to 1-D.

16. Mr. TEXIER (France) said he was somewhat concerned by the use of the expression "délinquants en puissance" in paragraph 12 of the French text of the report, which seemed to him somewhat inappropriate.

17. Paragraph 19 reaffirmed the notion that private citizens could not establish schools, a concept which ran counter to article 13 of the Covenant. Furthermore, the penalties imposed for establishing private schools in Guyana appeared rather severe. He therefore wished to know whether that prohibition was enforced as strictly as the report implied, and whether the Guyanese Government intended to modify that situation in any way.

18. Mr. POERSCHKE (German Democratic Republic) joined in thanking the representative of Guyana for the interesting new information which he had supplied. The report before the Working Group constituted a sincere expression of the Guyanese Government's constructive approach to the implementation of the Covenant. It was his understanding that the Working Group might discuss that information in greater detail when the next report of Guyana on articles 13 to 15 of the Covenant was considered.

19. Mr. KARRAN (Guyana), replying to the expert from Denmark explained that, as indicated in the footnote to table 1-A, the 1983 figures included both primary and secondary departments of primary schools, whereas for 1982 the figures for primary and secondary departments were given separately, the latter appearing in table 1-B.

20. With regard to paragraph 19, he assured the experts from Denmark and France that there was no total prohibition on the establishment of educational institutions by private individuals and bodies. The purpose of paragraph 19 (2) was to ensure that people sought permission from the Minister in accordance with paragraph 19 (1). Since the Government itself was responsible for the education of the people, it had taken the greatest care in establishing an educational structure to cover people at all levels. It had to ensure that if private individuals attempted to become involved in education, the Minister would be aware of such efforts and would ensure that the persons concerned complied with the regulations.

(Mr. Karran, Guyana)

21. In reply to the expert from Spain, the May Rodrigues Centre was essentially for girls.

22. He looked forward to hearing further comments from members of the Working Group when his country's second report was discussed.

23. Mr. Karran (Guyana) withdrew.

24. Mr. Texier (France) took the Chair.

Report of Portugal (E/1982/3/Add.27/Rev.1)

25. At the invitation of the Chairman, Miss Franco (Portugal) took a place at the table.

26. Miss FRANCO (Portugal), introducing the report contained in document E/1982/3/Add.27/Rev.1, said that it contained up-to-date information, having been completed in December 1984. As a first report, it was intended to be as comprehensive as possible. Portugal had witnessed great changes in the field of education, which was seen as the vital element in the country's efforts to achieve equality for the people. The appropriation for education and culture was the largest in the State budget.

27. She drew attention to the following corrections: in the second line of paragraph 236, "(OECD)" should be inserted after "Building"; in the English text, in the last line of paragraph 282 (a) and (c) the words "student teaching" should be replaced by "probationary teaching period", and in paragraph 350 "35 per cent" should read "0.35 per cent".

28. Mrs. BUTRAGUEÑO (Spain) expressed surprise that there was no mention in the report of vocational training, a subject in which her country was very interested. Was it included in secondary education?

29. In connection with paragraph 454, concerning research workers, she would like to know how the research teams were constituted.

30. Mr. AIDARA (Senegal) said that the exhaustive and frank report was evidence of the Government's enormous efforts to ensure a high standard of education for the whole population. He welcomed the awareness of the need for the fundamental principles embodied in the Universal Declaration of Human Rights to be established in education and noted in particular the outline of the stages of the educational system given in paragraphs 35 to 40.

31. He noted from paragraph 18 that specific steps had been taken to abolish discrimination in ways of thinking and male and female stereotyping and would like to know the main lines of the programme designed to change ways to thinking.

(Mr. Aidara, Senegal)

32. The important statement in paragraph 15 that the de facto situation did not correspond to the law, was evidence of the Government's frankness. He would like to know what concrete measures had been taken to counter, at the cultural level, the attitudes and conditions that gave rise to discrimination against women.

33. Mr. BEN HAMIDA (Tunisia) said that the report provided excellent evidence of the Portuguese Government's efforts to develop and protect human rights in the fields of culture and education.

34. In connection with paragraph 21, he asked whether a body or council existed to supervise the constitutional character of laws and, if so, what parties could apply to it for revision of a law that was unconstitutional. If such a body existed, what was its competence? If such a body did not exist, what would happen, for example, in the case of a law which contravened the spirit of the Constitution or the Covenant, on which Portuguese laws on freedom were based? Bearing in mind the provision of article 16 (2) of the Constitution that constitutional and legal provisions relating to fundamental rights must be interpreted and applied in accordance with the Universal Declaration of Human Rights, could a judge reject the application of such a law?

35. He also asked, referring to paragraph 17, what measures were being taken to make young women aware of the importance of entering traditionally male fields of study - especially those involving the latest new technology - with a view to creating a better balance between men and women in education in those fields.

36. Mr. BENDIX (Denmark) commended Portugal on a very comprehensive report which, with its ample statistical and graphical data, should be an example to other countries.

37. In connection with the right to primary education, he had noted with interest the statistics in paragraph 94 on school enrolment for children between 6 and 14 years' old. In view of the earlier discussion on employment of children under 14, he wondered what was happening to the 20 to 30 per cent of children not enrolled in compulsory primary education. The low rates of enrolment for compulsory schooling also seemed odd in view of the earlier statement that parents were fined for not sending their children to school; and he wondered if there was any explanation for the contradiction.

38. The Portuguese authorities were to be commended on their frankness and honesty in not concealing the difficulties involved in achieving free compulsory education for all. However, in the light of the detailed information on the scope of free education contained in paragraphs 95 to 98, he wondered at the requirement in paragraph 95 (f) that a certificate attesting to the completion of a single phase of school attendance should be paid for. That was surely a contradiction of Portugal's efforts to promote school participation at the higher level and to encourage parents to recognise the importance of schooling.

