United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Hundred and eighty-fifth session

185 EX/23
Part I

PARIS, 13 August 2010
Original: English/French

Item **23** of the provisional agenda

IMPLEMENTATION OF STANDARD-SETTING INSTRUMENTS FOR WHOSE MONITORING THE BOARD IS RESPONSIBLE

PART I

MONITORING OF THE IMPLEMENTATION OF UNESCO'S STANDARD-SETTING INSTRUMENTS

SUMMARY

In accordance with paragraph 6 of 184 EX/Decision 20 on the monitoring of the implementation of UNESCO's three conventions and eleven recommendations for which no specific institutional monitoring mechanism is provided and for whose monitoring the Committee on Conventions and Recommendations (CR) is responsible, this document contains detailed information, provided by the Sectors and the Institute concerned, on the activities undertaken to promote the ratification of the conventions and the implementation of the recommendations and on the human and budgetary resources allocated for that purpose.

This item has no financial implications.

Action expected of the Executive Board: proposed decision in paragraph 51.

1. In 184 EX/Decision 20, the Executive Board requested the Director-General to ensure the implementation of the new legal framework adopted at its 177th session on the implementation of the three conventions and eleven recommendations on conventions for whose monitoring the CR Committee was responsible (177 EX/Decision 35, Parts I and II). It also invited the Director-General to provide detailed information on the activities undertaken to promote the ratification of the conventions (A) and the implementation of the recommendations (B) and on the human and budgetary resources allocated for that purpose.

A. Activities undertaken to promote the ratification of conventions

▪ 1960 Convention against Discrimination in Education (ED)

(a) Activities

2. Ensuring equality of opportunity in education *in law and in fact* remains a continuing challenge. Within the framework of the celebration of the 50th anniversary of the Convention and the Recommendation, awareness is being raised of the instruments and the importance of giving effect to their provisions.

3. A ratification campaign on the Convention is being conducted in order to encourage States that are not yet party to it to take necessary measures for acceding to it. In particular, the importance of national-level action for creating equal educational opportunities for all, so that education becomes accessible to all without discrimination or exclusion, is emphasized. The Convention must be disseminated broadly, ensuring that the principles and norms that it lays down are widely embraced. Moreover, the Executive Board by 177 EX/Decision 36 and General Conference by 34 C/Resolution 13 invited Member States that have not become party to the Convention to consider doing so and to make it better known.

4. The process of organizing the 8th Consultation will be initiated in line with the new legal framework adopted by the Executive Board at its 177th session. Technical assistance will be provided to support Member States to prepare reports, on their request. In order to ensure complementarities with the work of the United Nations human rights treaty bodies, Member States are encouraged to integrate into their reports common elements as regards information they provide to the treaty bodies in the field of the right to education.

5. Moreover, a document on good practices in the field of non-discrimination and the right to education is being prepared within the framework of the follow-up to the 7th Consultation. This document includes *practical examples* extracted from reports of the 7th Consultation. It will serve as an essential tool for sharing information on concrete actions taken at national level.

6. In addition, and in order to raise awareness of the Convention and the importance of giving effect to it, the Secretariat has undertaken a number of activities, including the organization, in cooperation with the NGO-UNESCO Liaison Committee and within the framework of the 50th anniversary of the Convention, of a special Day dedicated to the right to education for all children and the dissemination of various documents on the Convention and Recommendation.[1]

7. Monitoring is reinforced within the framework of UNESCO's collaboration with the United Nations system. For this purpose, UNESCO has already shared with the human rights treaty bodies the reports submitted to the Organization on the implementation of the Convention, along with in-house information and data, so that they may draw upon these in their dialogue with States. While examining country reports, the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child, recommend that States also ratify the Convention. Cooperation is also being reinforced in view of the commonality of the principles of non-discrimination and equality of opportunity in education. Finally, the Concluding Observations adopted relate to ensuring equality of opportunity in education.

---

1 *Commentary on the Convention against Discrimination in Education*; *Significance of the Convention against Discrimination in Education*; *Ten reasons why the Convention against Discrimination in Education is highly significant; Comparative analysis between UNESCO Convention against Discrimination in Education and Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights*; *The Right to Primary Education Free of Charge for All: ensuring compliance with international obligations*.

(b) Resources allocated

8. Resources have been allocated as follows:

- human resources: 1 programme specialist;
- budgetary resources: no specific budgetary resources allocated.

9. The staff member is responsible for all the programme on the right to education. The monitoring of the 1960 Convention and Recommendation is part of this overall programme related to the right to education. The global budgetary resources allocated for this overall programme are $225,000 ($100,000 of which are devoted to monitoring the right to education (including, in particular, monitoring the Convention and Recommendation) and $125,000 of which are devoted to promoting the right to education (including specific actions relating to the Convention and Recommendation)).

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

(a) Activities

10. *Additional ratifications.* As a result of the Secretariat's effort, two key art market States, Belgium and the Netherlands, ratified the Convention in 2009. Haiti ratified the Convention in February 2010, the Secretariat initiated a long-term action plan on the implementation of the Convention and on training in order to combat trafficking in cultural property (in the context of the international coordinating committee to be held in early July 2010).

11. *Capacity-building.* Regular provision of legal and technical assistance to States Parties; drafting of model provisions on State ownership of cultural property, in particular the undiscovered archaeological heritage, with the support of the International Institute for the Unification of Private Law (UNIDROIT) and a group of independent experts; training course for Latin American and Caribbean countries in April 2010 in cooperation with the Italian-Latin American Institute (ILAI) and the Carabinieri; preparation of a training course on action to combat trafficking in religious property in Eastern Europe; preparation, in cooperation with the UNESCO Office in Havana, of a training course on the protection of the cultural heritage in the event of armed conflict or natural disaster and on action to combat its illicit trafficking; in Africa: preparation, with the support of the Italian development cooperation agency, of the second training course on action to combat illicit trafficking; preparation, in cooperation with the UNESCO Office in Windhoek, of a training course on action to combat trafficking in cultural property in South Africa and contribution to a local training course in Nigeria, in cooperation with Professor Folarin Shyllon.

12. *International cooperation.* Fortieth anniversary of the Convention with the support of Switzerland; cooperation with INTERPOL (joint meeting on trafficking in February 2010, contribution to the Stolen Works of Art Database, raising awareness of inventories), with the International Council of Museums (ICOM) (preparation of the ICOM Red Lists for Haiti and Cambodia, restitution of the Makonde Mask by the Barbier-Mueller Museum, Geneva, to the United Republic of Tanzania) and with the United Nations Office on Drugs and Crime (UNODC) strengthening relations with international auction houses; strengthening cooperation with academic institutions (the Geneva Art-Law Centre, the Mexican Centre of Uniform Law and the Universities of Milan and Paris).

13. *Awareness-raising.* Production of a short film in six languages on the activities of UNESCO and its partners; publication of the Compendium on the Return of Cultural Property in English (translation into other languages under way); finalization of awareness-raising video clips on the protection of the heritage, for tourists and local populations; plans for the development of an awareness-raising game on the protection of the heritage, for Iraqi children; compilation of a

handbook on the security of religious buildings and objects of worship, in cooperation with INTERPOL.

14. *Publications and communication*. Compilation of the French version of the Commentary on the 1970 UNESCO Convention; publication in the April-May 2010 issue of the journal *Questions internationals* of an article on UNESCO's activities to combat trafficking in cultural property; contribution to the proceedings of the Euromed Heritage seminar held in Beirut on action to combat trafficking in the Middle East; preparation of a draft typology of the Haitian heritage for an ICOM Red List; articles, quotations and direct statements in various forums and media.

15. *Restitutions.* Restitution of the Makonde Mask; development of a draft database of cases of restitution with a view to its presentation at the 16th session of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation; support provided by the UNESCO Office in Jakarta for the publication of the catalogue of the Antoulas Collection returned to Timor-Leste; cooperation with the UNESCO Office in Ramallah for the restitution of Iraqi items; assistance provided to Ecuador, Guatemala and Peru in requesting the restitution of archaeological property.

16. *Intergovernmental Committee.* The 16th session of the Intergovernmental Committee, initially scheduled for April 2010, has been postponed to 21-23 September 2010, owing to air traffic disruption.

(a) Resources allocated

17. Resources have been allocated as follows:

- human resources: one programme specialist (P-3); two supernumeraries financed from extrabudgetary funds, but all activities will in due course be performed by the programme specialist;

- budgetary resources: US $130,000 ($70,000 for 2010 and $60,000 for 2011).

18. These limited resources do not provide for the full implementation of the tasks set out in document 35 C/5. Eighty per cent of the budget for 2010 has already been spent on the organization of the 16th session of the Intergovernmental Committee and half of the funds for 2011 had to be advanced for programme implementation in 2010. With the support of Italy, Monaco, the Netherlands and Switzerland, promotion and awareness-raising activities were conducted successfully.

- **1989 Convention on Technical and Vocational Education (ED)**

(a) Activities

19. In the framework of the new UNESCO Strategy for Technical and Vocational Education and Training, the Secretariat has commissioned an independent study on the Convention and Recommendation. This evaluation aims to assess the relevance of their impact. A final report will be submitted by end September 2010.

20. In addition, the Education Sector has launched a series of TVET policy reviews. The first policy review has been conducted in Malawi. This exercise also aims to increase awareness of these normative instruments.

(b) Resources allocated

21. Resources have been allocated as follows:

- human resources: one person, who is responsible for coordinating activities related to the implementation of the programme, is also in charge of the follow-up on the monitoring of the Convention and of the Revised Recommendation;

- budgetary resources: $95,000.

B. Activities undertaken to promote the implementation of the recommendations

- **1960 Convention against Discrimination in Education (ED)**

22. (see paragraphs 2 to 9 above)

- **1966 Recommendation concerning the Status of Teachers and 1997 Recommendation concerning the Status of Higher-Education Teaching Personnel (ED)**

(a) Activities

23. Joint ILO/UNESCO research studies are being undertaken on the following issues: social dialogue good practices, higher education employment – entry to the profession, security of employment, gender-sensitive education management information systems, academic freedom and institutional autonomy, and good practices in teacher policies.

24. These Recommendations were promoted in Palestine by: leading of a high level discussion on these Recommendations with senior policy-makers in order to mobilize support for the adoption of these instruments in the ongoing education reform; organization of an information seminar to promote the Recommendations and demonstrate their utility for higher education institutions, faculties of education and teachers' unions; advising of the National Standards Committee tasked with developing national professional standards for teachers on applying the Recommendations.

25. A mission to South Africa was undertaken to explain the utility of the Recommendations and their relation to research; teacher professionalism, recognition and status; teaching standards; qualifications and their harmonization; and teacher migration. Planning for World Teachers' Day is ongoing.

(b) Resources allocated

26. Resources have been allocated as follows:

- human resources: one programme specialist;

- budgetary resources: $100,000.

- **1974 Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms (ED)**

(a) Activities

27. UNESCO contributed to the drafting of a plan of action for the 2nd phase of the World Programme for Human Rights Education 2010-2014. The Human Rights Council decided that this phase would focus on human rights education for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military

personnel at all levels for 5 years. The Council also encouraged States that have not yet taken steps to incorporate human rights education in the primary and secondary school system to do so.

28. UNESCO has engaged in the process of developing practical guidelines on competencies related to education for sustainable development and core values such as human rights, peace and tolerance. Preparation of the 3rd Collection of the UNESCO Associated Schools Project Network *Good Practices for Quality Education – 2010: Intercultural Dialogue* is well under way.

(b) Resources allocated

29. Resources have been allocated as follows:

- human resources: one programme specialist;
- budgetary resources: no specific budgetary resources allocated.

30. There is no budgetary resource specifically allocated to the monitoring of the Recommendation. Rather, it is part of the overall programme related to human rights education, with a budget of $100,000. The activities carried out within this framework contribute in kind to the follow-up to the Recommendation.

- **1974 Recommendation on the Status of Scientific Researchers (SHS)**

(a) Activities

31. Following consultation of the World Commission on the Ethics of Scientific Knowledge and Technology (COMEST), preparations are currently under way to consult Member States about an appropriate method to monitor implementation of the 1974 Recommendation on the Status of Scientific Researchers. Comments on the process are expected to be requested in writing in November 2010.

(b) Resources allocated

32. Resources have been allocated as follows:

- human resources: one senior programme specialist P-5 (10% in 2010 and 20% in 2011);
- budgetary resources: no specific budgetary resources allocated.

33. The relevant resources are listed in the regular programme under “Ethics of science”. The budgetary resources amount to some $30,000 (including $15,000 for field offices). The above-mentioned human resources also form part of the human resources allocated to the Division of Ethics of Science and Technology (other staff in the Division are also requested to participate in these activities).

- **1976 Recommendation on the Development of Adult Education (ED)**

(a) Activities

34. The 6th International Conference on Adult Education (CONFINTEA VI) provided an important platform for policy dialogue and advocacy on adult learning and non-formal education at the global level. The Conference adopted the *Belém Framework for Action*, which includes a final recommendation to review and update, by 2012, the Recommendation.

35. The CONFINTEA Advisory Group held its first meeting in March 2010. This group serves as a permanent body and mechanism to guide and support UNESCO in the CONFINTEA VI follow-up process. It includes representatives from 9 Member States, international key stakeholder

organizations, United Nations agencies and UNESCO. The group is developing a follow-up strategy, which includes a set of guiding principles, concrete proposals for national and international action, and a common road map for the follow-up process.

(b) Resources allocated

36. Resources have been allocated as follows:

- human resources: one programme specialist;
- budgetary resources: CONFINTEA VI was funded through a contribution from the host country, a contribution from regular budget used primarily to support the participation of representatives from least developed countries, and extrabudgetary funds. The UNESCO Institute for Lifelong Learning and UNESCO Brasília Office devoted a major part of their activities and staff time to the preparation and implementation of the Conference.

▪ **1978 Revised Recommendation concerning the International Standardization of Educational Statistics (UIS)**

(a) Activities

37. Work on the revision of the International Standard Classification of Education (ISCED) has continued to progress as planned. The ISCED Technical Advisory Panel (TAP) met again in April 2010 to share results of the remaining regional meetings (Arab States: February 2010, Doha, Qatar; Latin America and the Caribbean: March 2010, Montreal, Canada; OECD and EU countries: March 2010, Paris, France) and to comment on the initial draft of the ISCED text.

38. A draft ISCED 2011 text was finalized following the April 2010 TAP meeting, and presented to agencies and to UNESCO in May 2010. A global consultation on the text is taking place from June to September 2010 during which Member States, National Commissions and all concerned parties have the opportunity to comment on this text. The Editorial Group of the TAP will meet in November 2010 to revise the text based on feedback from the global consultation. The TAP will then meet in December 2010 to discuss and validate the new draft.

(b) Resources allocated

39. Resources have been allocated as follows:

- human resources: two programme specialists (100%); two P-5 senior programme specialists (10%);
- budgetary resources: $20,000 under the regular programme and $580,000 under voluntary contributions (including $400,000 for operating costs).

▪ **1980 Recommendation concerning the Status of the Artist (CLT)**

(a) Activities

40. The implementation of the recommendation is still monitored by the World Observatory on the Social Status of the Artist, accessible on the UNESCO website. The Secretariat is amending the questionnaire in order to raise the response rate and to assess the progress achieved, with a view to implementing the next summary report in 2011.

(b) Resources allocated

41. Resources have been allocated as follows:

- human resources: one P-5 senior programme specialist (5%); one P-3 programme specialist P-3 (10%); one website editing and management consultant (5%); interns;

- budgetary resources: $20,300.

42. These resources provide for the following activities: regular update of the Observatory, expert analysis of the development of the status of the artist; organization of a symposium on the occasion of the 30th anniversary of the Recommendation; and the preparation of a study on the social status of women artists.

- **1993 Recommendation on the Recognition of Studies and Qualifications in Higher Education (ED)**

(a) Activities

43. UNESCO is supporting the revision process of two of the six regional conventions on the recognition of qualifications in higher education: the Regional Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and other Academic Qualification in Higher Education in the African States; and the Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific.

44. UNESCO has invited representatives of these six regional conventions for a meeting in June 2010. This group could constitute a monitoring committee for the Recommendation and design a strategy for its implementation.

(b) Resources allocated

45. Resources have been allocated as follows:

- human resources: a secretary for each regional convention is normally designated both at Headquarters and in the Field. At Headquarters, three staff members (including one temporary staff member) are responsible for ensuring the implementation of the Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab and European States Bordering on the Mediterranean, the Convention on the Recognition of Qualifications concerning Higher Education in the European Region and all related activities;

- budgetary resources: no specific budgetary resources allocated.

- **2001 Revised Recommendation concerning Technical and Vocational Education (ED)**

46. (see paragraphs 19 to 21 above)

- **2003 Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace (CI)**

(a) Activities

47. By a Circular Letter of June 2010, the Director-General requested Member States to submit by 31 December 2010 their second report on the implementation of the Recommendation.

48. In order to assist Member States, UNESCO prepared, within the framework of its Intergovernmental Information for All Programme (IFAP) a *Template for National Information Society Policy*[2] as well as the IFAP *Annual World Report 2009 on the Information Society Policies*

[2] http://unesdoc.unesco.org/images/0018/001871/187135e.pdf

in Member States.[3] This report presents a list of major 2009 international and national policy and analytical documents in the Information Society field and summarizes the latest trends, fresh approaches and experiences, new phenomena and concepts as well as patterns of different good practices worldwide.

49. In 2009, a concrete project was implemented in Latin America in order to assist Member States in training decision-makers in implementing this Recommendation. In this regard, UNESCO carried out several training activities, in partnership with the Organization of American States. Furthermore, at the World Summit on the Information Society (WSIS) Forum held in May 2010 in Geneva (Switzerland), UNESCO has drawn again attention of the decision-makers to the importance of the implementation of this Recommendation.

(b) Resources allocated

50. Resources have been allocated as follows:

- human resources: one P-3 programme specialist (20%) under the supervision of a P-5 senior programme specialist;
- budgetary resources: $39,000.

Action expected of the Executive Board

51. In the light of the foregoing, the Executive Board may wish to adopt a decision along the following lines:

The Executive Board,

1. Recalling 15 C/Resolution 12.2, 23 C/Resolution 29.1, 165 EX/Decision 6.2, 32 C/Resolution 77, 170 EX/Decision 6.2, 171 EX/Decision 27, 174 EX/Decision 21, 175 EX/Decision 28, 176 EX/Decision 33, 177 EX/Decision 35 (I and II), 34 C/Resolution 87, 180 EX/Decision 31, 181 EX/Decision 27 and documents 182 EX/31 and 184 EX/20 relating to the first aspect of the terms of reference of the Committee on Conventions and Recommendations (CR), which concerns the implementation of UNESCO's standard-setting instruments,

2. Having examined document 185 EX/22 Part I and the report of the CR Committee thereon (185 EX/..),

3. Invites Member States once again to fulfil their legal obligations under Article VIII of the Constitution of UNESCO regarding periodic reports on the action taken on conventions and recommendations;

4. Requests the Director-General to ensure the implementation of this new legal framework by the programme sectors and the UNESCO Institute of Statistics (UIS), which have responsibility for the conventions and recommendations monitored by the CR Committee;

5. Decides to continue consideration of the matter at its 186th session.

[3] http://portal.unesco.org/ci/en/files/29547/12668551003ifap_world_report_2009.pdf/ifap_world_report_2009.pdf

United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Hundred and eighty-fifth session

185 EX/23
Part II

PARIS, 13 August 2010
Original: English

Item **23** of the provisional agenda

IMPLEMENTATION OF STANDARD-SETTING INSTRUMENTS FOR WHOSE MONITORING THE BOARD IS RESPONSIBLE

PART II

CONSIDERATION OF THE DRAFT GUIDELINES FOR THE PREPARATION OF REPORTS BY MEMBER STATES ON THE APPLICATION OF THE 1960 CONVENTION AND RECOMMENDATION AGAINST DISCRIMINATION IN EDUCATION

SUMMARY

In accordance with the new procedures adopted in 2007 for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided (177 EX/Decision 35 Parts I and II), the Executive Board has adopted framework guidelines for the preparation of reports on the implementation of conventions. This document presents draft guidelines specifically developed for the 1960 Convention and Recommendation against discrimination in Education on the basis of framework guidelines.

The financial or administrative implications of the reported activities fall within the parameters of the current C/5.

Action expected of the Executive Board: draft decision in paragraph 5.

1. The Convention against Discrimination in Education ("the Convention") and Recommendation against Discrimination in Education ("the Recommendation"), adopted by UNESCO's General Conference in 1960, express the fundamental principles of non-discrimination and equality of educational opportunities enshrined in UNESCO's Constitution. Like UNESCO's Constitution, the Convention, which was recognized as a key pillar of education for all (EFA) by UNESCO's Executive Board (at its 170th session), and Recommendation prohibit discrimination in education "based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth". Barring differences in wording and in legal scope inherent to the nature of these two categories of instruments, the content of the Recommendation is identical to that of the Convention.

2. Under Article VIII of the Constitution of UNESCO, Member States are required to submit a report on the legislative and administrative provisions they have adopted and on other measures taken to implement the conventions and recommendations adopted by the Organization. In accordance with the specific multi-stage procedure, the frequency for submitting such reports on the implementation of the Convention and the Recommendation against Discrimination in education is set at four-year intervals. The purpose of reporting is to illustrate the action taken to implement the instruments, the progress achieved and the difficulties encountered by Member States. The Recommendation is monitored in conjunction with the Convention. To date, UNESCO has conducted seven consultations of Member States on the implementation of the Convention and the Recommendation. The seventh consultation led the General Conference to adopt 34 C/Resolution 13 in October 2007. The next consultation of Member States will be launched following the Board's approval of the draft Guidelines as annexed to this document. Subsequently, a summary of the reports received from Member States will be examined by the Executive Board at its 192nd session in autumn 2013 and by the General Conference at its 37th session, in conformity with the agreed calendar adopted at the 181st session of the Board and revised at its 184th session (181 EX/Decision 7 and 184 EX/Decision 20).

3. The Secretariat therefore submits to the Executive Board, for its approval, the draft prepared on the basis of the framework guidelines adopted at the 177th session in 2007. This is the methodology that the Secretariat wishes to be recommended to the Member States to ensure that their reports include the most precise information possible on the application of the 1960 Convention and the Recommendation.

4. After the draft has been adopted by the Board, the guidelines will be sent to the national authorities responsible for the preparation of reports on the implementation of these standard-setting instruments in order to assist them in providing UNESCO with information on the effective implementation of the 1960 Convention and Recommendation through measures taken at national levels.

Action expected of the Executive Board

5. In the light of the above, the Executive Board may wish to adopt the following draft decision:

The Executive Board,

1. Bearing in mind Member States' obligations under Article VIII of UNESCO's Constitution and Article 17 of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution,

2. Recalling 34 C/Resolution 13, 181 EX/Decision 27 and 184 EX/Decision 20,

3. Further recalling Part I and Part II of 177 EX/Decision 35, which adopt respectively (a) a specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided and (b) framework guidelines,

4. Having examined document 185 EX/23 Part II and the report of the Committee on Conventions and Recommendations thereon (185 EX/...),

5. Approves the guidelines drawn up for the preparation of reports by Member States on the application of the 1960 Convention and Recommendation, as annexed to document 185 EX/23 Part II;

6. Requests the Director-General to request Member States to submit reports on the implementation of the 1960 Convention and Recommendation to UNESCO;

7. Further requests the Director-General to submit to it, at its 192nd session, a summary of the reports received from Member States on the measures taken in regard to the implementation of the 1960 Convention and Recommendation, with a view to their submission to the General Conference at its 37th session.

ANNEX

DRAFT GUIDELINES

Introduction

These Guidelines are intended to assist Member States in the preparation of the Reports on the implementation of the 1960 Convention against Discrimination in Education ("the Convention") as well as the 1960 Recommendation against Discrimination in Education ("the Recommendation").

The Convention and the Recommendation correspond to UNESCO's constitutional mandate to "advance the ideal of equality of educational opportunities without regard to race, sex or any distinctions, economic or social". Member States are expected to bear in mind the difference in the legal nature of the obligations under the Convention, as distinguished from those under the Recommendation. The Convention has binding force, and the States Parties to it must incorporate its provisions into the national Constitution or domestic law. The Recommendation, non-binding in nature, has political and moral force. It seeks to take into account the difficulties that certain States might experience, for various reasons and in particular on account of their federal structure, in ratifying the Convention. Barring differences in wording and in legal scope inherent to the nature of these two categories of instrument, the content of the Recommendation is identical to that of the Convention. Articles I to VII of the Convention and the Recommendation are identical in wording and contain similar provisions. Member States are expected to give effect to it in national legislation and education policies.

As far as practicable, it is recommended that Member States follow all points contained in this draft. In its contribution, however, the State may disregard any point on which no information is available.

The reporting period for the Eighth Consultation on the implementation of the Convention and the Recommendation covers six years (2006-2011).

Even though some points are framed as questions, the document must be regarded more as a guide than as a questionnaire.

I. Information on the legislative, judicial, administrative and other measures taken by the State at the national level

1. Accession to the Convention against Discrimination in Education

(a) Has the Convention been ratified?

(b) If the Convention has not been ratified, please indicate, where applicable:

- the stage of the ratification process reached by your country (close to ratification, under way, actively under preparation, not considering ratification in the short, medium or long term);
- obstacles or difficulties encountered in completing the ratification process (whether legal, political or practical) and the means of overcoming them;
- the extent to which UNESCO can assist in completing the process.

(c) Please include information transmitted to the United Nations treaty bodies on the endorsement of other international human rights standards, in particular if such information is directly related to the right to education. Please indicate if your country is Party to regional human rights instruments.

2. Implementation of the Convention and the Recommendation in the national legal system

(a) In case your country is a State Party to the Convention, please indicate:

- whether the Convention is directly applicable in domestic law on ratification, or has been incorporated into the national Constitution or domestic law so as to be directly applicable;

- whether the provisions of the Convention are guaranteed in the Constitution or in a basic legislative text or other nationals provisions;

- whether its provisions can be invoked before and given effect to by courts, tribunals and administrative authorities. Information should be given about the judicial, administrative and other competent authorities having jurisdiction with respect to the rights guaranteed by the Convention and the scope of such competence. (Please illustrate on the basis of available case law and jurisprudence.)

(b) In case your country is not a State Party to the Convention, please indicate whether legislative measures have been taken pursuant to the Recommendation and the ways in which national education policy and programmes correspond to its provisions. (Information supplied should demonstrate how laws and practices comply with commitments under the Recommendation, describing legal norms as well as the factual situation).

(c) What are the references, dates and aims of the principal national laws and regulations adopted in order to implement the Convention or Recommendation?

(d) The Report should cover educational laws and legislative texts adopted to prohibit discrimination in education as rooted in the historical, cultural, economic and political conditions and to promote equal educational opportunities. (The report should contain sufficient quotations from or summaries of the relevant principal constitutional, legislative and other texts, which guarantee and provide remedies in relation to the Convention and the Recommendation rights).

(e) Please provide, as much as possible and as appropriate, figures and data concerning educational opportunities in your country (regarding literacy rate, gross enrolment ratio in primary education, secondary education in its different forms, higher education as well as drop out and completion rates, the number of participants in adult/continuing education programmes, out-of school children of compulsory school age and trained teachers), disaggregated on the grounds of discrimination prohibited by the Convention and the Recommendation (“race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth”). It will be appreciated if data is supplied in the form of a table.

(f) If your country is a State Party to the International Covenant on Economic, Social and Cultural Rights, you may also attach information already provided to CESCR (covering the reporting period 2006-2011) with respect to the implementation of the right to education (Articles 13 and 14 of the International Covenant) or refer to the relevant parts of those reports. Similarly, you may refer to the relevant information (covering the reporting period 2006-2011) already provided to other treaty monitoring bodies, namely to the Committee on the Elimination of Racial Discrimination, to the Committee on the Elimination of Discrimination against Women, or to the Committee on the Rights of the Child.

II. Information on the implementation of the Convention or Recommendation (with reference to their provisions)

1. Non-discrimination in education

(a) Please indicate the extent to which discrimination in education based on grounds specified in the Convention/Recommendation is outlawed in your country.

(b) Please furnish information on the means employed to ensure equality of treatment in education.

(c) Please describe the measures adopted in order to eliminate and prevent discrimination within the meaning of the Convention/Recommendation, including non-discrimination in the admission of pupils to educational institutions, and non-differential treatment, assistance granted by public educational authorities to educational institutions, and treatment of foreign nationals resident in your country.

2. Equal opportunities in education to attain education for all (EFA)

(a) What action is your Government taking in order to guarantee equal access to all levels of education within your country – for instance in the form of anti-discriminatory measures, financial incentives, fellowships, positive or affirmative action? Please describe the effects of such measures.

(b) Please indicate how education laws and policy have been developed and strategies and programmes are being implemented with a view to achieving, in your country, the full realization of the right of everyone to education, ensuring equality of educational opportunities, and to achieving EFA as UNESCO's priority.

(c) What are the actions planned in your country to give special consideration to gender equity and equality in education and the educational needs of the poor, economically and socially marginalized and vulnerable groups?

3. Progress made with respect to implementing the right to education

(i) Universal primary education

(a) Please furnish information on the progress made with respect to ensuring universal access to primary education.

(b) Is primary education in your country available free of charge to all? If so, what laws and policies ensure the universal free availability of primary education? If not, how does your Government intend to ensure free primary education?

(c) What strategies and programmes are implemented to ensure that "by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete, free and compulsory primary education of good quality"?[1]

(d) What difficulties has your Government encountered in the realization of universal access to free primary education?

(e) If primary education is not currently compulsory in your country, please provide details for its implementation.

---

1 Dakar Framework for Action, adopted by the World Education Forum, Dakar 2000.

(ii) Continuing education

(a) What efforts has your Government made to establish a system of continuing education on the basis of individual capacity, especially basic education for persons who have not received or completed the whole period of their primary education?

(b) What are the measures being implemented to ensure equitable access to basic and continuing education so that the basic learning needs of all young people and adults are met through the elimination of illiteracy and equitable access to appropriate learning and life-skills programmes?

(iii) Secondary education

(a) Is secondary education, including technical and vocational secondary education, generally available and accessible to all in your country?

(b) To what extent is such secondary education free of charge?

(c) Please furnish descriptive information on the progress realized and the difficulties encountered.

(iv) Higher education

(a) To what extent is access to higher education, based upon individual capacity, realized in your country?

(b) What efforts has your Government made to ensure that there is no discrimination on the grounds prohibited by the Convention to enter and complete higher education, both in public and private institutions?

(v) Quality education

(a) What measures does your country take to ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent?

(vi) Teaching profession

(a) Have there been instances of discrimination as regards training for the teaching profession in your country? If so, what was the response to this situation in order to guarantee training for the teaching profession without discrimination?

(b) Please describe the conditions of teaching staff at all levels in your country.

(c) How do teachers' salaries compare to salaries of (other) civil servants?

(d) What measures does your country take or contemplate to improve the living and professional conditions of teaching staff?

(vii) Respect for human rights and fundamental freedoms

(a) Please report on national efforts made for directing education towards the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.

(viii) Private education

(a) Please describe measures taken relating to the parental choice and establishments or maintenance, for religious or linguistic purposes, of separate education systems or establishments.

(b) Please describe the regulatory framework for private educational institutions in order to ensure equality of educational opportunities and treatment.

(ix) Religious and moral education

(a) Please describe the education policy framework for minimum educational standards as regards the rights of the parents/legal guardian for providing religious and moral education for their children and the choice of educational institutions in accordance with the provisions of the Convention.

(x) Rights of national minorities

(a) How are the rights of national minorities protected for carrying out their own educational activities?

(b) Please describe the legal and policy framework relating to the educational standards in educational institutions run by minorities. Information should cover the language facilities, such as the availability of teaching in the mother tongue of the students, and use of teaching of languages in education policy.

III. Methods used to draw the attention of the various authorities in the country to the instruments and to remove the obstacles encountered

(a) Please highlight (i) difficulties encountered in the process of implementing the key provisions of the Convention/Recommendation, and (ii) the legal and practical obstacles encountered in implementing the Convention.

(b) Please provide a brief assessment of the effectiveness of the methods introduced to draw the attention of the various authorities of the country to the Convention/Recommendation and to remove obstacles encountered as well as to promote ratification of the Convention if your country is not a State Party to it.

(c) What are the main issues that need to be addressed for promoting equality of educational opportunities in the country?

(d) Briefly describe activities carried out to raise public awareness of the principles of non-discrimination and equality of educational opportunities enshrined in the Convention and the Recommendation, including their translation into national and, where necessary, local languages, and their national or local dissemination, in particular to non-governmental organizations.

(e) Please specify activities undertaken or supported by the National Commission with a view to promoting the Convention/Recommendation and fostering debate on critical issues, in relation to the rights enshrined in the instruments.

***

United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Hundred and eighty-fifth session

185 EX/23
Part III A

PARIS, 13 August 2010
Original: English

Item **23** of the provisional agenda

IMPLEMENTATION OF STANDARD-SETTING INSTRUMENTS FOR WHOSE MONITORING THE BOARD IS RESPONSIBLE

PART III

APPLICATION OF THE 1966 RECOMMENDATION CONCERNING THE STATUS OF TEACHERS AND THE 1997 RECOMMENDATION CONCERNING THE STATUS OF HIGHER EDUCATION TEACHING PERSONNEL

REPORT BY THE DIRECTOR-GENERAL ON THE TENTH SESSION OF THE JOINT ILO/UNESCO COMMITTEE OF EXPERTS ON THE APPLICATION OF THE RECOMMENDATIONS CONCERNING TEACHING PERSONNEL (CEART) AND REPORT BY THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS THEREON

SUMMARY

In accordance with 176 EX/Decision 32, the Director-General hereby submits to the Executive Board a summary of the findings of the Tenth Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART), Paris, 28 September-2 October 2009 as set out in the Committee's report (CEART/10/2009).

The financial and administrative implications of the reported activities fall within the parameters of the current C/5 document.

Action expected of the Executive Board: decision in paragraph 7.

Background

1. Every three years, a committee of 12 independent experts appointed by the Directors-General of UNESCO and the Governing Body of the International Labour Organization (ILO) hold a work session in which they review the extent to which Member States have applied the 1966 Recommendation concerning the Status of Teachers and the 1997 Recommendation concerning the Status of Higher Education Teaching Personnel. The Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) then produces a report making recommendations to the Executive Board of UNESCO and the Governing Body of ILO to enhance the application of the two Recommendations. The full report of the Tenth Session, held at UNESCO Headquarters from 28 September to 2 October 2009, is distributed during this session of the Executive Board (CEART/10/2009).

2. The CEART report aims to highlight trends in the key areas covered by the two Recommendations and to make suggestions to UNESCO and ILO on how to improve the implementation of these Recommendations. The main body of the report deals with programmatic education, teacher employment and issues concerning teaching/learning conditions, described as they relate to the priorities of both organizations and with reference to the provisions of one or both Recommendations. The CEART report also deals with allegations of non-application of provisions of the 1966 and 1997 Recommendations made against governments by teacher organizations.

Programmatic conclusions and recommendations

3. The Tenth Session of the CEART focused on the major issues affecting the current status of teaching personnel worldwide, within the framework of the Recommendations: social dialogue in education; initial and continuing teacher education; employment and careers, teacher salaries, teaching and learning conditions; teacher shortages in the framework of Education for All, including financing and recruitment challenges, the impact of HIV and AIDS on the profession and gender issues; academic freedom and institutional autonomy in higher education; higher education terms and conditions of employment; and the impact of private and for-profit providers of post-secondary education. The Joint Committee carefully considered the perspectives of intergovernmental and international teachers' and non-governmental organizations active on teachers' issues, including issues of: relative, though not universal, decline in teacher salaries and conditions of work; the effects of the economic crisis on education and teachers; continued teacher shortages in many regions and countries; teacher migration and mobility; violence affecting teachers; the need for more and better teacher appraisal and professional development; and changes in the status of higher education personnel.

4. A number of the recommendations stemming from these discussions are set out below:

(a) a limited number of detailed studies of successful examples of social dialogue in education in various regions of the world should be conducted;

(b) Member States should be supported in the formulation of a clear and comprehensive policy for teacher education, including adequate funding;

(c) changes in teaching career structures, conditions of work and salaries and sharing of information on good practices as the basis for policy and practices should continue to be monitored and reported on;

(d) a gender-sensitive study on the management and use of teacher information systems should be commissioned and liaison ensured with the International Task Force on Teachers for Education for All;

(e) Ministers of education, university managers and key representatives of the private sector should be encouraged to ensure the quality of higher education by establishing

quality assurance systems and by promoting a culture of quality within institutions on the basis of academic freedom, institutional autonomy and social responsibility;

(f) governments and other educational authorities should be urged to follow the standards for faculty status as provided for in the 1997 Recommendation by regulating both private and public higher education institutions and providers;

(g) more transparent and greater quality assurance mechanisms should be supported as regards policies and practices in the engagement, retention and professional development of higher education teaching staff.

Allegations relating to the 1966 and 1997 Recommendations on Teaching Personnel

5. During CEART's Tenth Session, a new case from Denmark was considered, while a continued review of cases from Australia, Ethiopia and Japan was undertaken. CEART's report on these allegations is available in document 185 EX/23 Part III B.

Comments by the Director-General on the CEART report

6. The Director-General notes with satisfaction the focused work of this Committee, which continues to provide its expertise in education and labour issues. She appreciates the holistic approach to these major teacher issues and the strengthened inter-agency monitoring mechanism. She also commends the relevance of the report to critical issues affecting the teaching profession and the pragmatic recommendations to redress trends such as declining teacher salaries and conditions of work; the effects of the economic crisis; teacher shortages, migration and mobility; and violence against teachers. Furthermore, the Director-General acknowledges the sustained efforts of the Committee to promote adherence to the 1966 and 1997 Recommendations and help to resolve allegation issues.

Action expected of the Executive Board

7. The Executive Board may wish to adopt a decision along the following lines:

The Executive Board,

1. Recalling 154 EX/Decision 4.4, 157 EX/Decision 6.3 and 176 EX/Decision 32,

2. Having examined document 185 EX/23 Part III A,

3. Takes note of the report of the Tenth Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART/10/2009);

4. Appreciating the work of the Joint Committee in stimulating action to promote greater awareness and wider application of the two Recommendations concerning the status of teaching personnel,

5. Invites the Director-General to assist the Joint Committee in carrying out its next cycle of work, the report of which is foreseen for submission to the Executive Board in 2013;

6. Requests the Director-General to communicate the report of the Joint Committee, together with the observations of the Executive Board, if any, to Member States and their National Commissions, international teachers' organizations and other relevant international organizations having relations with UNESCO, inviting their consideration and comments on the policy recommendations of the CEART that concern them and encouraging them to continue to apply all provisions of both normative instruments.

United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Hundred and eighty-fifth session

185 EX/23
Part III A Add.

PARIS, 6 October 2010
Original: English

Item **23** of the provisional agenda

IMPLEMENTATION OF STANDARD-SETTING INSTRUMENTS FOR WHOSE MONITORING THE BOARD IS RESPONSIBLE

PART III

APPLICATION OF THE 1966 RECOMMENDATION CONCERNING THE STATUS OF TEACHERS AND THE 1997 RECOMMENDATION CONCERNING THE STATUS OF HIGHER EDUCATION TEACHING PERSONNEL

REPORT BY THE DIRECTOR-GENERAL ON THE TENTH SESSION OF THE JOINT ILO/UNESCO COMMITTEE OF EXPERTS ON THE APPLICATION OF THE RECOMMENDATIONS CONCERNING TEACHING PERSONNEL (CEART) AND REPORT BY THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS THEREON

ADDENDUM

SUMMARY

This document sets out the full Report of the Tenth Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) held in Paris 28 September-2 October 2009, as annexed hereto. As per 176 EX/32 (the report of the Ninth meeting of the Joint ILO/UNESCO CEART), the report is distributed in English, French and Spanish.

CEART 10/2009

International Labour Organization

United Nations
Educational, Scientific
and Cultural Organization

Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel

Report

Tenth session
Paris, 28 September – 2 October 2009

ILO – Geneva

UNESCO – Paris

First pubished 2010

Composed and printed in the workshops of UNESCO, Paris, France.
Cover photos © UNESCO – credits: Gisèle Sawaya, Akhtar Soomro, Justin Mott, Petterik Wiggers.

(ED-2009/WS/56 – CLD 4159.9)

Contents

Page

Executive summary 1

Introduction 11

Methodology of the Joint Committee 14

I. Monitoring of the 1966 and 1997 Recommendations:

Major Themes 15

A. Major trends: The perspectives of international organizations 15

B. The status of teachers: the application of the 1966 Recommendation 17

Social dialogue in education 17

Teacher education – Initial and continuing 19

Employment and careers, teacher salaries and teaching and learning conditions 21

Teacher shortages and EFA 24

C. The status of higher education teachers and researchers: Trends in the application of the 1997 Recommendation 26

Academic freedom and institutional autonomy 26

Higher Education: Terms and Conditions of employment/ Private providers 27

Entry into the Profession 29

Security of Employment 29

Appraisal of Staff 30

Gender in higher education 30

II. Progress in promotion and use of the 1966 and the 1997 Recommendations 31

A. Allegations on non-observance of the Recommendations 31

Allegations received since the Ninth Session, 2006 31

Review of further developments in allegations previously received 31

B. Promotional Activities 32
World Teachers Day 32
Information dissemination on the Recommendations 33
Partnership to promote use of the Recommendations 33
C. Research and reports on teachers 33
D. Working methods of the Joint Committee 33

III. Draft Agenda of the Eleventh Session of the Joint Committee and Closing of the Session 34

Annexes
1. Information sources for the Tenth Session 35
2. Allegations received from teachers' organizations 38
3. Secretariat of the Joint Committee 51
4. Opening and closing remarks at the Tenth Session 53
5. Activities to promote the 1966 and 1997 Recommendations 56
6. Draft Agenda of the Eleventh Session of the Joint Committee 63

Executive summary

Nature and scope of the report

This report summarizes the analysis of major issues affecting the current status of teaching personnel worldwide at all levels of education by the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART), referred to in this report as the Joint Committee or CEART[1]

Key issues

The Joint Committee's Tenth Session focused on major themes of concern to teaching and education viewed within the framework of the two Recommendations on teachers:

- Social dialogue in education;
- Teacher education – initial and continuing;
- Employment and careers, teacher salaries, including teacher compensation in fragile states, and teaching and learning conditions;
- Teacher shortages in the framework of Education for All (EFA), including financing and recruitment challenges, impact of HIV and AIDS on the profession, and recruitment and retention of female teachers;
- Academic freedom and institutional autonomy in higher education;
- Higher education terms and conditions of employment: Impact of private and for-profit providers of post-secondary education.