(Mr. Bendix, Denmark)

39. He also wondered why, according to paragraph 106 (c), persons born after 1 January 1976 who wished to participate in official sports competitions were required to have a diploma certifying that they had completed their compulsory schooling.

40. With reference to paragraph 108, he would like more information about illiteracy rates and what had been done since September 1983 to reduce them.

41. In conclusion, the report showed what great efforts had been made to comply with the Covenant. If any criticism was to be made, it was that the report paid relatively little attention to culture compared with education.

42. Mr. LUKYANOVICH (Union of Soviet Socialist Republics) said that the length of the report raised the question whether there should be guidelines for the optimum size and presentation of such documents. He welcomed the fact that the new Constitution incorporated many valuable provisions for the promotion of education, science and culture. The report was interesting and objective in presenting problems as well as achievements.

43. With reference to paragraph 4 (b), he wished to know if there was any legal provision for the prosecution of racist organizations, as opposed to individuals, for the offences cited.

44. He also wished to know how many children of pre-school age attended the nursery schools referred to in paragraph 65.

45. With reference to paragraph 82, he wondered which other countries, in Europe in particular, had Portuguese-language schools and recognized Portuguese diplomas for purposes of access to higher education.

46. The rates of enrolment for compulsory schooling in paragraph 94 showed that many children were not enrolled as recently as 1980. He would welcome more information about that situation and, if possible, the reasons for it. He also wondered what prospects there were of bringing more women into education and eliminating the apparent discrimination between the sexes mentioned in paragraphs 15 and 16.

47. A further subject of interest was the extent to which the later stages of secondary education were free of charge and what the possibilities were for children from poorer families to enter universities and other higher educational establishments. He also wished to know what percentage of children attended private schools.

48. Some time had elapsed since the introduction of a twelfth year of schooling in 1980 and it would be interesting to know what percentage of pupils were now in that year.

49. With reference to paragraph 152, he wished to have any available statistics about the percentage of workers and their children currently being educated in universities and other higher educational establishments.

(Mr. Lukyanovich, USSR)

50. Table 1 showed a sharp drop in the number of new rooms built for the public pre-school education system in 1982/83 and he wondered what was its cause. With reference to table 5, he would be interested to know the numbers of students enrolled in universities and higher educational establishments as well as at the lower educational levels shown.

51. With reference to paragraph 261 (a), he wished to have more information about the criteria used by the Government to decide eligibility for grants and exemption from tuition fees at the higher education level.

52. Section III A (f) of the report contained information about Portugal's efforts to preserve the cultural heritage of mankind in co-operation with other countries. He wished to know if Portugal had any experience of such co-operation with socialist countries.

53. Finally, paragraph 419 said that special attention had been given to protecting citizens from abuses resulting from the use of computers. He would like some clarification with specific examples of what was meant by that statement.

54. Mr. POERSCHKE (German Democratic Republic) said that he would like to know how the Portuguese people were informed about their educational and cultural rights under articles 13 to 15 of the Covenant, whether the Covenant was published in Portugal and whether the economic crisis from which so many countries were suffering affected the enjoyment of those rights there.

55. Provisions for pre-school education such as those described in paragraphs 62 to 69 were becoming increasingly important in modern society, and he wished to know if Portugal had enough nursery schools and pre-school centres to cater for all children between the ages of three and eight. He would also like clarification of what paragraph 67 meant in practice, for example, whether there were any Government-approved programmes or curricula for pre-school education, or whether the institutions involved were free to devise their own educational methods.

56. So far as culture was concerned, language was an important factor and Portuguese was spoken in many parts of Africa, Latin America and Asia. Were there any cultural agreements under which Portugal undertook to assist the Portuguese-speaking African countries to overcome the problems they were encountering in their efforts to eliminate illiteracy?

57. Mr. ALBORNOZ (Ecuador) said, with reference to paragraph 234, that he wondered if the figure of just over 11 per cent for the share of the national budget devoted to education understated the amount spent on education, science and culture in all spheres.

58. There was no clear information in the report about the recognition of foreign diplomas or about the possibility of those trained in foreign educational establishments exercising their professions in Portugal. In view of Portugal's long record of close contact with the outside world, he would like to know what the situation was in that respect.

(Mr. Albornoz, Ecuador)

59. With reference to paragraphs 155 to 157, he wished to have more information about the entrance examinations to universities and polytechnics, how difficult they were and what was required of people before they could enjoy higher education at the expense of the State.

60. Paragraph 347 listed various functions of the State Secretariat for Culture in protecting and developing Portugal's cultural heritage. What progress had been made in implementing the various actions envisaged, and what experience had been gained in the process?

61. Paragraph 382 recognized the role of the mass media as a factor in cultural development. Radio and television were very influential in forming cultural values, and he would like to have more information about their role in that respect in Portugal, since cultural values should not be at the mercy of commercial considerations to the extent that the information media often were.

62. With reference to paragraph 493, he would welcome more information about the steps being taken in the educational and cultural fields in anticipation of Portugal's entry into the European Economic Community and the closer contacts which that implied with other peoples, languages and cultures.

63. The CHAIRMAN, speaking as the representative of France, said that the report detailed what was done to protect the educational rights of Portuguese nationals living abroad. However, he wondered what special provisions if any were made for the education of foreigners and their children who immigrated to Portugal. The report recognized that there were foreign nationals and stateless persons living in the country, but he would like to have some indication of their numbers.

The meeting rose at 1.10 p.m.