The Joint Committee carefully considered the perspectives of intergovernmental, international teachers' and non-governmental organizations active on teachers' issues, including issues of: relative, though not universal, decline in teacher salaries and conditions of work; effects of the economic crisis on education and teachers; continued teacher shortages in many regions and countries; teacher migration and mobility; violence affecting teachers; the need for more and better teacher appraisal and professional development and changes in the status of higher education personnel.

1 The Joint Committee is composed of 12 independent experts – six appointed by the ILO and six appointed by UNESCO – and it meets every three years to monitor and promote the application of the two international standards specific to teachers: the ILO/UNESCO Recommendation concerning the Status of Teachers, 1966, and the UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel, 1997. The report of this session contains recommendations to the Governing Body of the ILO and to the Executive Board of UNESCO, and through them to governments, employers' and workers' organizations of their member States, on how to improve the condition of the teaching profession within their respective mandates, using the two Recommendations as guidelines.

In compliance with its mandate to monitor problems identified in the application of the 1966 and 1997 Recommendations, the Joint Committee also considered a number of allegations from teachers' organizations concerning non-observance of the Recommendations' provisions, and made recommendations to the Governing Body of the ILO and the Executive Board of UNESCO to help find solutions in member States (Annex 2).

Social dialogue in education

The trends indicate that in Western Europe, social dialogue among the social partners is well established and respected, while the situation is mixed in Eastern Europe. Some countries are found to have generally positive conditions for social dialogue but a number of countries in transition still place restrictions on social dialogue.

[In North America] ...teachers are strongly organized in the United States and Canada with bargaining rights that are sometimes denied them by certain States or provincial governments.

The conditions for social dialogue in Africa vary from very adverse to highly favourable. A small group of African countries have engaged in social dialogue successfully, despite the effects of deteriorating economic conditions. Highly fragmented union structures and the lack of institutional frameworks in some countries inhibit social dialogue. Government imposition of conditions to register teacher' unions as a pre-condition to their functioning is a recurrent problem in the region.

Social dialogue is limited in the Asia and Pacific region. Trade unions are repressed in many countries. Elsewhere repression is absent, but trade union rights are not enforced effectively. More positive examples do exist, however. Social dialogue is widely practiced in Australia and New Zealand...In Japan, public sector unions, including teachers, operate freely, but legislation prohibits negotiation of collective agreements.

There are cases of successful social dialogue in some Latin American countries such as Chile and Argentina, although the scope of social dialogue can be limited. Several countries severely restrict the rights of teachers to organize, so meaningful social dialogue is impossible...many allegations submitted to the ILO's Committee on Freedom of Association are from Latin America.

Social dialogue is not yet a common practice in the Arab countries.

Several studies showed the positive impact of social dialogue in the governance of the educational system and the quality of education... the under-representation of women in social dialogue institutions limits their effectiveness. The pressure on the education system caused by the economic crisis can best be addressed by the mechanisms of social dialogue at the national and international levels.

Respect for the rights of teachers to organize and bargain collectively is a fundamental condition for successful social dialogue. Support for those principles can be found in ratification of relevant ILO Conventions, as well as national legislation. The Joint Committee notes that countries which have ratified ILO Conventions too often fail to respect them... The benefits of effective social dialogue are still not widely appreciated.

Recommendations

The Joint Committee recommends that:

– The **ILO and UNESCO** conduct a limited number of detailed studies of successful examples of social dialogue in education in various regions of the world. The studies should have a perspective of at least several years of social dialogue and be based, as much as possible on direct contacts with the social partners.

– The **ILO and UNESCO**, **in cooperation with the social partners**, prepare materials and deliver training for social partners on the conduct of social dialogue ...and promote establishing frameworks for social dialogue in countries where this practice does not exist.

– **UNESCO** prepares a report on its experiences with social dialogue in the context of EFA.

Teacher education – initial and continuing

Teachers around the world face new challenges in their daily work...[including] diversification of the schooling population, economic and technological transformation, globalization, new methods of accessing knowledge, tensions between growth of private sectors and the need to maintain a public educational service, and lifelong learning. Governments need to consider these in their national policies.

The ...challenges imply new roles and competences for teachers which in turn call for a strong development of the teaching profession...Teacher quality continues to be of central concern as quality teachers are products of quality education programs, policies and practices.

[GMR reports]...indicate...that standards among primary school teachers are falling and...much of initial teacher education may be ineffective...some countries contract...untrained teachers or allow...graduates without pedagogic preparation to work in schools.

Induction into the teaching profession remains the missing link between initial teacher education and continuous professional development in most countries...Continued professional development tends to be ad hoc...with little input from teachers themselves, and no links to career progression, nor to using the possibilities of collaborative networking and self study.

There is a lack of regulatory frameworks and effective Quality Assurance mechanisms in most developing countries.

Recommendations

The Joint Committee recommended that the **ILO and UNESCO**:

– Support **Member States** to formulate a clear and comprehensive policy for teacher education, including adequate funding...such policies should include a vision of the teaching profession

and strategies to attract more able students, facilitate their participation in teacher education programmes and their entry into the teaching profession.

– Encourage **Member States and teacher education providers** to use an integrated approach to teacher preparation that views teacher learning as a continuous process of initial teacher education, induction, professional development and self-study.

– Assist **Member States** to develop strategies in teacher induction and ensure that professional development is ongoing, available and involves teachers as planners and administrators of in-service activities using different approaches...[including] the possibilities of collaborative networking and self study.

Employment and careers, teacher salaries and teaching and learning conditions

...employment of teachers has generally expanded since the 1970s, but ...growth rates have dropped off since 2000 at the primary level... Engagement of teachers has not kept pace when compared to enrolments during the same period....Developing countries as a group have fallen behind, led by sub-Saharan Africa and South and West Asia, regions with the largest number of out of school children ...developed countries continued to invest in primary teachers in greater proportion to their decreasing demographics and enrolments. The use of contract teachers to offset teacher shortages has not normally been accompanied by appropriate training opportunities and compensation. Under investing in teachers is short-sighted and ultimately works against economic and social well-being.

An aging teaching force in many OECD member countries...and continued underemployment of women teachers...in major regions such as sub-Saharan Africa and South Asia, especially in rural areas, are major causes of concern.

Teaching career structures...are evolving to encourage better teaching practices and incentives for teachers to remain in teaching, but much more needs to be done to link teacher training and professional development, evaluation and career progression. Evidence from international surveys ...point to a general lack of professional development support adapted to the needs of teachers and learners. Fair and effective teacher appraisal and reward systems in line with the ILO/UNESCO Recommendation concerning the Status of Teachers are still lacking in several countries.

Despite a general trend towards stable or lower class sizes, especially in early years' education... class sizes as a basic factor of teaching and learning conditions remain excessively large in a wide range of countries, not just the poorest...studies indicate that reducing very large class sizes in developing countries helps teachers to perform better and pupils to learn more. When combined with poor learning support at school and at home, large class sizes will not meet international standards and parental expectations for quality learning...

...reports show no significant changes in overall hours of work of teachers in recent years. At the same time there is a generalized decline in the teaching and learning environment. Teachers no longer feel respected nor safe in their working environment. ... teachers in member countries of the OECD report that they spend significant amounts of their time on classroom management and pupil

discipline rather than teaching. ...teachers in developing countries report feelings of professional isolation and lack of support... and...increasing levels of insecurity...Such working conditions are de-motivating and are a major cause of departures of young and experienced teachers from the profession...and...point to a gradual de-professionalization of the teaching profession.

Despite improvements in some developed countries in starting salaries for entry level teachers... available evidence does not point to a substantial reversal of trends... that show a relative long-term decline in real terms of teacher salaries in all but a small number of rich countries. Information from African and South Asian countries continues to show extremely low salary levels, often below poverty levels, irregular payments and poor working conditions. Compensation in the form of monetary and non monetary rewards for teachers in fragile states, emergency or displacement situations, and in post-crisis recovery periods is inadequate or non-existent...the Joint Committee reaffirms its view taken in 2006 that individual performance-related pay is not justified for teacher recruitment or good learning results, and works against teamwork.

Recommendations

– **Governments and educational authorities** at all levels, public and private, are urged to work ...with teachers' organizations through processes of social dialogue to concentrate greater attention and resources to:

  • reduce or maintain class sizes at adequate levels including ...observance of the EFA Fast Track Initiative (FTI) benchmark of 40 pupils per class...fix hours of work taking into account all of a teachers' responsibilities; and create a safe and healthy working environment.

– **Member States** are requested to establish a proper staged career structure for teachers in line with experience and capabilities...

– **Governments of Member States** with falling rates of teacher employment compared to needs should recommit political will and resources to employ sufficient numbers of qualified teachers to realize quality education for all citizens...Forward looking employment policies to ensure balanced age and gender profiles of teaching forces are urgently required in many countries, especially for rural and disadvantaged areas.

– **Governments and private education authorities** are urged to focus greater policy and decisions on improving teacher salary levels, targeted to changing patterns and needs for recruitment and retention of teachers, comparability with other professions...and...the high degree of responsibilities assigned to teachers.

– The **ILO and UNESCO** continue to monitor and report on changes in teaching career structures, conditions of work and salaries...[and] sharing of information on good practices as the basis for policy and practices.

Teacher shortages and EFA

Developing countries face the greatest challenges in calibrating the demand and supply of teachers....10.3 million additional teachers will need to be recruited worldwide if UPE is to be achieved by 2015...in Sub-Saharan Africa...an additional 1.2 million teachers will be needed... Some countries in West and Central Africa will need to raise annual teacher recruitment rates to over 10 per cent... A range of...factors need to be taken into account...untrained or non-qualified [teachers]...attrition rates and migration...and the need to recruit more female teachers to ensure that girls go to and stay in school. The trend towards the recruitment of contract teachers...[has a] bearing...on education quality and the solidarity of the teaching profession...there is a bias in educational provision towards the urban areas, with many teachers reluctant to move to rural and remote areas. However, there are examples of incentive packages to encourage movement to these less attractive areas.

Gender balance in recruitment and retention, including opportunities for career development ...are important components of policy [on] teacher shortages...In countries with high HIV prevalence, HIV and AIDS-related morbidity, mortality, stigma and discrimination continue to constitute significant factors in contributing to teacher shortages.

...educational spending at both national and international levels has dropped during the last decade. Too many countries are devoting less than the benchmark of 4 to 6 per cent of GNP to education agreed by the High Level Group on EFA (Oslo, 2008). Not enough is being done to increase fiscal space to meet teacher supply and demand...by reducing loss due to corruption, re-ordering spending priorities and reducing non-productive military spending...The economic crisis...has compounded current problems...However if there is political will, the crisis could be turned into an opportunity to invest in teachers.

Recommendations

- **Governments** should finance education at levels that ensure education quality and sustainability while guaranteeing a sufficient number of teachers...includ[ing]...necessary levels of investment...from public, private, or public-private sources, within carefully regulated frameworks... working towards the common benchmark on education expenditure of 4 to 6 percent of GNP per annum... the support of donor countries and international institutions...for countries...to reach the goal in the shortest possible time.

- The **ILO and UNESCO** [should] commission a gender-sensitive study on the management and use of teacher information systems [and] liaise with the International Task Force on Teachers for Education for All.

- **Governments** should avoid using short-term strategies to address teacher shortages, such as the appointment of unqualified contract teachers.

- **Governments** should ensure that targeted material and professional incentives...are provided...to recruit and retain teachers, especially female teachers, in rural and remote areas...[and] **in collaboration with teachers' unions and other social partners**, should create safe and supportive environments for teachers in the context of HIV and AIDS...

includ[ing]...legislation; development and implementation of policies that prohibit HIV-related discrimination in schools and protect the rights of male and female teachers and students; implementation of workplace HIV prevention and education programmes...ensuring access to treatment and care...and creation and support of peer networks for teachers living with HIV and AIDS.

Academic freedom and institutional autonomy

...academic freedom is "the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely ...opinion[s] about the institution or system in which [teachers] work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies."

Increasing massification, privatization of higher education...communication technologies and globalization have effects on the governance of universities...institutional autonomy, academic freedom, and ...the importance of decision-making...Research in…higher education management has shown the positive impact of collegial governance on the quality of higher education.

These tendencies create additional pressure on universities, increase the need for academic profit-making and introduce private institution management practices into higher education institutions….highlight[ing] the need for collegial governance to reduce effects…detrimental to academic freedom.

Recommendations

The Joint Committee recommends that ILO and UNESCO:

– **Continue to support Member States and higher education institutions** in dealing with the challenges facing higher education including the training of higher education managers…to ensure collegial governance…academic freedom and institutional autonomy.

– Highlight the multiple dimensions of academic freedom and institutional autonomy contained in the 1997 Recommendation through major regional, international and national activities.

– Encourage **Ministers of education, university managers, and key representatives of the private sector** …to ensure quality of higher education....,by establishing quality assurance systems and promoting a quality culture within institutions on the basis of academic freedom, institutional autonomy and social responsibility…

Higher Education: Terms and conditions of employment/ Private providers

...a close relationship exists between tenure or its equivalent and the quality of teaching and research in higher education institutions…Tenure or equivalent guarantees in civil service frameworks provide a foundation for building excellence in teaching, research and service work to the community, freedom of thought and commitment to institutions and their missions.

CEART identified two categories of private higher education providers... long-established private elite universities [where]...faculty working conditions are comparable to the public sector and sometimes superior...and...to meet increasing demand for higher education a second type of private provider…often for profit-making institutions including those engaged in distance learning.

Massification of higher education...is also defining employment and academic staff conditions... Higher education is seen less as a public good with much of the costs…paid by the state, and more as a private good with benefits mainly accruing to individuals. The shift in the conception of what a higher education institution should be has contributed to the rise of private higher education institutions and privatization of public higher education...the expansion of private higher education provision, with implications for the terms and working conditions of higher education personnel is likely to continue based on a number of factors.

...hiring practices of newly established private higher education institutions differ considerably from... public and older private universities...Most of the teachers in private higher education institutions are hired only to teach one course…with no expectation of research or service…international trends lead the CEART to conclude that the growth in private higher education, especially profit-making ones, has weakened traditional commitments to strong academic preparation and rigorous selection through…a well-regulated peer review process and transparency in standards and procedures. If allowed to continue, the basis for excellence in teaching and research will be weakened further, working against the interests of students, teachers…and society at large...

...part-time academic staff have little security of employment in any higher education institution, public or private…Full-time academic staff in public higher education institutions worldwide have better security of employment than those in the private sector, especially in the for-profit sector.

…accountability has become more widespread in public sector institutions, as governments and other funders seek to ensure...effective use of resources...some countries have introduced new policies for evaluating teaching as well as research performance...[including]...student provided official evaluations of teaching...and peer evaluation...some for-profit universities have well-developed assessment programmes.

...Trends suggest that the substantial increase of women among junior teaching and research staff will continue in the future...women are still more likely to be teachers than researchers, and remain a minority of full professors...as well as in managerial and academic posts...This..."glass ceiling"... creates barriers to equality of opportunity, provokes career frustration...reduces dedication to institutional mission, and deprives institutions of full utilisation of valuable leadership resources... [the] situation calls for proactive institutional and national policies to encourage greater equality of opportunity.

Recommendations for action by stakeholders

The Joint Committee recommends that:

a) **UNESCO and the ILO** encourage governments and other educational authorities to follow the standards for faculty status in the 1997 Recommendation in regulating both private and public higher education institutions and providers.

b) **Governments and private higher education institutions** provide more transparent and greater quality assurance mechanisms in policies and practices of engaging, retaining and professionally developing higher education teaching staff.

c) **Unions representing higher education teaching personnel** use appropriate means to improve the position of temporary and part-time staff ... Unions ...should work with education authorities to develop policies that serve to professionally develop junior faculty and achieve gender balance among academic staff.

d) **UNESCO** commission a study on faculty entry into the profession, security of employment and appraisal in higher education institutions.

Sources and working methods

The Joint Committee's sources of information from the ILO, UNESCO and other international organizations are listed in Annex 1. The Joint Committee pursued the methodology established in 2003. Working Groups carefully reviewed international and national trends and policies as the basis for the Joint Committee's observations and recommendations to stakeholders. Part II of the report provides recommendations on how to improve its monitoring and promotional role in compliance with the mandate established by the ILO and UNESCO.

Introduction

1. The Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) held its Tenth Session in Paris at the United Nations Educational, Scientific and Cultural Organization (UNESCO) headquarters, from 28 September to 2 October 2009.

2. In accordance with its mandate, the meeting focused on the monitoring and promotion by CEART of both the Recommendation concerning the Status of Teachers, 1966 (hereafter, the 1966 Recommendation) and the Recommendation concerning the Status of Higher Education Teaching Personnel, 1997 (hereafter, the 1997 Recommendation).

3. The agenda of the Joint Committee covered the following items related to its work and the two Recommendations:

   (1) Election of officers and adoption of the agenda

   (2) Progress in the promotion and use of the 1966 and 1997 Recommendations

      (a) Review of reports and other sources of information related to the mandate of the Joint Committee

      (b) Review of ILO and UNESCO joint or separate activities to promote the two Recommendations

      (c) Other promotional activities—CEART Experts and education stakeholders

      (d) Methodology and procedures of the Joint Committee

   (3) Consideration of allegations received from teachers' organisations

      (a) Report on the CEART Fact-finding Mission to Japan

      (b) Allegations received since the Ninth Session

      (c) Other allegations considered at the Ninth Session

   (4) Monitoring of the application of the 1966 Recommendation

      (a) Teacher education at all levels and related topics, including teachers in non-formal settings

      (b) Employment and careers, teacher salaries, teaching and learning conditions, including teacher compensation in fragile states

(c) Social dialogue and education: information sharing, consultation and negotiation

(5) Monitoring of the application of the 1997 Recommendation

(a) Academic freedom and institutional autonomy

(b) Terms and conditions of employment: Impact of private and for-profit providers of post-secondary education

(i) entry into the profession

(ii) security of employment

(iii) appraisal

(6) High priority topic on application of the Recommendations: Teacher shortages and EFA:

(a) Financing and recruitment challenges

(b) Impact of HIV and AIDS on the profession

(c) Recruitment and retention of women teachers

(7) Draft agenda for the Eleventh Session

(8) Other questions

4. Members of the Joint Committee designated by the Governing Body of the ILO and the Director-General of UNESCO are as follows:

Members appointed by the Governing Body of the ILO

Dr (Ms) Beatrice Avalos-Bevan (Chile), Associate Researcher, Centre for Advanced Research in Education, University of Chile

Dr. (Ms) Linda Chisholm (Republic of South Africa), Director, Education, Science and Skills Development, Human Sciences Research Council and Board Member of the Centre for Education and Policy Development

Dr. (Ms) Maria Antonia Gallart (Argentina), Principal Researcher, Centre of Population Studies, Latin American Faculty of Sciences (FLACSO)[2]

Dr. (Ms) Anne-Lise Hostmark-Tarrou (Norway), Professor Emeritus in Education and Former Director of the Centre for Research on Education and Work, Akershus University College

2 Did not participate in the Tenth Session.

Professor Maasaki Katsuno (Japan), Associate Professor of School Development and Policy Studies, Graduate School of Education, University of Tokyo and Secretary General, Japan Academic Society for Education Policy

Dr. Mark Thompson (Canada), Professor Emeritus of Industrial Relations and former William M. Hamilton Professor of Industrial Relations, Sauder School of Business, University of British Columbia

Members appointed by the Director-General of UNESCO

Professor Bernard Cornu (France), Centre national d'Enseignement à distance (CNED); University Joseph Fourrier

Dr. (Ms) Konai Helu-Thaman (Fiji), Professor of Pacific Education and Culture and UNESCO Chair in Teacher Education, University of the South Pacific

Dr. (Ms) Nada Moghaizel Nasr (Lebanon), Professor and Dean of the Faculty of Educational Sciences, University of Saint Joseph of Beirut

Dr. (Ms) Munawawar S. Mirza (Pakistan) University of Education, Lahore

Dr. Gennady Ryabov (Russian Federation), President, Nizhny Novgorod Linguistic University and member, Association of Teacher Training Institutions of the Russian Federation

Professor Toussaint Yaovi Tchitchi (Benin), Professor of linguistics and languages, University of Abomey-Calavi, and former Director, National Institute for Training and Research in Education (INFRE)

5. The Joint Committee designated the following officers:

Chairperson:	Dr. (Ms) Anne-Lise Hostmark-Tarrou
Vice-chairperson:	Dr. (Ms) Nada Moghaizel Nasr
Reporters:	Dr. (Ms) Konai Helu-Thaman
	Dr. (Ms) Linda Chisholm
	Dr. Mark Thompson

6. The Secretariat of the meeting was composed of ILO and UNESCO officials listed in Annex 3.

7. Opening remarks on behalf of the Director-General of UNESCO as the host organization of the Tenth Session were made by Mr. Komlavi Seddoh, Interim Chief of Teacher Education, UNESCO. As co-organizer, welcoming remarks were also made on behalf of the Director-General of the ILO by Mr. Bill Ratteree, Senior Education Specialist, Sectoral Activities Department, ILO. The current Chairperson of the Joint Committee, Ms. Anne Lise Hostmark Tarrou, made some preliminary remarks on behalf of the CEART members (Annex 4).

Methodology of the Joint Committee

8. Consistent with its practice in the Eighth and Ninth Sessions, the Joint Committee created the following working groups to analyse agenda items related to the 1966 and 1997 Recommendations:

1966 Recommendation themes

Teacher Education (French-speaking): Mr. Cornu, Ms. Hostmark-Tarrou, Ms. Moghaizel-Nasr (Coordinator), Mr. Tchitchi

Teacher Education (English-speaking): Ms. Avalos, Ms. Helu-Thaman (Coordinator), Mr. Katsuno, Ms. Mirza, Mr. Ryabov

Employment and Careers: Ms. Avalos (Coordinator), Mr. Cornu, Ms. Gallart, Ms. Helu-Thaman, Ms. Mirza, Mr. Tchitchi

Teacher Shortages and EFA: Ms. Avalos, Ms. Chisholm, Ms. Gallart, Mr. Tchitchi (Coordinator)

Social Dialogue: Ms. Chisholm, Ms. Hostmark-Tarrou, Mr. Katsuno, Ms. Moghaizel-Nasr, Mr. Ryabov, Mr. Thompson (Coordinator)

Allegations: Ms. Chisholm, Ms. Gallart, Mr. Thompson (Coordinator)

1997 Recommendation themes

Academic Freedom and Institutional Autonomy: Mr. Cornu, Ms. Helu-Thaman, Ms. Moghaizel-Nasr, Mr. Ryabov (Coordinator)

Terms and Conditions of Employment: Private providers: Ms. Hostmark-Tarrou (Coordinator), Mr. Katsuno, Ms. Mirza, Mr. Thompson

9. The Joint Committee considered a range of studies and reports relating to major themes relevant to the two Recommendations in accordance with its mandate to examine:

(a) reports from governments on the application of the 1966 and 1997 Recommendations;

(b) studies and reports of the ILO and UNESCO on specific items of the 1966 and 1997 Recommendations; and

(c) reports by international organisations representing teachers and employers, and by intergovernmental and international non-governmental organisations.

The Joint Committee also examined articles and chapters from academic sources concerning the themes of its agenda. The list of documents on which the Joint Committee has based its monitoring of the 1966 and 1997 Recommendations is contained in Annex 1.

I. Monitoring of the 1966 and 1997 Recommendations: Major Themes

A. Major trends: The perspectives of international organizations

10. Continuing a practice at recent Sessions, and to assist the Joint Committee's understanding of major trends, challenges and possible policy solutions to improve teaching and education, additional information and views on issues arising from the two Recommendations came from organizations invited to attend a special sitting. Information and views came from representatives of international teachers' organisations, Education International (EI) and the World Federation of Teachers Unions (WFTU), from intergovernmental organizations, the OECD and the Commonwealth Secretariat, and from international Non-Governmental Organizations (NGOs), Voluntary Service Overseas (VSO) and the International Network on Education in Emergencies (INEE). Each organisation presented its own position on these matters, but a number of major themes emerged, notably:

a) ***Declining teacher salaries and conditions of work***

Presenters agreed that during the past 10 years, the salaries of teachers have either declined absolutely or have fallen relative to other occupations. This did not mean that salaries were too low in all situations, nor the only or even most important factor in individuals choosing to become teachers. There was agreement that better indicators or benchmarks were needed on this subject. The diversity among teachers in developing countries – civil servant or permanently employed, contractual, community and other categories – had to be taken into consideration and remuneration and incentives adopted to reflect such diversity without discriminating against different categories. The impact of salaries on decisions by experienced teachers to migrate to richer countries also should be reflected in policies to avoid negative impact on their education systems. In many societies and particularly in fragile societies, late or non-payment of salaries is a major problem. In many countries teachers take on secondary jobs whose demands conflict with their teaching responsibilities. This trend has predictable consequences. Recruitment either becomes more difficult or standards for teachers are reduced. Teachers are encouraged or even forced to leave the profession in order to maintain their standards of living. Morale declines while absenteeism and brain drain from the profession and many countries, which can ill-afford it, increases.

b) ***Effects of the economic crisis***

These conditions are worsened by the current economic crisis. Most of the world has been affected by the financial and economic crisis of the past two to three years. Schools and teachers are no exception. In some countries education budgets have been slashed and salaries cut drastically, while the number of teachers has been reduced, leaving teachers with much heavier workloads and greatly reduced salaries. While teachers' organizations have worked diligently to remind public authorities of the status of education as a social investment, financial shortfalls that governments face have been overwhelming.

c) ***Growing teacher shortages***

(i) There are shortages in absolute numbers of teachers, as well as in specific teaching and learning areas. A common government response has been the appointment of contract teachers who are often unqualified and cheaper as a result. The proportion of unqualified teachers, especially in sub-Saharan African countries is growing and becoming permanent. Promised professional development to compensate for initial training deficiencies has usually not materialized. This trend in short-term contracts also exists in higher education. Short-term appointees do the same work under worse conditions. This trend drives down the quality of education and affects the exercise of academic freedom.

(ii) The situation of teachers in fragile societies is precarious: they teach in untenable conditions and systems to compensate them hardly exist.

(iii) Shortages and impending shortages among academics are evidenced by its ageing and gendered character. There has been an increase in short-term contract or temporary appointments and a decrease in academic prestige. Academic work is more insecure and the image of academics in the labour market has changed. This is linked to the increase in private higher education. Classrooms are more diverse, there is greater pressure on them to raise funds, do short-term research and spend more time on administration. This drives down quality, affects academic freedom and contributes to shortages among academics.

d) ***Violence***

Evidence from many countries indicates an increase in violence in schools. Schools are more diverse than in the past. Integration of immigrant children, who may have fled from violence with their families, is difficult. Students act violently against other students and against teachers. Teachers report that they want training in how to cope with violent behaviours and in some cases protection against violence directed against them. The best disciplined classrooms are more structured, smaller and have the most experienced teachers.

e) ***Appraisal and professional development***

The report on TALIS, a survey of teachers on teaching and learning, indicated that while some teachers are rewarded for improving their work, appraisal and feedback systems that recognize and reward good teaching do not support those who need it. Teachers often invested considerably in their own education, and those that did often sought more. The positive benefits of such training on cooperation and learning outcomes in schools had been clearly demonstrated. Teachers expressed the need for more training especially in managing special needs students, ICTs and student discipline and violence.

f) ***Higher education***

In OECD member countries at least, the academic workforce was ageing and marked by continued gender inequalities. Academic prestige had declined amidst increasing workload and a divergence between relatively well-paid, tenured professors and staff in elite universities,

and those with less job security and career prospects. Multiple job-holding, the decline in research autonomy and weak professional development impacted on quality education at this level.

11. Representatives of the organisations and the Joint Committee engaged in an extensive dialogue on these matters, which enriched the Joint Committee's understanding, and provided additional evidence for its findings.

B. The status of teachers: the application of the 1966 Recommendation

Social dialogue in education

Introduction

12. In its report of the Ninth Session, CEART defined "social dialogue" as "all forms of information sharing, consultation and negotiation between educational authorities, public and private, and teachers and their democratically elected representatives in teachers' organizations".

13. The Joint Committee also noted that social dialogue is a major component of the ILO's Decent Work Agenda and is an integral part of UNESCO's programmes to promote Education for All (EFA).

14. The CEART recommended that the ILO and UNESCO collect data on best practices of social dialogue with the goal of providing support for this process regionally.

15. In response to that recommendation, studies were provided to the Joint Committee to enable it to review the status of social dialogue in education in all regions of the world. This was an ambitious undertaking, but members of the Joint Committee noted a number of trends that enabled it to propose further action to achieve the goal of wide acceptance of social dialogue in education.

Trends

16. In Western Europe, social dialogue among the social partners is well established. Institutions for social dialogue are respected, teachers' organizations are able to take part in them, and decisions reached through social dialogue are generally respected. The situation is mixed in Eastern Europe. In the Russian Federation, for instance, legal frameworks exist, but trade unions do not always take advantage of their rights. Some countries have generally positive conditions for social dialogue, but several nations in transition place restrictions on social dialogue.

17. Teachers are strongly organized in the United States and Canada. In the United States particularly, their rights to bargain and strike are absent in several states and restricted in others. Nonetheless, teachers' organizations are able to represent their members in both

formal structures of social dialogue and through various political processes. All teachers in Canada have the right to collective bargaining, although provincial governments often intervene to limit the practice as part of programs to limit government spending.

18. The conditions for social dialogue in Africa vary from very adverse to highly favourable. A small group of African countries have engaged in social dialogue successfully, despite the effects of deteriorating economic conditions. Namibia and South Africa fall into this category. The South African Education and Labour Relations Council is a well-developed institution for social dialogue. A number of African countries allow teachers to unionize, but limit the exercise of these rights. Highly fragmented union structures and the lack of institutional frameworks in some countries inhibit social dialogue. Several countries in this category are progressing toward more extensive use of social dialogue, even when all of the legal rights do not exist. Government imposition of conditions to register teachers' unions as a pre-condition to their functioning is a frequent problem in Africa. Where member States do not recognize the right of teachers to organize and be represented collectively, social dialogue is effectively impossible.

19. Social dialogue is limited in the Asia and Pacific region. Trade unions are repressed in many countries. Elsewhere repression is absent, but trade union rights are not enforced effectively. More positive examples do exist, however. Social dialogue is widely practiced in Australia and New Zealand, although not without controversy. In general, government policy seems to be moving toward improved social dialogue. In Japan, public sector unions, including teachers, operate freely, but legislation prohibits negotiation of collective agreements. A CEART Mission to Japan found that consultation was not effective. In India, the rights of public sector employees to organize and bargain are limited, but one of the major teachers' unions in the country was an active participant in a campaign to reform primary education.

20. In Latin America, examples of successful social dialogue exist, but these are the exceptions. In Chile and Argentina, the return of democracy in the 1990s had positive effects on both the legislation and climate for social dialogue. Even in these nations, the scope of social dialogue can be limited, with the result that continued success is difficult. Several countries severely restrict the rights of teachers to organize, so meaningful social dialogue is impossible. The Joint Committee noted that many allegations submitted to the ILO's Committee on Freedom of Association come from Latin America.

21. In the Arab countries, social dialogue is not yet a common practice. Teachers' organizations exist in Lebanon, which express their views.

22. Several studies showed the positive impact of social dialogue in the governance of the educational system and the quality of education. The Joint Committee noted that the under-representation of women in social dialogue institutions limits their effectiveness. The pressure on the education system caused by the economic crisis can best be addressed by the mechanisms of social dialogue at the national and international levels.

23. The major program priority for UNESCO is EFA. To pursue this goal, UNESCO has organized many regional meetings to establish goals, discuss methods for achieving them and report on progress. Teachers' organizations participate fully in these deliberations, providing a positive example of the practice of social dialogue in education.

Conclusions

24. As a result of its deliberations, the Joint Committee reiterates its conclusions from the Ninth session in 2006. Respect for the rights of teachers to organize and bargain collectively is a fundamental condition for successful social dialogue. Support for those principles can be found in ratification of relevant ILO Conventions, as well as national legislation. The Joint Committee notes that countries which have ratified ILO Conventions too often fail to respect them.

25. The benefits of effective social dialogue are still not widely appreciated. Educational policies involve a number of stakeholders, some of whom express their views very strongly. A tendency exists to blame teachers' organizations for blocking change in education systems, without full appreciation of the contributions teachers make to education, including the dedication of much of their working lives to the practice of their profession.

Recommendations

26. After considering the state of social dialogue in various regions of the world, the Joint Committee recommends that:

    a) The **ILO and UNESCO** conduct a limited number of detailed studies of successful examples of social dialogue in education in various regions of the world. These studies should have a perspective of at least several years of social dialogue and be based, as much as possible on direct contacts with the social partners.

    b) The ILO **and UNESCO, in cooperation with the social partners**, prepare materials and deliver training for social partners on the conduct of social dialogue in all of its forms.

    c) The **ILO and UNESCO** actively promote establishing frameworks for social dialogue in countries where this practice does not exist.

    d) **UNESCO** prepares a report on its experiences with social dialogue in the context of EFA.

Teacher education – Initial and continuing

Introduction

27. Teachers around the world face new challenges in their daily work. Governments need to consider these in their national policies. Amongst these challenges are the diversification of the schooling population, economic and technological transformation, globalization, new ways of accessing knowledge, the tensions between growth of private provisions and the need to maintain a public educational service, and lifelong learning.

28. The above challenges imply new roles and competences for teachers which in turn call for a strong development of the teaching profession.

29. Teacher quality is an important consideration in student achievement, and although defined differently by different people, continues to be a central concern of those responsible for teacher education. Quality teachers are products of quality teacher education programs, policies and practices.

Trends

30. Based on reports made available to the Joint Committee together with information from committee members as well as teacher organizations and others, the following issues are highlighted:

a) Teachers and teachers' organizations have expressed concerns: about whether countries can attract, motivate and retain teachers; that governments and the media blame teachers for poor student achievement; that teachers feel demoralized in some places; that many teachers, especially in the poorer countries and fragile conditions, are paid too little and too late; that there is a small pool of qualified teachers to draw from mainly in low-income countries; that teachers' working conditions are often precarious especially in post conflict and fragile contexts; and that there has been an escalation of violence that affects schools and teachers.

b) UNESCO's EFA Global Monitoring Report 2004 indicates that the standards among primary school teachers are falling and that much of initial teacher education may be ineffective.

c) There continues to be unresolved controversies in relation to pre-service teacher education, with some countries contracting untrained teachers or allowing graduates without pedagogic preparation to work in schools.

d) Even though teacher education debates seem to be driven largely by differing assumptions about the nature of learning how to teach, there is a general trend towards establishing common standards for teachers and teacher education.

e) Empirical evidence on links between teacher education and pupil learning outcomes continues to be inconclusive given the difficulty of measuring the effects of teacher education over a long enough period of time.

f) In some developing countries, non-formal teacher education contributes to the provision of education for out-of-school children by providing short-term training courses and field support.

g) Induction into teaching is the missing link between initial teacher education and continuous professional development in most countries.

h) Continued professional development tends to be ad hoc and generally aimed at facilitating new policies or reforms, with little input from teachers themselves, and no links to career progression, nor to using the possibilities of collaborative networking and self study.

i) There is a lack of regulatory frameworks and effective Quality Assurance mechanisms in most developing countries.

Recommendations

31. Based on the above, the Joint Committee recommends that UNESCO and the ILO

a) Support **Member States** to formulate a clear and comprehensive policy for teacher education, including adequate funding, based on findings of research, international experience and local socio-cultural contexts; such policies should include a vision of the teaching profession and strategies to attract more able students, facilitate their participation in teacher education programmes and their entry into the teaching profession.

b) Encourage **Member States and teacher education providers** to use an integrated approach to teacher preparation that views teacher learning as a continuous process of initial teacher education, induction, professional development and self-study.

c) Encourage **Member States and teacher education providers** to monitor effectiveness of different models of teacher education (pre- and in-service), ensure that teacher education curriculum is relevant to teacher needs and contexts and diverse pupil needs; and support the professional development of teacher educators. Establish mechanism for quality assurance and accreditation of teacher education programmes.

d) Assist **Member States** to develop strategies in teacher induction and ensure that professional development is ongoing, available and involves teachers as planners and administrators of in-service activities using different approaches. Make a better use of distance forms of teacher education and development, as well as of the resources of technology, using the possibilities of collaborative networking and self study.

e) Commission studies on the quality of teacher education programmes and the preparation of teachers for diverse classrooms.

Employment and careers, teacher salaries and teaching and learning conditions

Trends and findings

32. Available data show that employment of teachers has generally expanded since the 1970s, but that growth rates have dropped off since 2000 at the primary level. Engagement of teachers has not kept pace when compared to enrolments during the same period. Developing countries as a group have fallen behind, led by sub-Saharan Africa and South and West Asia, regions with the largest number of out of school children already. In contrast, developed countries as a whole continued to invest in primary teachers in greater proportion to their decreasing demographics and enrolments. The use of contract teachers to offset teacher shortages has not normally been accompanied by appropriate training opportunities and compensation.

Under investing in teachers is short-sighted and ultimately works against economic and social well-being.

33. An aging teaching force in many OECD member countries with smaller proportions of younger teachers to renew the teaching force, and continued underemployment of women teachers when compared to education demand in major regions such as sub-Saharan Africa and South Asia, especially in rural areas, are major causes of concern.

34. Teaching career structures in some countries are evolving to encourage better teaching practices and incentives for teachers to remain in teaching, but much more needs to be done to link teacher training and professional development, evaluation and career progression. Evidence from international surveys in both high-income member countries of the OECD and low-income developing countries point to a general lack of professional development support adapted to the needs of teachers and learners. Fair and effective teacher appraisal and reward systems in line with the ILO/UNESCO Recommendation concerning the Status of Teachers are still lacking in large numbers of countries.

35. Despite a general trend towards stable or lower class sizes, especially in early years' education, the Joint Committee is concerned with evidence that class sizes as a basic factor of teaching and learning conditions remain excessively large in a wide range of countries, not just the poorest. Conditions are most acute in the latter, however, due to demographic and funding constraints. While the evidence on the impact of class sizes on pupil learning is varied, some studies indicate that reducing very large class sizes in developing countries helps teachers to perform better and pupils to learn more. When combined with poor learning support at school and at home, large class sizes will not meet international standards and parental expectations for quality learning, targeted to the needs of every child. In addition, when large classes either in single or double shifts are inevitable, teachers need to be prepared in the use of specific strategies for the purpose of teaching effectively.

36. Available reports show no significant changes in overall hours of work of teachers in recent years, though decreases or increases have occurred according to national circumstances. At the same time there is a generalized decline in the teaching and learning environment. Teachers no longer feel respected nor safe in their working environment. Many teachers in member countries of the OECD report that they spend significant amounts of their time on classroom management and pupil discipline rather than teaching. Many teachers in developing countries report feelings of professional isolation and lack of support, and are facing increasing levels of insecurity and even violence. Such working conditions are de-motivating and are a major cause of departures of young and experienced teachers from the profession. The Joint Committee views such developments with alarm, as they point to a steady de-professionalization of teaching.

37. Despite improvements in some developed countries in starting salaries for entry level teachers, the available evidence does not point to a substantial reversal of trends observed by the Joint Committee in 2006 that show a relative long-term decline in real terms of teacher salaries in all but a small number of rich countries. Information on salary structures covering selected high and middle income countries show in some cases a rise in primary teacher salaries in real terms over a teachers' career in recent years and a decline in other cases, while at secondary level the decline occurs in most countries with comparable data. Information

from African countries and South Asia continues to show extremely low salary levels, often below poverty levels, irregular payments and poor working conditions.

38. Compensation in the form of monetary and non monetary rewards for teachers in fragile states, emergency or displacement situations, and in post-crisis recovery periods is inadequate or non-existent. In many countries there are differences between primary and secondary teacher salaries, and also between male and female teacher salaries which favour one or the other sex depending on the school level in which they teach. The use of temporary incentive schemes and other rewards to encourage improvement in teacher performance should not be considered as a substitute for just payment over time for their work. In this respect the Joint Committee reaffirms its view taken in 2006 that individual performance-related pay is not justified for teacher recruitment or good learning results, and works against teamwork.

39. These trends help to explain increasing tendencies for experienced teachers in many countries to migrate or leave teaching altogether, and are a major source for de-motivation of teachers and devaluation or de-professionalization of teaching.

Recommendations

40. In line with its analysis, the Joint Committee made the following recommendations:

(a) **Governments and educational authorities** at all levels, public and private, are urged to work closely with teachers' organizations through processes of social dialogue to concentrate greater attention and resources in accordance with the provisions of international standards to:

(i) reduce or maintain class sizes at adequate levels including in appropriate situations, observance of the EFA Fast Track Initiative (FTI) benchmark of 40 pupils per class;

(ii) fix hours of work taking into account all of teachers' responsibilities; and

(iii) create a safe and healthy working environment.

(b) **Member States** are requested to establish a proper staged career structure for teachers in line with experience and capabilities, including options for teachers to be assessed at each stage, in order to take on extra or new responsibilities such as subject leadership or mentoring for new teachers.

(c) **Governments of Member States** with falling rates of teacher employment compared to needs should recommit political will and resources to employ sufficient numbers of qualified teachers to realize quality education for all citizens. Forward looking employment policies to ensure balanced age and gender profiles of teaching forces are urgently required in many countries, especially for rural and disadvantaged areas.

(d) **Governments and private education authorities** are urged to focus greater policy and decisions on improving teacher salary levels, targeted to changing patterns and needs for recruitment and retention of teachers, comparability with other professions requiring

similar qualifications and commensurate with the high degree of responsibilities assigned to teachers.

(e) **The ILO and UNESCO** are requested to continue to monitor and report on changes in teaching career structures, conditions of work and salaries. This should include research and the sharing of information on good practices as the basis for policy and practices.

Teacher shortages and EFA

Trends

41. Developing countries face the greatest challenges in calibrating the demand and supply of teachers. The UNESCO Institute for Statistics (UIS) calculates that 10.3 million additional teachers will need to be recruited worldwide if UPE is to be achieved by 2015. Teacher shortages are most acute in Sub-Saharan Africa, where an additional 1.2 million teachers will be needed according to 2007 data and 2009 projections. Some countries in West and Central Africa will need to raise annual teacher recruitment rates to over 10 per cent.

42. However, the assumptions behind the 10.3 million estimates require closer analysis. A range of qualitative factors need to be taken into account, in particular the size of the untrained or non-qualified population; attrition rates and migration; and the need to recruit more female teachers to ensure that girls go to and stay in school. The trend towards the recruitment of contract teachers is a particular concern, bearing as it does on education quality and the solidarity of the teaching profession.

43. Developing countries face a range of teacher recruitment challenges. Key among these is ensuring an equitable balance between the urban and rural areas. Currently, in too many cases, there is a bias in educational provision towards the urban areas, with many teachers reluctant to move to rural and remote areas. However, there are examples of incentive packages to encourage movement to these less attractive areas.

44. Gender balance in recruitment and retention, including opportunities for career development such as school leadership opportunities, are important components of policy relating to teacher shortages. These challenges need to be met with adequate finance and special programmes, some outside of the education system.

45. In countries with high HIV prevalence, HIV and AIDS-related morbidity, mortality, stigma and discrimination continue to constitute significant factors in contributing to teacher shortages. Policy and programmatic responses have been initiated in some countries, but are yet to be effectively implemented and scaled up.

46. As indicated in the Report of the Ninth Session, although there are many positive examples of investment in education in certain countries, educational spending at both national and international levels has dropped during the last decade. Too many countries are devoting less than the benchmark of 4 to 6 per cent of GNP to education agreed by the High Level Group on EFA (Oslo, 2008). Not enough is being done to increase fiscal space to meet teacher

supply and demand, for example, by reducing loss due to corruption, re-ordering spending priorities and reducing non-productive military spending.

47. The economic crisis that broke at the end of 2008 has compounded current problems with the financing of education relating to teacher shortages and the achievement of Education for All. However if there is political will, the crisis could be turned into an opportunity to invest in teachers.

Recommendations

48. In line with its analysis, the Joint Committee makes the following recommendations:

(a) **Governments** should finance education at levels that ensure education quality and sustainability while guaranteeing a sufficient number of teachers. This includes:

(i) responsibility to ensure the necessary levels of investment, either from public, private, or public-private sources, within carefully regulated frameworks;

(ii) working towards the common benchmark on education expenditure of 4 to 6 percent of GNP per annum or fiscal period and fixing milestones to reduce shortages of teachers for EFA;

(iii) the support of donor countries and international institutions in order for countries working towards the benchmark to reach the goal in the shortest possible time;

(b) The **ILO and UNESCO** should commission a gender-sensitive study on the management and use of teacher information systems such as EMIS to address teacher shortages. Recommendations based on this study should be made to governments, teachers' unions and other social partners. The ILO and UNESCO should liaise with the International Task Force on Teachers for Education for All on this study as appropriate;

(c) **Governments** should undertake targeted recruitment of teachers in critical subjects, for example, maths and sciences and levels of education, by means of bursaries, material incentives and fast-track career schemes. This effort should focus on recruiting more women for these subjects and men in the early school years;

(d) **Governments** should avoid using short-term strategies to address teacher shortages, such as the appointment of unqualified contract teachers;

(e) **Governments** should ensure that targeted material and professional incentives, such as or including remuneration levels, transparent and diversified career structures, housing, security measures, child care, transport, medical provision and professional development opportunities, are provided in order to recruit and retain teachers, especially female teachers, in rural and remote areas. These incentives should not discriminate by marital status;

(f) **Governments, in collaboration with teachers' unions and other social partners**, should create safe and supportive environments for teachers in the context of HIV and AIDS. This includes: legislation; development and implementation of policies

that prohibit HIV-related discrimination in schools and protect the rights of male and female teachers and students; implementation of workplace HIV prevention and education programmes for teachers and school staff; ensuring access to treatment and care for teachers living with HIV and AIDS; and creation and support of peer networks for teachers living with HIV and AIDS.

C. The status of higher education teachers and researchers: Trends in the application of the 1997 Recommendation

Academic freedom and institutional autonomy

49. The Joint Committee notes with satisfaction the considerable activity which had been generated since its 2006 Ninth Session by both UNESCO and the ILO to promote knowledge of the provisions of the 1997 Recommendation. However, the Joint Committee notes with concern the general limitations on resources to monitor, promote and apply the 1997 Recommendation concerning the Status of Higher Education Teaching Personnel that have not permitted certain of its recommended strategies to be implemented to date.

50. Academic freedom is defined in Clause 27 of the UNESCO 1997 Recommendation as "the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies." The Recommendation also recognizes the principle of collegiality including shared responsibility, participation of all concerned in internal decision-making structures and practices, and the development of consultative mechanisms. The instrument indicates that "collegial decision-making should encompass decisions regarding the administration and determination of policies of higher education, curricula, research, extension work, the allocation of resources and other related activities, in order to improve academic excellence and quality, for the benefit of society at large".

Trends

51. Increasing massification, privatization of higher education, the use of communication technologies and globalization have effects on the governance of universities and on issues such as institutional autonomy, academic freedom, and the growing importance of decision-making process.

52. Research in the area of higher education management has shown the positive impact of collegial governance on the quality of higher education.

53. The extent and complexity of academic change have far reaching consequences on the people and institutions concerned. However, ongoing debates on critical issues at the international level sometimes do not capture specific local and regional manifestations and the long-term impact of such change.

54. These tendencies create additional pressure on universities, increase the need for academic profit-making and introduce private institution management practices into higher education institutions. This highlights the need for collegial governance to reduce effects that could be detrimental to academic freedom.

Recommendations

55. Based on the above and after considering the state of academic freedom and institutional autonomy in various regions of the world, the Joint Committee recommends that UNESCO and ILO:

    a) **Continue to support Member States** and higher education institutions in dealing with the challenges facing higher education, including the training of higher education managers in order to ensure collegial governance, and other conditions for academic freedom and institutional autonomy.

    b) Highlight the multiple dimensions of academic freedom and institutional autonomy **contained in the 1997 Recommendation** through major regional, international and national activities.

    c) Encourage **Member States** to develop mechanisms to improve the attractiveness of academic careers and guarantee academic freedom and institutional autonomy in order to counteract the negative impact of brain drain.

    d) Encourage **Ministers of education, university managers, and key representatives of the private sector as well as others involved in higher education** to ensure quality of higher education, by establishing quality assurance systems and promoting a quality culture within institutions on the basis of academic freedom, institutional autonomy and social responsibility, as reiterated during the 2009 World Conference on Higher Education.

    e) **Commission research** on topics such as institutional autonomy, accountability and social responsibility.

Higher Education: Terms and Conditions of employment/ Private providers

56. The 1997 Recommendation stresses that higher education employers should establish conditions of employment that are conducive to effective teaching, research, scholarship or extension work and will be fair and free from discrimination of any kind. In this respect, higher education personnel should enjoy a just and open system of career development including fair procedures for appointment, tenure where applicable, promotion, dismissal, and other related matters. The Joint Committee recalls its observations in 2006 that a close relationship exists between tenure or its equivalent and the quality of teaching and research in higher education institutions. Tenure or equivalent guarantees in civil service frameworks provide a foundation for building excellence in teaching, research and service work to the community, freedom of thought and commitment to institutions and their missions. Neither

the 1997 Recommendation nor the CEART make distinctions between public and private institutions in any of these pillars of academic work.

General trends observed

57. Mindful of rapidly changing conditions in higher education that the July 2009 World Conference on Higher Education (WCHE) explored in depth, in this Report the CEART examined conditions prevailing among the growing number of private providers, for profit or not, based on the most recent surveys of trends in a range of countries. It identified two categories of private higher education providers. One is long-established private elite universities. Faculty working conditions are comparable to the public sector, and sometimes superior.

58. To meet increasing demand for higher education a second type of private provider is expanding rapidly and becoming increasingly important in countries previously dominated by the public sector. These are often for profit institutions, including those engaged in distance learning, although it is sometimes difficult to distinguish these providers from private non-profit institutions. Western Europe remains largely untouched by the expansion of the private sector, although some signs of a growing private sector are seen also there.

59. Massification of higher education over the last century is increasingly seen as a key characteristic that also is defining employment and academic staff conditions. A significant shift in the economics and philosophy of higher education policy has occurred. Higher education is seen less as a public good with much of the costs appropriately paid by the state, and more as a private good with benefits mainly accruing to individuals. Thus individuals and their families should pay. This shift in the conception of what a higher education institution should be has contributed to the rise of private higher education institutions and privatization of public higher education.

60. In light of the information and discussion at the WCHE and information provided to it in preparation for this Session, the Joint Committee considers that the expansion of private higher education provision, with implications for the terms and working conditions of higher education personnel is likely to continue based on a number of factors, among which:

    a) Growth in enrolments will continue mainly in developing countries;

    b) Academic systems of countries will become increasingly differentiated and diversified, with the private and increasingly diverse higher education sector probably the fastest growing;

    c) For-profit private higher education institutions are likely to expand and a significant proportion will be transnational;

    d) Such trends suggest a proliferation of alternative higher education provisions.

Entry into the Profession

61. The Joint Committee notes that hiring practices of newly established private higher education institutions differ considerably from that of the public and older private universities. A significant minority of those teaching in higher education only have a bachelors' degree or its equivalent, and part-time staff are even less qualified. Relatively few have advanced degrees.

62. Most of the teachers in private higher education institutions are hired only to teach one course for a limited time, with no expectation of research or service. Part-time teachers are not selected from a broad group of candidates, and formal searches with official announcements are seldom part of the process.

63. At the same time, many variations exist in how academic appointments are made. Local academic tradition, government or other academic regulations, and the particular policies of an institution all play a role with regard to both for- and non-profit institutions.

64. Overall, international trends lead the CEART to conclude that the growth in private higher education, especially profit-making ones, has weakened traditional commitments to strong academic preparation and rigorous selection through a vigorous and well-regulated peer review process and transparency in standards and procedures. If allowed to continue, the basis for excellence in teaching and research will be weakened further, working against the interests of students, teachers in higher education institutions and society at large.

Security of Employment

65. The CEART notes that, generally speaking, the influence of university management is more predominant in the private than in the public sector, despite similarities in policy and practice. Consequently, the autonomy of private staff, an essential component of teacher professionalism, is less important, and this has potentially negative implications for initiative and innovation. In some countries, with university regulations that govern employment of academics in public and private undergraduate colleges that are affiliated to them, the same rules apply and there is considerably more security of employment.

66. CEART emphasized in 2006 the importance of the principles of the 1997 Recommendation to guide policies for the status of part-time academic staff and recalled its observation from 2003, underlining that "the growth of short term and part-time contingent employment represented the biggest single challenge to tenure in higher education institutions". Such a danger is even more likely in private, for-profit institutions.

67. However, short-term and part-time academic staff have little security of employment in any higher education institution, public or private. Many are hired to teach specific courses, and their continued employment depends entirely on the needs of the institution. For them there is no expectation of continuing employment, and it is possible for the university to cancel a course in response to low enrolment, financial problems, or for any other reason.

68. Full-time academic staff in public higher education institutions worldwide have better security of employment than those in the private sector, especially in the for-profit sector.

Appraisal of Staff

69. The evaluation of the work of academic staff varies significantly by country and often by institution. However, in recent years, accountability has become more widespread in public sector institutions, as governments and other funders seek to ensure the effective use of resources. As a result, some countries have introduced new policies for evaluating teaching as well as research performance. In these countries, students provide official evaluations of teaching through questionnaires, and in some cases there is peer evaluation as well.

70. In the new private sector and among the for-profit institutions, essentially no detailed information exists about the appraisal of academic work. It is unlikely that the performance of academic work is widely assessed. It is even more unusual that part-time teachers will be seriously appraised for performance. However, some for-profit universities have well-developed assessment programmes.

Gender in higher education

71. The Joint Committee observes a significant increase in women academic staff in recent years even though the percentage of women tends to decline from one career step to the next. Trends suggest that the substantial increase of women among junior teaching and research staff will continue in the future. However, women are still more likely to be teachers than researchers, and remain a minority of full professors as well as in managerial and academic posts of dean or head of department. This kind of "glass ceiling" is only slowly evolving. Its persistence creates barriers to equality of opportunity, provokes career frustration and reduces dedication to institutional mission, and deprives institutions of full utilisation of valuable leadership resources. This situation calls for proactive institutional and national policies to encourage greater equality of opportunity.

Recommendations for action by stakeholders

72. The Joint Committee recommends that:

a) **UNESCO and the ILO encourage governments and other educational authorities** to follow the standards for faculty status in the 1997 Recommendation in regulating both private and public higher education institutions and providers;

b) **Governments and private higher education institutions** provide more transparent and greater quality assurance mechanisms in policies and practices of engaging, retaining and professionally developing higher education teaching staff;

c) **Unions representing higher education teaching personnel** use appropriate means to improve the position of temporary and part-time staff so as to provide opportunities for stable employment and professional development. Unions of higher education staff should work with education authorities to develop policies that serve to professionally develop junior faculty and achieve gender balance among academic staff;

d) **UNESCO** commission a study on faculty entry into the profession, security of employment and appraisal in higher education institutions.

II. Progress in promotion and use of the 1966 and the 1997 Recommendations

A. Allegations on non-observance of the Recommendations

Allegations Received since the Ninth Session, 2006

73. Since the Ninth Session in 2006, the Joint Committee received one allegation from the Dansk Magisterfrening (DM), a Danish organization that represents academic personnel, concerning the application of the 1997 Recommendation. Education International (EI) also supported the allegation. This allegation was found to be receivable under the terms of the Recommendation. The Government of Denmark responded fully with information on the points raised by the allegation, and the DM responded to the Government's communications. According to the procedures of the Joint Committee, its' Working Party on Allegations reviewed all information provided concerning the allegation. The report of the Working Group on Allegations was approved by the Joint Committee and is found in Annex 2 of this Report.

Review of further developments in allegations previously received

74. Following the last report of the Joint Committee in 2006, the Government of Japan, the All Japan Teachers and Staff Union (ZENKYO) and Nakama Union provided additional information concerning the matters set out in the case examined in more detail in Annex 2.

75. In accordance with the procedures of the Joint Committee, the Working Party on Allegations examined these communications. The Government of Japan continued to assert that it was prohibited by law from complying fully with the provisions of the 1966 Recommendation and in any case was meeting with teachers' organizations as appropriate. ZENKYO argued that the report of the Joint Committee's 2008 Fact-Finding Mission to Japan had not been distributed to prefectural school boards and little social dialogue was occurring. The Working Party on Allegations reviewed these materials, and the Joint Committee approved a report including recommendations that the parties continue efforts to collaborate on matters discussed in the report of the Fact Finding Mission and in the interim report of the Joint Committee. The full report of this matter is contained in Annex 2.

76. The Joint Committee further reviewed an allegation received from Education International (EI) and the Ethiopian Teachers' Association. The Joint Committee's interim report in 2008 expressed regret that the Government of Ethiopia did not provide further information on this allegation as the Joint Committee had previously requested. The Joint Committee suspended further consideration of the allegation until more information became available.

77. The UNESCO Executive Board requested the Director-General in April 2009 to use his good offices to improve communications between the Ethiopian authorities and the teachers' organizations concerned. Moreover, the Committee on Freedom of Association of the ILO Governing Body in March 2009 examined a complaint from workers' organizations and among other matters noted that the Government of Ethiopia required teachers to perform duties unrelated to education (participation in a population census) without any consultation with teachers' organizations.

78. The Joint Committee reviewed these developments and prepared a report that is contained in Annex 2.

79. Also at its Ninth Session, the Joint Committee examined an allegation from the National Tertiary Education Union (NTEU) of Australia that was submitted in 2006. Details of the allegation were included in the report of the Joint Committee in its 2006 report and an interim report issued in 2008. Since the interim report, the Joint Committee received additional information from the Government of Australia and NTEU. Stated briefly, the legislation that gave rise to many of the allegations has been repealed. However, the NTEU asserted that, while progress has been made, conditions at some institutions still contravened the provisions of the 1997 Recommendation.

80. The Joint Committee examined the materials received since the interim report and issued a report that is contained in Annex 2.

B. Promotional activities

81. The Joint Committee noted and commended a wide range of activities undertaken by UNESCO and the ILO to promote greater knowledge and use of the two Recommendations, including those undertaken by CEART members (Annex 5). Members of the Joint Committee remarked that the Recommendations remained largely unknown in member States, and recommended a stronger emphasis on promotional work through ILO and UNESCO regional and country offices by diverse means. With limited capacity and high turnover of officials, the difficulties of small States in understanding and applying international instruments represented a special challenge.

World Teachers Day

82. The Joint Committee took note with satisfaction of the annual joint message prepared, signed by UNESCO, ILO, UNICEF, UNDP and EI, and widely disseminated in a large number of countries worldwide, along with special events such as those organized in UNESCO headquarters. The extensive efforts of partners such as EI in this regard were highly appreciated.

Information dissemination on the Recommendations

83. The Joint Committee commended the effort by UNESCO, in cooperation with ILO, to publish a users' guide in seven languages on the two Recommendations with their complete texts. Publications in other languages would be welcome to help promote greater knowledge of the standards. The dedicated Web pages on the Joint Committee's work maintained by the ILO in cooperation with UNESCO represented another excellent form of cooperation. Some members had been particularly active in promoting use of the Recommendation by diverse means.

Partnerships to promote use of the Recommendations

84. The Joint Committee appreciated the information provided by UNESCO on the launch of the International Task Force on Teachers for EFA, involving a large and diverse partnership. The Task Force already had an ambitious programme of advocacy, policy dialogue and technical support through mobile teams to help member States resolve teacher shortage difficulties.

C. Research and reports on teachers

85. Since the Ninth Session in 2006, ILO or UNESCO have carried out research and published monographs or other publications, including background papers for the Tenth Session, in fulfilment of CEART recommendations on selected key issues including teacher education at all levels; terms and conditions of employment: the impact of private and for-profit providers of post-secondary education; contractual teachers; teacher shortages and EFA related issues: financing and recruitment challenges, HIV/AIDS and teachers and recruitment and retention of women teachers; academic freedom and institutional autonomy; employment and tenure in higher education; employment and careers, teacher salaries, teaching and learning conditions; and social dialogue in education and staff participation in higher education decision-making. Many of these publications are listed in Annex 1.

D. Working methods of the Joint Committee

86. A Working Group approach, established in 2003, was again adopted to carry out the work of the Committee for the Tenth Session. Working groups were identified and constituted in advance and reflected members' individual as well as regional expertise. Working Groups addressed themes that reflected the priorities of the CEART (paragraph 8). They carefully reviewed international and national trends and policies as the basis for the Joint Committee's observations and recommendations to stakeholders.

87. Reviewing this methodology with a view to improving its work, the Joint Committee considered that these working methods had strengthened its understanding of issues facing the teaching profession, as well as recommendations for future action by constituents, ILO and UNESCO. It requested improvements in the methods, notably:

a) Background documents prepared by ILO and UNESCO absolutely to be provided well in advance to coordinators and members of working groups, at least three months prior to the opening of the Session;

b) Composition and themes of working groups to be known well in advance, between six to twelve months prior to the opening of the Session;

c) Greater orientation by the secretariat for members, especially new members, in their responsibilities and roles;

d) More extensive reliance on regional and national offices of the ILO and UNESCO, for instance UNESCO National Commissions, in the preparation of background information;

e) Additional time for dialogue with interested stakeholders, intergovernmental organizations, non-governmental organizations concerned with the teaching profession, teachers' and private sector employer organizations;

f) Reduction and greater prioritization of themes and working groups so as to permit a deeper analysis and recommendations on future policies to member States and social partners;

g) Reduction in the length of the Joint Committee's report and the number of its recommendations for action by constituents and the ILO and UNESCO;

h) Greater time for reflection on major subjects during the CEART Session;

i) Examination as part of a future Session on the impact of the CEART's work, specifically its recommendations, based on a survey of member States.

III. Draft Agenda of the Eleventh Session of the Joint Committee and Closing of the Session

88. The Joint Committee discussed and adopted a proposed Draft Agenda for its Eleventh Session, to be modified by its Officers following additional proposals from members of the Joint Committee, in consultation with the Secretariat, as necessary.

89. Closing remarks at the last sitting of the Tenth Session were made by the ILO and by UNESCO (Annex 4).

Annex 1

Information sources for the Tenth Session[3]

ILO and UNESCO, "Review of ILO and UNESCO joint or separate activities to promote the two Recommendations", Geneva and Paris, 2009

SOCIAL DIALOGUE IN EDUCATION

ILO, "Complaints received from teachers' organizations submitted to the ILO Committee on the Freedom of Association, 2006-2009"

Lieberwitz, Risa L., "International survey on Social dialogue in education: Information sharing, consultation, negotiation", ILO, Background report for the 10th Session of CEART (publication forthcoming)

TEACHER EDUCATION

Bonnet, Gabriele, *What do recent evaluations tell us about the state of teachers in sub-Saharan Africa*, Background paper for the Education for All Global Monitoring Report 2008, Paris, UNESCO, 2008

Ottenwaelter, Marie-Odile "Towards Quality Assurance for Teacher Education in Sub-Saharan Africa", Report prepared at the request of the Section for Teacher Education, Division of Higher Education, Paris, UNESCO, August 2008

Schwille, John and Martial Dembélé, *Global Perspectives on teacher learning: improving policy and practice*, Paris, International Institute for Educational Planning, 2007

Seddoh, Komlavi Francisco, "Quality Assurance and Training of Teachers in Francophone Africa", Second International Conference on Quality Assurance in the field of Education in Africa, Dar-es-Salaam, 13-18 September 2007

TEACHER EMPLOYMENT, CAREERS, SALARIES, TEACHING and LEARNING CONDITIONS

Anderson, Alison, "Teacher Compensation in Fragile Contexts", Background paper for the CEART, Inter-Agency Network for Education in Emergencies (INEE), 2009

3 Background documents include unpublished papers prepared specifically for the CEART at its Tenth Session and published papers or reports on themes related to the CEART's mandate and agenda items of the Session.

Iliukhina, Nona and Bill Ratteree, "Employment and careers, teacher salaries, teaching and learning conditions", ILO, Background report for the 10th Session of CEART (publication forthcoming)

TEACHER SHORTAGES AND EFA

Bennell, Paul, "The Impact of the AIDS Epidemic on Teachers in Sub-Saharan Africa: A Further Update", Knowledge and Skills for Development, Brighton, UK, June 2009

Fyfe, Alec, "Teacher shortages and EFA: Financing and recruitment challenges", Background paper for the 10th Session of CEART, ILO (publication forthcoming)

IIEP-UNESCO and UNAIDS Inter-Agency Task Team on Education. *Web Forum Report on Teachers and HIV & AIDS: Reviewing achievements, identifying challenges*, Paris, UNESCO-IIEP, June 2009

UN IATT, "Estimating teaching needs – the impact of HIV and AIDS on teachers and how it affects education sector's ability to meet the needs of marginalized children", Report prepared for the 2010 Global Monitoring Report, April 2009

GENDER ISSUES IN EDUCATION

UNESCO, "Synoptic report on gender balance in the teaching profession worldwide", Background report for the 10th Session of CEART, Paris, 2009

HIGHER EDUCATION: ACADEMIC FREEDOM

UNESCO, "Academic Freedom and Institutional Autonomy: Problems and Challenges in Arab and African Countries", Selected Readings for the 10th Session of CEART, 2009

UNESCO, "Global Context: Europe and Latin America", Selected Readings for the 10th Session of CEART, 2009

HIGHER EDUCATION EMPLOYMENT AND PRIVATE PROVIDERS OF HIGHER EDUCATION

Altbach, Philip G. and Ivan F. Pacheco, "Private and for-profit higher education: Implications for the academic profession", Background report for the 10th Session of CEART (publication forthcoming)

Altbach, Philip G., Liz Reisberg, Laura E. Rumbley, *Trends in Global Higher Education: Tracking an Academic Revolution*, Report prepared for the World Conference on Higher Education, Paris, UNESCO, 2009

Bjarnason, Svava, Kai-Ming Cheng, John Fielden, Maria-Jose Lemaitre, Daniel Levy, N.V. Varghese, *A New Dynamic: Private Higher Education*, World Conference on Higher Education, Paris, UNESCO, 2009

OECD, "The Academic Career: Adapting to Change" in *Tertiary Education for the Knowledge Society*, Vol. 2, Paris, 2008

Teichler, Ulrich, "The Employment and work situation of the academic profession: Findings of comparative surveys", Background report for the 10th Session of CEART (publication forthcoming)

OTHER REPORTS ON TEACHERS AND EDUCATION

Commonwealth Secretariat, "Review of the Implementation of the Commonwealth Teacher Recruitment Protocol", London, 2009

CFBT and VSO, *Managing Teachers: The centrality of teacher management*, London, 2008

Education International, "Report to the Expert Committee on the Application of the 1966 ILO/ UNESCO Recommendation on the Status of Teachers and the 1997 UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel", Brussels, September 2009

OECD, Creating Effective Teaching and Learning Environments: First Results from TALIS (Teaching and Learning International Survey), Paris, 2009

VSO, "Valuing Teachers for Quality Education for All" International briefing paper for the10th Session of CEART, London, 2009

Annex 2

Allegations received from teachers' organizations

A. Allegations received since the Ninth Session, 2006

1. Allegation received from the Dansk Magisterforening (DM) of Denmark

Background

1. The Dansk Magisterforening (DM) addressed an allegation of non-observance of the 1997 Recommendation to the Director-General of UNESCO on May 22, 2008.

2. The DM allegation asserted that the "the *University Act*" (the *"Act"*), passed in 2003, violated the 1997 Recommendation in three areas: freedom of research, institutional autonomy and collegial governance. In addition, the DM asserted that working conditions of its members who are teaching personnel in Danish universities did not permit them to carry out their duties as set out in the 1997 Recommendation.

3. The DM is a registered trade union with approximately 36,000 members, comprising a majority of researchers and teachers in the Danish system of higher education. It has the right to bargain collectively on behalf of its members with the Finance Ministry. The DM allegation stated that the Danish government did not regard the 1997 Recommendation as a normative influence. Instead, OECD standards were appropriate for Denmark. However, DM acknowledged that current Minister of Science, Technology and Innovation, who is responsible for higher education, has declared that Danish legislation and policy complies with the 1997 Recommendation.

4. The DM allegation asserts that Sections 2.2 and 17.2 of the *Act* violate Sections 26-30 of the 1997 Recommendation, which protect academic freedom. Furthermore, DM argued that Section 10.8 of the *Act*, which describes "performance contracts" between universities and the Ministry. Section 2.2 of the *Act* states: "The university has freedom of research and shall safeguard this freedom and ensure the ethics of science." Section 17.2 states:

   The Head of Department shall undertake the day-to-day management of the department, which includes planning and allocation of tasks. The Head of Department may allocate specific jobs to specific employees. Members of the academic staff are free to conduct research within the strategic framework laid down by the University for its Research Activities to the extent they are not requested to address jobs allocated to them by the Head of Department.

5. The DM allegation objects to the wording of Section 2.2 because it does not refer explicitly to institutional autonomy, only to "freedom of research" and "ethics." According to DM, institutional autonomy and academic freedom are interrelated, and the *Act* fails to recognize this fact by referring only to freedom of research and ethics.

6. DM objects to Section 17.2 because it implies that academic staff are free to conduct research only "within the strategic framework laid down by the university." Furthermore, the wording of the section means that research is a residual duty for academic staff, undertaken only after duties assigned by department heads are completed. The strategic framework is contained in the development contract between the university and the ministry, so in effect; the ministry must approve areas of research open to faculty members.

7. Apart from the text of the *Act*, the DM alleges that funding for Danish universities has become more subject to political control. Research is directed towards fields that promote links with industry and "short term commercial effect." DM also asserts that it has been involved in cases in which members have been dismissed or threatened with dismissal because their research filed did not fit into the strategic framework of their university under its contract with the Ministry.

8. In addition to the Act, another statute, the Act on inventions at public research institutions, restricts the right of academic staff to publish an invention produced as part of their work for a university or other institution. DM asserted that this provision also violates the 1997 Recommendation.

9. As noted above, Section 10.8 of the *Act*, universities must enter into "development contracts" with the Ministry, which DM regards as a restriction on institutional autonomy. According to DM, these contracts obligate each university to achieve quantitative contracts for educational programmes, including the number of degrees granted, research activity, including the number of publications, patents and citations. Each university must confine its work to the areas of research and education contained in the development contract.

10. Beginning in 2006, a number of academic and research institutions were merged into 11 universities and a number of other institutions. DM alleges that the universities had no real choice about participation in the merger process, which it alleges is a violation of Section 22 of the 1997 Recommendation.

11. The *Act* stipulates that a majority of university academic boards must be external members. Academic councils also exist, but they have little executive powers, while many other decisions are decided by the government or Parliament. The effect of these systems is that academics do not have the power to decide such issues as what to teach, what academic standards apply to an institution, how to ensure quality in academic work, hiring of academic staff and the like. Many decisions are made by senior administrators, and the only requirement for their appointment is that they be researchers in good standing. In practice, at least some appointments are based on administrative or industry experience, undermining collegiality. The previous law regulating universities provided that such positions were filled through elections, so that the views of faculty were regarded carefully.

12. DM further alleges that terms and conditions of employment of Danish academics do not reflect their status and importance to Danish society. In particular, they lag behind colleagues in Europe and North America. Although a collective agreement concluded in March 2008 may improve this situation, universities have refused to introduce a system of sabbaticals as provided in the 1997 Recommendation.

13. By a communication of 6 August 2009, Education International (EI) submitted additional information in support of the DM allegations concerning provisions of the 1997 Recommendation that relate to individual freedom of research within Danish universities, loss of collegiality and lack of meaningful involvement of personnel in decision-making bodies, as well as non-recognition of the value of services provided by part-time higher education teaching personnel, their non-representation in negotiations with teachers' organizations, and their lack of entitlement to pension benefits. EI contended that the Danish situation was symptomatic of that which prevailed in many countries around the world, with institutions operating as if they had no knowledge of the 1997 Recommendation. Freedom of research principles were being violated by more liberal and competitive forms of research funding and as more university decision-making bodies were constituted along managerial lines, with a concomitant loss of collegial governance. University staff were increasingly casual and short-term, suffering restrictions on academic freedom, and worsened conditions of work and benefits, especially in the current economic crisis. In contrast to the Danish practices, EI referred to a case of good practice from Ireland by which an Irish Labour Court decision had reasserted employment protection and research personnel control over their own research, and urged a negotiated agreement with a teachers' organization on the approach to academic research and therefore freedom.

14. In accordance with its procedures, the Joint Committee requested the Minister for Science, Technology and Innovation of Denmark to submit its observations on the DM allegation.

15. The Ministry noted that the DM allegation reflected its dissatisfaction of current government policy with regard to universities. The Government's position is that these policies do not conflict with the 1997 Recommendation.

16. The Minister maintained that a government that allocates public funds to be managed by universities each year should establish some rules for the use of those funds. The Minister did not accept that the mergers of 2007 in any way curtailed academics' freedom of speech. The constitution guarantees freedom of speech for all, and universities have an obligation from the Ministry to encourage their employees to take part in public debate. Data show that university staff express their views on public issues more often than other professionals.

17. The *Act* establishes a system for employees to exert influence in areas of their special academic competency. The *Act* requires deans and heads of departments to involve employees in decisions on the activities of universities. Staff are represented on the university board, the most senior authority in the university.

18. The Minister's view on the protection of academic freedom is that the *Act* establishes the obligation to safeguard academic freedom. It does not define the meaning of "university" and leaves it up to the management of an institution to determine how to protect academic freedom. The meaning of Section 17(2) of the *Act* is that academic staff are free to conduct

research, so an individual researcher has a statutory right to conduct such research, a right the university must respect. In 2006, DM commissioned a survey of its members which revealed that 12 per cent of state-employed researchers, including universities, research institutions, and archives/libraries and museums, have been ordered to carry out specific research tasks.

19. In the view of the Government, Section 17(2) of the *Act* means that a strategic framework laid down by a university for its research activities should be broadly interpreted and covers the entire profile of the university, so it is hard to imagine this condition to be restrictive. Performance contracts contain descriptions of a university's strategic aims and action areas on a general level. The contracts should not be used to restrict academic freedom. Moreover, development contracts are prepared in a process that includes open discussion at the university, including the academic council.

20. The majority of research funds are allocated through competitions held by various councils and foundations in the research advisory system. Researchers prepare their own proposals. The Danish Council for Independent Research funds projects initiated by researchers, and the Danish Council for Strategic Research funds research in priority areas defined by the government. Members of both councils are researchers.

21. If research is partially or fully funded from public sources, there is an obligation to publish the results under the *Act*. The time of publication will depend on specific circumstances, including protection of intellectual property rights. A statute regulating inventions at public research institutions provides that an institution may order a researcher not to publish an invention for up to two months if further evaluation is necessary. The institution may also order a delay if publication may obstruct possible commercial exploitation, including time necessary for the university to secure a patent right. The same law gives the institution the right to exploit inventions produced by employees as part of their work. The employee is entitled to reasonable payment from the institution if it obtains revenue from commercial exploitation of an invention. The Minister believes that Danish practice in this area conforms to international norms.

22. The Minister takes the position that a balance between self/governance and autonomy and accountability is necessary in universities, and Danish legislation meets those requirements.

23. Development contracts are a framework for institutional self/governance and autonomy of universities, based on university proposals. They are not legally binding.

24. The university mergers that occurred in 2007 have not changed the framework for freedom of speech, either in the Constitution or the of the University *Act*. The DM's own survey found that university researchers express their views more often than other groups in the association to which DM is affiliated.

25. Career structures were simplified after the university mergers in 2007. This change followed a dialogue between an organization representing universities and the association to which DM belongs. The Minister states that no ministerial document can alter statutory rights. The Ministry normally consults with the DM and other groups before issuing new rules, but it is

not obligated to accept the position of the DM or any other organization before issuing a new policy.

26. The Minister states that salaries and working conditions of academic personnel are comparable with other universities in Europe. Pay scales are determined through collective bargaining, so the parent organization to which DM belongs has agreed to current salaries.

27. In its comments on the information submitted by EI, the Government contends that fixed-term higher education staff in Denmark enjoy the same rights as full-time staff through the collective agreement and the *University Act*, including academic freedom, freedom of research, salary levels and pension rights. The extension of the collective agreement's coverage in 2008 to employment of less than 21 hours a week meant that part-time staff enjoyed the same rights as full-time staff in equivalent positions. The conditions in Ireland referred to by EI were not directly transferable to Denmark since an agreement on workload models did not exist in Denmark, nor did the 1997 Recommendation refer to such agreements. Institutional responsibility to safeguard freedom of research prevailed in Denmark in accordance with the 1997 Recommendation's provisions. Assertions by EI on the loss of collegiality in violation of the 1997 Recommendation's provisions contradicted those of DM and in any case appeared to be politically motivated. On the contrary, provisions in the *University Act* concerning staff representation on academic bodies and the governing board were not deemed to be in contravention of the 1997 Recommendation. The Government rejected the assertion that working conditions of part-time higher education personnel were worse than those of full-time staff; all such working conditions were negotiated the majority through collective bargaining, formalized in collective agreements.

Findings

28. The Joint Committee supports the statement attributed to the Minister that Danish law and policy should comply with the provisions of the 1997 Recommendation. The Joint Committee recognizes that possibilities exist for disagreement about the proper application of the principles of the 1997 Recommendation. The Joint Committee also notes that according to the Recommendation (paragraphs 22 and 24) there should be a proper balance between the level of autonomy enjoyed by higher education institutions and their systems of accountability without harming academic freedom.

29. The Joint Committee remarks that this allegation is not based on specific actions of any university or the Government of Denmark. Rather, it reflects DM's dissatisfaction with some of the terms of the *Act* passed in 2003.

30. The 1997 Recommendation is necessarily framed in general terms and broad principles. Individual nations and academic institutions are able to organize their activities consistent with national practices to ensure conformance with the principles of the Recommendation. For instance, Section 17 of the 1997 Recommendation sets out the principles to govern institutional autonomy. The final sentence states, "However, the nature of institutional autonomy may differ according to the type of establishment involved."

31. Similarly, the *Act* governing the operation of Danish universities contains many general statements concerning academic freedom (Section 2.2), research activities (Section 17.2) and governance and "performance contracts" (Section 10.8).

32. DM correctly notes that Section 2.2 of the *Act* does not refer to institutional autonomy. But the Joint Committee notes that this provision contains a strong statement that requires universities to protect academic freedom. The text of the 1997 Recommendation, especially Sections 28 and 29, focuses first on the rights of academic personnel to teach and carry out research work "without any interference," subject to professional principles.

33. While the guarantees of Section 2.2 of the *Act* could be stated more fully, as they are in the 1997 Recommendation, this legislative provision does not in itself violate the principles of the Recommendation.

34. Section 17.2 of the *Act* states that academic staff are free "to conduct research within the strategic framework laid down by the university . . ." The language of this provision is open to various interpretations. It is possible that a strategic framework could restrict the provisions of Section 29 of the 1997 Recommendation, but the Joint Committee has no evidence that the legislation has in fact limited the freedom of academic staff to carry out their research. The Minister states that "the notes on the University Act" refer that a strategic frame work for research activities in a university should be broadly interpreted and that it covers the entire profile of the university. Under these circumstances, the Joint Committee cannot conclude that the existence of strategic frameworks per se limit the freedom of academic staff to conduct research. It further acknowledges that the possibility of such conflicts exists. DM alleges that staff have been threatened with reprisal because their research did not fit within the strategic framework of their university. Such cases might violate the principles of Section 29 of the Recommendation and should be regarded seriously by all parties concerned. In the absence of more information the Joint Committee recommends that DM and the Ministry examine the possibilities that strategic plans could impinge on the freedom of research with the goal of agreeing on a policy to prevent such occurrences.

35. The Joint Committee noted the principles of the *Act on inventions at public research institutions* and the Minister's description of its operation. This legislation refers principally to inventions, a specific form of research. The 1997 Recommendation does not mention inventions or the commercial exploitation of the results of academic research. The Joint Committee acknowledges that these issues are important in many universities and have resulted in benefits to research personnel, their universities and in some cases, students. The 1997 Recommendation contains strong statements about the freedom of academic personnel to publish the results of their research without interference. The Recommendation anticipates publication in traditional outlets, i.e., books, journals and databases. The restrictions in the *Act on inventions* are limited to short periods to permit registration of copy rights. This provision does not limit the right of academics to publish their work where they choose. The Joint Committee further notes that normal delays in traditional publications often exceed two months. Therefore, lacking any evidence that the interests of researchers are compromised by the limits in the *Act on inventions*, the Joint Committee cannot conclude that the restrictions violate the 1997 Recommendation.

36. The 1997 Recommendation addresses self-governance and collegiality in Sections 31-32. In particular, Section 31 states that teaching personnel should be able "to elect a majority of representatives to academic bodies within the higher education institution. The evidence presented to the Joint Committee is that external members must be a majority on the Academic Boards of each university (*The Universities Act*, Section 12), and the chair must be an external member. In addition to the academic board, each university has at least one "academy council" which is comprised of academic personnel, graduate student and academic administrators. It appears that academic personnel can comprise a majority in these bodies. Council duties include the distribution of funds within the university. Other bodies regulate PhD programmes and study boards. Study board members are equally divided between academic personnel and students, and the chair must be an academic member.

37. The Joint Committee notes that academic personnel are well represented in the governance of Danish universities. The Joint Committee also notes that it is not uncommon for universities to be governed by a senior body that oversees non-academic functions of a university. The Joint Committee notes that the Academic Boards in Danish universities do not fall under the definition of "academic bodies," in Section 31 of the 1997 Recommendation. It further recommends that DM and representatives of universities and the Ministry discuss the operation of governance structures in universities with a view to clarifying any misunderstandings on the proper functions of the relevant bodies.

38. The Joint Committee lacks data to assess the economic situation of DM members. However, it notes that salaries and conditions of employment are subject to collective bargaining. It would be inappropriate for the Joint Committee to express an opinion on the results of voluntary collective bargaining, as envisioned in Section 53 of the 1997 Recommendation.

Recommendations

39. The Joint Committee recommends that the Governing Body of the ILO and the Executive Board of UNESCO:

    a) Take note of the situation described above;

    b) Communicate to the Government of Denmark and the DM its recommendations concerning the value of discussions of university governance among the relevant parties;

    c) Urge the Government of Denmark and the DM to engage in effective social dialogue around performance contracts between the Government and individual universities; and

    d) Request the Government and the DM to report on the results of their discussions, progress made and any difficulties encountered to the Joint Committee.

B. Further developments in relation to allegations previously received

1. Allegation received from the National Tertiary Education Union (NTEU) of Australia

Background

1. Details of the allegation and its treatment are set out in reports of the Joint Committee at its 9th session (2006) and in its interim report of 2008. The 2008 interim report of the Joint Committee called upon the Government:

   a) to cooperate with institutional heads and teachers' organisations in reviewing its policies on funding of higher education institutions so as to ensure a proper balance between respect for institutional autonomy and accountability in terms of the 1997 Recommendation;

   b) to review and modify as necessary provisions in the Higher Education Workplace Relations Requirements (HEWRR) that might reduce tenure, disciplinary guarantees and thereby academic freedom at institutions;

   c) to collaborate with the teachers' organizations to remove ambiguities in legislation that could inhibit effective higher education staff participation in institutional governing bodies as recommended by the 1997 Recommendation; and

   d) to review and as necessary modify national legislation and policy that had the effect of undermining the 1997 Recommendation's provisions on negotiation of terms and conditions of employment in higher education institutions, in accordance with the relevant conclusions and recommendations of ILO supervisory bodies.

Further developments

2. The Joint Committee has now considered additional information provided by the Government on 24 February 2009, as well as additional information submitted on 25 June 2009 from the NTEU.

3. The Government informed the Joint Committee that the previous HEWRR legislation and related institutional governance protocols that were at the heart of the allegations had been abolished by new legislation. This legislation took effect in September 2008 and resolved the issues raised by the NTEU in the opinion of the Government.

4. The NTEU provided information on the new labour laws in relation to disciplinary measures and negotiation on terms of employment, recent policy changes affecting academic freedom and autonomy through the peer review process, new funding policies with implications for institutional autonomy and changes in the social dialogue environment. The major points of reform according to the NTEU included:

a) progress achieved by the repeal of the HEWRRs and governance protocols has been minimal until previously agreed collective agreements reached under the abolished legislation are renegotiated, a process that could take some years and delay improvements in other areas;

b) procedural guarantees concerning disciplinary actions (dismissals) have been restored, although limited to workplaces with more than 15 employees and not applicable to casual employees and those engaged on contracts of less than one year;

c) a reaffirmation by the Government of the importance of academic freedom as a core requirement for all institutions following a national inquiry in which the NTEU made submissions along with other stakeholders;

d) changes in Government policy on funding for research that accords greater protection to standards of academic freedom and institutional autonomy within broad standards of accountability, notably new legislation under consideration to strengthen the independent peer review process and reduce direct Government interference by strengthening the independence of the Australian Research Council, and by the introduction of a formal charter supported by the Government to ensure freedom of inquiry in research carried out by public research agencies; and

e) new policies to increase funding provisions that provide more guarantees for access to higher education.

Findings

5. Recalling the recommendations of its 2008 interim report, the Joint Committee notes with satisfaction and commends the Government for reforms in legislation that better apply the provisions of the 1997 Recommendation concerning negotiation on terms and conditions of employment in higher education and in particular on disciplinary measures, and by extension tenure and academic freedom. At the same time, it notes that improvements in procedural guarantees on dismissal have not been extended to all institutions and employees.

6. The Joint Committee also notes and commends improvements in policies and funding measures that ensure greater respect for core principles of the 1997 Recommendation on academic freedom and institutional autonomy in accordance with a balance of such principles with the Recommendation's guidelines on institutional accountability.

7. The Joint Committee further observes a substantial improvement in the climate for social dialogue created by the legislative and policy reforms. The NTEU's voice on behalf of higher education teaching personnel, and that of other higher education stakeholders, appears to be more prominent in the consultative processes leading up to the indicated changes, as well as its ability to engage in more effective negotiation on terms and conditions of employment, principles and practices that are also at the heart of an effective application of the 1997 Recommendation.

Recommendations

8. The Joint Committee recommends that the Governing Body of the ILO and the Executive Board of UNESCO:

   a) Take note of the findings above;

   b) Communicate these findings and recommendations to the national Government, and to the NTEU, commending the Government for its reforms of legislation and policies that serve to better apply key provisions of the 1997 Recommendation;

   c) Request the parties to keep the Joint Committee apprised of further progress and any continued difficulties on these matters, in particular regarding extension of procedural guarantees concerning dismissal to all institutions and employees, should the need arise.

2. Allegation received from Education International (EI) and the Ethiopian Teachers' Association (ETA)

Background

1. In its interim report of 2008 the Joint Committee deeply regretted that the Government had not seen fit to reply to provide any further information since 2004 on progress made to resolve the difficulties encountered in applying various provisions of the 1966 Recommendation that dated back more than ten years. Nevertheless, in view of the lack of recent information, including from EI and ETA, the Joint Committee considered it necessary to suspend any further consideration of the allegations until such time as one or more of the parties provided relevant information on recent developments.

Further developments

2. The Joint Committee noted that in examining its interim report, at its 181st session in April 2009, the Executive Board of UNESCO requested the Director-General to use his good offices to try to improve communication between the Ethiopian authorities and the concerned teachers' organizations. At the same time, in addition to ongoing concerns over freedom of association in Ethiopia previously noted by the Joint Committee, the ILO Governing Body Committee on Freedom of Association in March 2009 also observed that required activities unrelated to their jobs as teachers (participation in population censuses in some regions resulting in heavier workloads for many according to the teachers' organizations) was decided without any consultation with these organizations.

Findings

3. Taken together, the above developments again raised the question about the lack of appropriate social dialogue in education in Ethiopia in respect of the 1966 Recommendation's provisions. The Joint Committee reiterates its call for greater respect for this key concept of consultations

with teachers' organizations, stated in paragraph 10(k) of the 1966 Recommendation. Teachers' commitment to education reform is closely linked to the process of social dialogue. The Joint Committee looks to the Government and international organizations, including ILO and UNESCO, to address these issues.

Recommendations

4. The Joint Committee recommends that the Governing Body of the ILO and the Executive Board of UNESCO:

   a) Take note of the concerns over the continued lack of respect for social dialogue on education matters affecting teachers by the Government;

   b) Request UNESCO to communicate to the Joint Committee the outcomes of actions by its Director-General to use her good offices to improve communications between the Government and teachers' organizations; and

   c) Communicate these findings and recommendations to the Government of Ethiopia, to the National Teachers' Association (formerly ETA) and to EI, requesting them to keep the Joint Committee apprised of any progress and continued difficulties on these matters.

3. Allegation received from the All Japan Teachers' and Staff Union (ZENKYO) and the Nakama Teachers' Union

Background

1. Details of the allegation and its treatment are set out in reports of the Joint Committee at its 8th and 9th sessions (2003, 2006) and in its interim reports of 2005 and 2008. The 2008 interim report of the Joint Committee took note of the report of the Joint Committee's fact-finding mission which took place from 20 to 28 April and made a number of recommendations in the light of the 1966 Recommendation concerning in particular the Government's approach to improvements in the teacher appraisal system, merit assessment and salary determination and consultation and negotiation with teachers' organisations on these matters.

Further developments

2. The Joint Committee has now considered additional information provided by the Government on 24 August 2009, as well as additional information dated 30 July 2009 from ZENKYO and 9 September 2009 from the Nakama Union. The Joint Committee also noted comments received from the Japan Teachers' Union (JTU or NIKKYOSO) and Education International as reported to the ILO Governing Body in November 2008.

3. The Government reiterates that certain rights, such as making a statement during administrative appeal, are allowed to teachers facing unfavourable discharge on the ground that their teaching abilities have not improved even after special training. Otherwise,

teachers deemed to be providing inadequate instruction do not suffer undesirable changes in employment status, so that administrative appeal is not applicable and the same rights do not apply. The Government confirms also that the teacher assessment system is regarded as an administration and management item not appropriate for negotiation with teachers' organisations. It requests the Joint Committee to reconsider some of its recommendations with a better understanding of the Japanese legal system. It considers that it duly respects the spirit of the Recommendations.

4. ZENKYO has promoted study of the report of the fact-finding mission and the interim report among its affiliates, following which representations have been made to education boards in 13 prefectures. Such representations can in some instances lead to improvements in industrial relations. Meanwhile, it indicates that the Government has not translated those reports or provided information to the local education boards. ZENKYO relates the present question to the more general one of the basic labour rights of public personnel, which is dealt with by the ILO Committee on Freedom of Association.

5. The Nakama Union states that the Osaka Board of Education has not received the Joint Committee's report and has not agreed to meet with them. It describes the way in which the merit bonus and appeals system is being operated, which it finds discriminatory and in violation of human rights.

Findings

6. The Joint Committee refers to the recommendations contained in its 2008 interim report concerning teacher assessment, competence and disciplinary measures; merit assessment; and consultation and negotiation. It wishes to record again its appreciation of the positive attitude of the Government in enabling the fact-finding mission to take place, thanks to which the Joint Committee has been able to obtain a very clear view of the situation in regard to the implementation of the relevant provisions of the 1966 Recommendation.

7. In this respect, it would draw attention in particular to section VII of the Recommendation concerning teachers' employment and career: the need for adequate protection against arbitrary action affecting their professional standing (paragraph 46); and the need for procedural safeguards when disciplinary proceedings do take place (paragraphs 47 to 52). Given further the marked under-representation of women in relevant bodies as found by the fact-finding mission (paragraph 68 of its report), the Joint Committee remains concerned as to the implementation of the Recommendation's provisions on non-discrimination (paragraph 7) and women teachers with family responsibilities (paragraphs 54 to 58).

8. As regards the questions of consultation and negotiation, the Joint Committee wishes to underline that these are two related but essentially different concepts. It recalls that, according to paragraph 82 of the Recommendation, salaries and working conditions for teachers should be determined through the process of *negotiation* between teachers' organisations and the employers of teachers, and the Recommendation cites the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) as an instrument concerned with basic human rights applicable to teachers: on this point, the Joint Committee defers entirely to the ILO Committee on Freedom of Association. The Recommendation also, however, calls for close cooperation between the competent authorities, organisations of teachers, employers and workers and

others for the purpose of defining educational policy and its precise objectives (Para. 10(k)). As indicated in the 2008 interim report, the Joint Committee therefore looks for a process of good faith *consultation* – not necessarily formal negotiation – at the levels of ministry and prefectural boards of education with teachers' organisations concerning policy in the matters raised.

Recommendations

9. The Joint Committee recommends that the Government and teachers' organizations make use of the advisory services and good offices of the ILO and UNESCO, in order to obtain information on systems of consultation and social dialogue, teacher evaluation and merit assessment, and access good practices which might serve as a model.

10. The Joint Committee invites the Government and teachers' organizations to cooperate with the ILO and UNESCO to prepare a mutually acceptable understanding of the text of the 1966 Recommendation.

11. The Joint Committee also invites the Government to transmit the interim report and the report of the fact-finding mission to the prefecture boards of education for information, together with any comments which the Government itself wishes to formulate.

12. The Joint Committee further recommends that the Governing Body of the ILO and the Executive Board of UNESCO:

    a) Take note of the findings above;

    b) Communicate these findings and recommendations to the national Government, prefecture boards of education and teachers' organizations concerned, requesting the Government, as well as all representative teachers' organizations, to keep the Joint Committee apprised of any progress and continued difficulties on these matters.

Annex 3

Secretariat of the Joint Committee

ILO

Mr. Bill RATTEREE
Public Services Team Leader and Education Sector Specialist
Sectoral Activities Department (SECTOR)

Mr. Raphael CROWE
Senior Gender Specialist
GENDER Bureau

Ms. Angelika MULLER
Labour Law Officer
Industrial and Employment Relations Dept. (DIALOGUE)

Mr. Steven OATES
Senior Adviser on Rights at Work
Standards and Fundamental Principles and Rights at Work Sector (ED/NORM)

Mr. Raghwan RAGHWAN
Desk Officer, Asia and Pacific Region
Bureau for Workers' Activities

Ms. Vicky HINCHA-MAJUVA
Administrative Support
Sectoral Activities Department (SECTOR)

UNESCO

Mr. Georges HADDAD
Director
Division of Higher Education

Mr. K. Francisco SEDDOH
Chief a.i.
Section for Teacher Education
Division of Higher Education

Mr. Edem ADUBRA
Senior Programme Specialist
UNESCO Cluster Office in Windhoek

Ms. Sayeeda RAHMAN
Programme Specialist
Section for Teacher Education
Division of Higher Education

Mr. Lucio SIA
Programme Specialist
Section for Teacher Education
Division of Higher Education

Ms. Ramya VIVEKANANDAN
Assistant Programme Specialist
Section for Teacher Education
Division of Higher Education

Ms. Marie-Dominique DUMAS
Clerk
Section for Teacher Education
Division of Higher Education

Ms. Clare CLERET
Assistant
Section for Teacher Education
Division of Higher Education

Mr. John EMELE
Assistant
Section for Teacher Education
Division of Higher Education

Annex 4

Opening and closing remarks at the Tenth Session

Opening remarks

1. On behalf of the Director General of UNESCO, the Interim Chief of the Section on Teacher Education, Mr. Komlavi Seddoh, expressed great pleasure in welcoming participants to UNESCO in Paris for the 10th Session of the ILO/UNESCO Joint Committee of Experts on the Recommendations concerning Teaching Personnel (CEART). He thanked the members of the Joint Committee for accepting, some of them over a period of several years, to give their time and expertise to the noble cause of improvement in the condition of teaching personnel worldwide. He also warmly thanked the ILO and expressed UNESCO's appreciation for the ILO's open collaboration and contribution in all the areas in which the two organizations shared an interest, particularly concerning the status of teaching personnel. The two Recommendations adopted through their initiative by their Member States are still relevant and stand as a unique reference throughout the world. No Recommendation can cover so completely the vast complexity of the teaching question. It demands transversal adaptive capacities related to creativity and problem-solving which are more evident in the area of professional competence than in the direct application of learning by rote. Moreover, teaching activities are situated within a framework of social relations that operate within the immediate sphere of didactics in the classroom and equally in the wider domain of the professional networks created among colleagues in other professional groups, in school and university administration, in the trade union movement and in parent-teacher associations.

2. In the framework of the two Recommendations each region of the world can act in recognition of its own reality. In developing countries, particularly in sub-Saharan Africa, the crucial problems of teacher shortages and lack of professional training that have an immediate impact on quality, poor conditions of work and salary, the ravages of the HIV/AIDS epidemic and insufficient budgets devoted to teachers remain the main preoccupations. It is estimated that between 2007 and 2015, 2.4 million teachers will be needed, and of these 1.2 million new posts will be necessary to achieve universal primary education. In Higher Education, academic freedom and brain-drain are two problematic issues. In more developed countries, regional disparity may expose teachers in certain towns or in certain areas where there is youth unemployment and drug abuse to difficult working conditions including violence in the workplace.

3. The solution must be found in the organization of quality teacher training in order to promote the acquisition of knowledge and the creation of didactic techniques to be developed throughout the career, thanks to in-service training for a constant renewal of teacher know-how. This is the way towards education that is more open towards its social context and which does not hesitate to call upon experts from outside the education system; towards education that helps the learner to achieve the status of individual and citizen equipped to

participate in the life of the social group; and to exercise his or her rights and duties in an informed way.

4. The education that we aspire to must include formal systems that are sufficiently well-organized to satisfy the specific needs of populations: in conflict zones; the disabled; and in the most remote rural areas. Girls will be sure of a place. Research and research training, and teacher training institutions will no longer be considered as poor relatives.

5. This is a huge task. It begins with the consideration of the teacher as one of the most important priorities both on a national level and at the level of international organizations. UNESCO's TTISSA initiative plays an integral part as one of the three main focus points through its contribution towards the development of Education in Africa. In the same way we can situate the new initiative "Teachers for Education For All" developed by the High Level Group for EFA.

6. Taking into consideration the challenges and the scope of the task, UNESCO's proposed approach is to concentrate efforts by taking charge of the teacher question on a national level in a holistic fashion, considering the questions of teacher status, the improvement of management and administration structures, defining specific policy for teacher issues, quality improvement and coherent follow-up in professional development.

7. UNESCO's dearest wish is that the international community should face this challenge together, strengthening ties and using the energy of differences to work together towards the same aims. The action of the CEART corresponds perfectly to this policy. He closed by wishing participants an excellent working session.

8. On behalf of the Director General of the ILO and ILO secretariat members, Mr. Bill Ratteree, senior education specialist in the Sectoral Activities Department, welcomed the CEART Experts, including five new members. He thanked UNESCO as host organization for its work to help organize the Tenth Session, a further example of the more than 50 years of close cooperation between ILO and UNESCO on teachers that hopefully would continue and grow stronger. The Joint Committee had been working for more than 40 years to focus attention on the status of teachers and encourage use of the Recommendations' guidelines, reflecting the continuing relevance of the concerns expressed by the authors of the 1966 Recommendation that the ILO and UNESCO should mutually promote and help implement this standard. In addition this work had focused since 2000 on the 1997 Recommendation on higher education teaching personnel. The CEART was a unique institution in international relations, created specifically to monitor and promote the application of non-binding international standards. This was explained by the importance of the subject matter - without qualified and quality teachers, it was unrealistic to expect quality education, as the authors of the 1966 Recommendation well understood and the CEART had made clear in its reports for many years.

9. This Session was expected to follow suit with a strong report and recommendations to help member States and other constituents to address continuing education challenges on such issues as teacher shortages, the subject of a new international task force, and the challenges facing higher education in a globalized world. Key to the CEART's continued relevance was the ability to innovate in its approach to new challenges, as evidenced by the 2008 Fact-

finding mission to Japan. The ILO continued to support these efforts and to encourage decent work for all workers, including teachers, through respect for fundamental rights at work, full employment, social protection and especially social dialogue to ensure that teachers had a voice in key workplace decisions, in this case in the education sector.

10. The Chairperson of the Joint Committee, Ms. Anne Lise Hostmark Tarrou, thanked ILO and UNESCO for their support to the work of CEART, an important example of collaboration within the United Nations system. The CEART's unique mandate permitted it to take a broad perspective in reviewing central issues ranging from teachers' education to their conditions of employment. It was hoped that the Joint Committee would make its deliberations in a consensus - oriented climate based on sharing information and dialogue. As seen from the agenda, the work ahead would be intensive but hopefully rewarding.

Closing remarks

11. At the end of the Session, on behalf of the ILO, Mr. Ratteree again thanked UNESCO for its cooperation in helping to organize the 10th Session and to host it at a time of heavy work between the Executive Board and the General Conference. The CEART Officers, Coordinators of working groups and all members, including those who had joined it for the first time, had produced a strong report, which should help to focus international attention on the important question of teachers in coming months. The ILO looked forward to working with UNESCO and CEART members to organize the 11th Session in Geneva in 2012.

12. The Director of UNESCO's Division of Higher Education, Mr. Georges Haddad, thanked the CEART for its collaborative work and acknowledged the new members who have become part of the "CEART spirit". He noted the challenges facing the Joint Committee, primarily in promoting and infusing greater visibility to CEART's work. This work must be better known, recognized, appreciated and supported. He encouraged the Joint Committee to work together in finding ways to reach out more closely to teachers while sensitizing them to CEART's mission. He suggested, for instance, the creation of an interactive site wherein teachers and stakeholders could freely express themselves and contribute to matters affecting the teaching profession.

13. The growing attention paid to teachers was positively noted, as compared to a few years back when teachers were hardly mentioned or left on the periphery of education debate, even for matters relating to EFA. He concluded by recognizing the indispensability of teachers, who are at the very core of the human adventure.

Annex 5

Review of ILO and UNESCO joint or separate activities to promote the two Recommendations

World Teachers' Day

1. UNESCO and the ILO continued their cooperation to celebrate World Teachers Day held on 5 October every year in commemoration of the signing of the 1966 Recommendation. One of the main activities is the drafting and issuance of the annual joint message in six languages – English, French, Spanish, Russian, Chinese and Arabic - signed by the heads of agencies of UNESCO, ILO, UNDP and UNICEF, and since 2007 by Education International. Themes of World Teachers' Day in recent years have increasingly focused on worldwide teachers' shortages and policy measures by Governments, private education management, teachers' unions and other education stakeholders to address this challenge to education systems. On the 40th Anniversary of the adoption of the ILO/UNESCO Recommendation in 2006, the Chairperson of CEART, Ms. Hostmark-Tarrou issued a message on behalf of the Joint Committee emphasizing that teachers were at the heart of efforts to establish common foundations for the acquisition of skills, knowledge, lifelong learning and culture that are essential for the economic, social and cultural progress of society. The texts of these joint messages and related links to World Teachers Day partners are available on the ILO and UNESCO Websites.[4]

2. World Teachers' Day is celebrated in more than 100 countries with a variety of events, in particular those organized by UNESCO and ILO Field Offices and national affiliates of the international teachers' organization, Education International (EI). A summary of events is available on the EI Website.[5] In addition, UNESCO has organized high-level events for the commemoration of World Teachers' Day at its Headquarters in 2007, 2008 and upcoming in 2009. In 2007, the co-signatories of the Joint Message joined the UNESCO Director-General in a panel discussion. In 2008, the event included panel discussions with teachers from around the world (France, Haiti, Malaysia, Morocco, Togo), the co-signatories of the Joint Message as well as with experts on teacher issues (including CEART Members Ms. Moghaizel-Nasr and Mr. Thompson). The publication *"Proceedings of the World Teachers' Day 2008"* was developed by the Section for Teacher Education to document the event and was widely disseminated. The 2009 event features panels on bridging the "teacher gap" in times of crisis and results of the CEART's 10th Session, with participation by the Joint Committee's Chair, Ms. Hostmark-Tarrou.

4 ILO: http://www.ilo.org/public/english/dialogue/sector/conf/wtd/index.htm
UNESCO: http://www.unesco.org/en/teacher-education/advocacy/world-teachers-day/

5 http://www.ei-ie.org/worldteachersday2009/

Information sharing and communication: Use of the Internet

3. The Joint Committee's Website in three languages (English, French and Spanish), continues to be maintained by the ILO on its Website in cooperation with UNESCO.[6] It is periodically updated with CEART reports and links to relevant information.

Information dissemination: Written and electronically published materials

4. In cooperation with the ILO, UNESCO prepared and published in 2007 in the six official UN languages as well as Portuguese a user's guide to the two Recommendations, 1966 and 1997, which has been widely disseminated. In addition, through the framework of its Teacher Training Initiative for Sub-Saharan Africa (TTISSA), UNESCO published a newsletter and a brochure in 2007 and 2008 respectively which highlighted the Recommendations and the work of the CEART.

Information dissemination: UNESCO and ILO meetings and related activities

5. In 2007, 2008 and 2009, UNESCO organized policy discussions concerning teacher policies as part of TTISSA, involving education stakeholders and international organizations, including the ILO in 2007 and 2009. The draft Teacher Policy Development Toolkit was validated at the 2009 meeting and is due to be released before the end of 2009 once final revisions are completed. The Recommendations' standards have also been promoted during meetings of the Working Group and High-Level Group meetings on EFA during the period 2007-2008, as well as the Global Action Week on EFA celebrated each year in April. The ILO is also developing a toolkit on good human resources practices in the teaching profession that will be reviewed at an inter-regional workshop to be held in Geneva in November 2009, and will be published afterwards.

Research and reports related to the Recommendations

6. Since the Ninth Session in 2006, ILO and UNESCO have carried out research and published monographs or other publications in fulfilment of CEART recommendations on the following major themes related to the Recommendations and the work of CEART:

    a) Social dialogue in education

    b) Teacher education

    c) Employment, careers and teacher salaries

6 English: http://www.ilo.org/public/english/dialogue/sector/techmeet/ceart/main.htm
French: http://www.ilo.org/public/french/dialogue/sector/sectors/ceart/main.htm
Spanish: http://www.ilo.org/public/spanish/dialogue/sector/sectors/ceart/main.htm

d) Teaching and learning conditions and ICT

e) Education for All

f) Gender and education

g) Academic freedom in higher education

h) Employment and tenure in higher education

Separate and Joint ILO/UNESCO Symposia and Seminars on the ILO/UNESCO Recommendation

7. The ILO, with financial support from UNESCO and in cooperation with a national steering group from the Ministry of Education and teachers' organizations, organized a policy dialogue seminar on teachers in Niger in September 2007, as part of its action programme on teacher shortages.

Further promotional and information-sharing activities

EFA related activities and teachers

8. At the initiative of UNESCO and other partners, following a decision by the High-Level Group on EFA at its December 2008 meeting, an International Task Force on Teachers for EFA was launched in June 2009 with a secretariat based at UNESCO. UNESCO, as the host organization for this secretariat, played a key role in the conception, establishment and start-up of the Task Force. It will continue to liaise closely with the Task Force through the Section for Teacher Education. The ILO participates in the Task Force as a member of the Steering Committee responsible for helping to define the Task Force general programme of work, and has offered to contribute to various joint activities.

9. UNESCO, under the framework of TTISSA and through extra-budgetary funds, has supported the development, revision and/or implementation of national teacher policies, strategies and plans in a number of Sub-Saharan African countries including *Angola, Congo, Democratic Republic of Congo, Guinea, Niger, Nigeria, Sierra Leone and Tanzania.* In addition, UNESCO has supported the development of a comprehensive national programme to implement the recently finalized Teacher Education Strategy in Palestine.

10. UNESCO (Section for Teacher Education and UNESCO Institute for Statistics) organized a forum to identify research gaps and new indicators on teachers in 2007 and participated in a review of a proposed teacher training taxonomy held at UIS in 2008. The taxonomy aims to map different structures of teacher development programmes for cross-national comparisons in order to generate new teacher quality indicators. Other key areas related to teachers were also discussed, including the development of a new teacher questionnaire to be applied on a rotating basis as a part of the regular UIS Education Survey.

HIV and AIDS in education

11. The ILO and UNESCO cooperated in the launching of pilot programmes in Mozambique and Zambia to implement the model education sector workplace policy on HIV and AIDS in the southern African region that was developed jointly by ILO and UNESCO. ILO EI, Irish Aid and the Secretariat of the Inter-Agency Task Team on HIV and AIDS in Education have begun work on an issues paper concerning teachers and HIV and AIDS. The Inter-Agency Task Team's Education Symposium, organized by UNESCO and held in June 2009, focused on a theme of "Teachers and HIV & AIDS: Reviewing achievements, identifying challenges."

Gender

12. UNESCO has held preliminary discussions with its Division for Gender Equality on doing a detailed study regarding gender and the teaching profession in developing countries.

Teacher education

13. Through the framework of TTISSA, UNESCO organized workshops on quality assurance in teacher education during the Third Global Forum on International Quality Assurance, Accreditation and the Recognition of Qualifications and at the Second International Conference on Quality Assurance in Higher Education in Africa, both of which took place in Dar Es Salaam in 2007. These workshops built the capacity of senior policymakers from the 17 first-phase TTISSA countries in quality assurance in teacher education of teacher education. In 2008, workshops on the same theme were organized during the Third International Conference on Quality Assurance in Higher Education in Africa held in Dakar. These workshops culminated in the definition of TTISSA's forthcoming activities in quality assurance in teacher education.

14. UNESCO has supported work in teacher education in several countries, notably in Sub-Saharan Africa through TTISSA. Some examples of this work include:

- Mainstreaming of cross-cutting issues (HIV & AIDS, gender, peace and human rights education, Education for Sustainable Development, arts and culture) in the teacher education curriculum of **Angola**.

- Development of new teacher education curriculum and training of trainers/Inspectors/Heads of Teacher Training Institutions on this curriculum in **Burundi**.

- Distance training of untrained teachers on two islands in **Cape Verde**.

- Support to Regional Pedagogic Centres in their transformation, from in-service and support structures to accelerated pre-service training centres in **Central African Republic**.

- Renovation and equipping of the *Ecole Normale Supérieure* and pedagogical training of trainers in the teaching of science and technology in **Congo**.

– Training of Inspectors in pedagogic support and orientation in **Democratic Republic of the Congo**.

– Support to the national untrained teachers training programme through the appropriate use of ICTs and support to quality assurance systems for pre-service and in-service teacher education in **Ghana**.

– Development of modules in human sciences/science and technology for the initial teacher education curriculum and academic training of contract teachers in **Guinea**.

– Training of untrained primary education teachers in **Sierra Leone**.

– Mapping of teacher education professional development courses from 1998 to date in order to establish a catalogue of short courses towards systematic planning and coherence of the training package in **Tanzania**.

Employment, careers of teachers, teachers' salaries, teaching and learning conditions and social dialogue

15. The ILO is preparing an international toolkit of good human resource practices in the teaching profession, which will include modules on teacher recruitment and deployment, employment and careers, teaching and learning conditions, salaries, social security and social dialogue in education. ILO has also contributed to a parallel teacher policy toolkit on these themes being developed by UNESCO.

Higher education: Academic freedom and employment and tenure

16. UNESCO organized the World Conference on Higher Education in July 2009 that dealt with a range of issues specific to the 1997 Recommendation and its application. The final communiqué calls on member States of UNESCO to enhance the attractiveness of academic careers by ensuring respect for the rights and adequate working conditions of academic staff in accordance with the 1997 Recommendation, and for UNESCO to help governments and institutions address international issues in higher education through continuing to implement its standard-setting instruments, including the 1997 Recommendation.

Promotion of standards and social dialogue in ILO and UNESCO

Governing Body and International Labour Conference of the ILO

17. The reports of the CEART were examined and recommendations made for dissemination and action by relevant Governments, employers' and workers' organizations at the following sessions related to standards held by the ILO since 2006:

– Allegations from the 2006 CEART Report at the November 2006 Session of the Governing Body.

– The full Report of the 2006 Session at the March 2007 Session of the Governing Body and the June 2007 Session of the International Labour Conference.

– The Report on the Fact-finding mission to Japan and the Interim Report on allegations at the October 2008 Session of the Governing Body.

Executive Board and General Conference of UNESCO

18. Since 2006, UNESCO prepared and submitted three documents to its Executive Board, namely:

– *Report by the Director-General on Allegations received by the CEART* (181st Session of the Executive Board – Spring 2009).

– *Report by the Director-General on the ninth session of the CEART), and report by the Committee on Conventions and Recommendations thereon* (176th Session of the Executive Board – Spring 2007).

In addition, UNESCO provided inputs for the preparation of documents for the 181st Session of the Executive Board in Spring 2009 and for the 182nd Session of the Executive Board in Fall 2009 on Monitoring UNESCO Normative Instruments, including the Recommendations.

Additional promotional and information-sharing activities

19. In addition to participation in various meetings and other activities to promote knowledge and application of the Recommendations' standards that are mentioned above, ILO has made similar contributions to the 4th Education International (EI) Conference on Higher Education and Research, the Fifth World Congress of EI and a seminar on the Bologna process organized by EI, all in 2007, as well as Commonwealth Secretariat organized research symposia on teachers held in the United Kingdom (2007) and the USA (2009). UNESCO has given inputs highlighting the Recommendations on many occasions as well, including the 51st & 52nd Comparative & International Education Society Conferences (2007 and 2008), Centre International des Etudes Pédagogiques Conference (2007), ADEA Biennale (2008), biennial meeting of the International Network of Teacher Education Institutions on Reorienting Teacher Education to Address Sustainability (2008), British Educational Research Association Annual Conference (2008), Universities' Council for the Education of Teachers conference on "Teachers and Development in Sub-Saharan Africa" (2008), Meetings of the International Task Force on "Teachers for EFA" (2009) and World Teachers' Day in Thailand (2009).

20. UNESCO, in partnership with the Hamdan Bin Rashid Al-Maktoum Award for Distinguished Academic Performance, has established the UNESCO-Hamdan Bin Rashid Al-Maktoum Prize for Outstanding Practice and Performance in Enhancing the Effectiveness of Teachers.

Promotional and informational activities of the Joint Committee

21. The following activities have been undertaken by CEART members:

- **Ms. Helu-Thaman** and **Mr. Thompson** led the CEART Fact-finding mission to Japan in April 2008

- **Ms. Hostmark Tarrou** participated in a Teachers Seminar in Norway in October 2008 organized by the Government of Norway and Norwegian teachers' unions as part of the process to create the International Task Force on Teachers for EFA

- **Ms. Moghaizel-Nasr** and **Mr. Thompson** participated as panelists in the 2008 World Teachers Day event organized by UNESCO

- **Ms. Moghaizel-Nasr** participated in a regional conference on teacher standards and quality organized by UNICEF and the League of Arab States in June 2009

- **Mr. Ryabov** has undertaken the following activities on behalf of the Recommendations and CEART:

  - Presentation at the annual assembly of rectors of all Russian teacher-training institutions on the results of the CEART Ninth Session

  - Presentation also at the Russian Ministry of Education on how to promote the two Recommendations in the Russian Federation

  - Several presentations at various international and regional conferences and meetings on the policy of ILO and UNESCO concerning lifelong learning, new information technologies in education and participation of school teachers and university professors in education reforms

  - Activities to catalyze World Teachers' Day (WTD) events at national and regional level in the Russian Federation in 2006, 2007 and 2008 with a focus on the two Recommendations, including newspaper, radio and TV coverage of messages from the Minister of Education and Mr. Ryabov, and dispatch of the Russian language versions of the WTD messages to teachers' organizations and the mass media

  - Articles on a wide range of topics concerning teachers – CEART, the Recommendations, teacher education and indicators, higher education teaching staff and HIV and AIDS – published in the journals Pedagogical Review and Regional Education

- **Mr. Tchitchi** has promoted knowledge of the Recommendations at meetings concerning teachers in Benin

Annex 6

Draft agenda of the Eleventh Session of the Joint Committee

1. Election of Officers and adoption of the agenda.

2. Progress made in promotion and use of the 1966 and 1997 Recommendations.

   (a) Review of reports and other sources of information in accordance with the mandate of the Joint Committee.

   (b) Review of ILO and UNESCO joint or separate activities to promote the two Recommendations.

   (c) Methodology and procedures of the Joint Committee.

3. Consideration of allegations received from teachers' organizations.

   (a) Allegations received since the Tenth Session.

   (b) Allegations considered at the Tenth Session.

4. Monitoring of the application of the ILO/UNESCO Recommendation concerning the Status of Teachers, 1966.

   (a) Comprehensive teacher education policies and quality assurance standards: initial, in-service and continual teacher education in lifelong perspectives.

   (b) Social dialogue in education: national good practices and trends.

   (c) Terms and conditions of employment of teachers in relation to teacher shortages and EFA.

5. Monitoring of the application of the UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel, 1997.

   (a) Governance of higher education: Influence of changing patterns of organization and structures on academic freedom, institutional autonomy and social dialogue.

   (b) Teaching qualifications for university staff and faculty entry into the profession.

6. Monitoring of a high priority topic related to one of the two Recommendations.

   Violence and insecurity in schools and for teaching personnel: impact on educational access and quality.

7. Draft agenda for the Eleventh Session.

8. Other questions.

The Recommendations on teachers and the CEART

The Recommendations

The **ILO/UNESCO Recommendation concerning the Status of Teachers** was adopted on 5 October 1966 at a special intergovernmental conference convened by UNESCO in Paris in cooperation with ILO. It sets forth the rights and responsibilities of teachers, and international standards for their initial preparation and further education, recruitment, employment, teaching and learning conditions. It also contains many recommendations for teachers' participation in educational decisions through consultation and negotiation with educational authorities. Since its adoption, the Recommendation has been considered an important set of guidelines to promote teachers' status in the interests of quality education.

The **UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel** was adopted by the General Conference of UNESCO in 1997, also following years of preparatory work between UNESCO and the ILO. This standard is a set of recommended practices covering all higher education teaching personnel. It is designed to complement the 1966 Recommendation, and is promoted and its implementation monitored by UNESCO in cooperation with ILO, notably through the Joint ILO/UNESCO Committee of Experts (CEART).

CEART

The **Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART)** was set up in 1967 to enable close cooperation between the ILO and UNESCO to monitor and promote the 1966 Recommendation. CEART assumed its additional responsibilities to promote and monitor use of the 1997 Recommendation at its 2000 Session. It is referred to in this report as either the Joint Committee or CEART.

The CEART is composed of 12 appointed members. The ILO and UNESCO appoint six members each. The members act in a personal capacity.

CEART examines reports and information concerning the application of the Recommendations from governments, from national and international organizations representing teachers and their employers, from the ILO and UNESCO, and from relevant intergovernmental or non-governmental organizations. It then communicates its findings to the ILO and UNESCO for appropriate action.

CEART also examines allegations from teachers' organizations on the non-observance of the Recommendations' provisions in Member States. After consideration of the content of the allegation, CEART issues its findings and recommendations for the resolution of the problems or conflict.

CEART meets every three years, alternately at UNESCO Headquarters in Paris and at the ILO in Geneva. The present report is of the session in 2009, hosted by UNESCO.

For the full text of both Recommendations and of information on the CEART:
English: http://www.ilo.org/public/english/dialogue/sector/techmeet/ceart/main.htm
French: http://www.ilo.org/public/french/dialogue/sector/techmeet/ceart/main.htm
Spanish: http://www.ilo.org/public/spanish/dialogue/sector/techmeet/ceart/main.htm

United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Hundred and eighty-fifth session

185 EX/23
Part III B

PARIS, 13 August 2010
Original: English

Item **23** of the provisional agenda

IMPLEMENTATION OF STANDARD-SETTING INSTRUMENTS FOR WHOSE MONITORING THE BOARD IS RESPONSIBLE

PART III

APPLICATION OF THE 1966 RECOMMENDATION CONCERNING THE STATUS OF TEACHERS AND THE 1997 RECOMMENDATION CONCERNING THE STATUS OF HIGHER EDUCATION TEACHING PERSONNEL

REPORT BY THE DIRECTOR-GENERAL ON ALLEGATIONS RECEIVED BY THE JOINT ILO/UNESCO COMMITTEE OF EXPERTS ON THE APPLICATION OF THE RECOMMENDATIONS CONCERNING TEACHING PERSONNEL

SUMMARY

In accordance with 154 EX/Decision 4.4, the Director-General hereby submits to the Executive Board the report of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) on allegations received by CEART from teachers' organizations regarding non-observance of the Recommendations.

The financial or administrative implications of the reported activities fall within the parameters of the current C/5 document.

Action expected of the Executive Board: decision in paragraph 7.

1. The mandate of the Joint International Labour Organization (ILO)/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) was established by parallel decisions of the Executive Board of UNESCO and the Governing Body of ILO in 1967. Its mandate is to monitor and promote application of the Recommendations on teachers of 1966 and 1997.[1] It therefore examines formal allegations from international and

[1] The Recommendation concerning the Status of Teachers, 1966, and the Recommendation concerning the Status of Higher-Education Teaching Personnel, 1997.

national teachers' organizations regarding the non-application of provisions of one or both of the Recommendations in Member States. The CEART meets every three years in Paris or Geneva. The CEART reports are submitted to the Executive Board of UNESCO and the Governing Body of ILO for their separate action. The allegations of the concluded Tenth Session are submitted to the Executive Board for its review, with a view to communicating the results in a timely manner to the concerned governments and teachers' organizations. This is part of the ongoing dialogue contributing to the resolution of difficulties encountered in applying the international Recommendations on teachers as part of national policy and practice.

2. The annex contains the CEART's examination of one new case from Denmark and the continued review of cases from Australia, Ethiopia and Japan considered at its Tenth Session, which concluded at UNESCO Headquarters in Paris on 2 October 2009.[2] The cases of Australia, Ethiopia and Japan were reported on in the interim report on allegations that was reviewed by the Executive Board at its 181st session (April 2009),[3] following previous examination by the CEART at its Ninth Session in October-November 2006.[4]

3. In the case of Denmark, the CEART did not find that the Danish legislation called into question by the Danish teachers' organization, Dansk Magisterfrening (DM), and Education International (EI) in supporting information, is in violation of the 1997 Recommendation's provisions regarding major issues such as academic freedom, self-governance, collegiality and collective bargaining on terms and conditions of employment. The CEART recommended that the Government and the DM engage in social dialogue on issues of university governance and performance contracts for individual universities and that they report further to the Joint Committee on the results of their discussions, progress made and any difficulties encountered.

4. Concerning Australia, the report commends the Government for its legislative and policy reforms that improve application of key provisions of the 1997 Recommendation. However, the CEART requests the parties to keep the Joint Committee apprised of further progress and of any continuing difficulties on matters such as extension of procedural guarantees concerning dismissal to all institutions and employees, should the need arise.

5. With regards to Ethiopia, the Joint Committee expressed its concern over the continued lack of respect by the Government for social dialogue on education matters affecting teachers. It requested UNESCO to communicate the outcomes of actions by its Director-General and use her good offices to improve communications between the Government and teachers' organizations. It also requested the Government, the National Teachers' Association (formerly ETA) and EI to keep the Joint Committee apprised of any progress and continued difficulties.

6. In the further review of developments in Japan since the 2008 interim report, the CEART recommended that the Government and teachers' organizations use the advisory services of the ILO and UNESCO to access good practices on systems of consultation and social dialogue, teacher evaluation and merit assessment that might serve as models for improvement, and cooperate with ILO and UNESCO to prepare a mutually acceptable understanding of the text of the 1966 Recommendation in Japanese. It further recommended that the Government transmit the CEART reports to prefecture boards of education with its comments; and that the Government, as well as all representative teachers' organizations, keep the Joint Committee apprised of any progress and continued difficulties.

---

2 CEART/10/2009, Paragraph 73 to 80 and Annex 2.

3 181 EX/30.

4 CEART/9/2006/10

Action expected of the Executive Board

7. The Executive Board may wish to consider a draft decision along the following lines:

The Executive Board,

1. Recalling 154 EX/Decision 4.4, 157 EX/Decision 6.3 and 176 EX/Decision 32,

2. Having examined document 185 EX/23 Part III B,

3. Takes note of the relevant parts of the report of the Tenth Session of the CEART relating to allegations on the non-observance of certain provisions of the ILO-UNESCO Recommendation, 1966, in Australia, Ethiopia and Japan, and the UNESCO Recommendation, 1997, in Denmark, annexed hereto;

4. Invites the Director-General to communicate the report to the Governments of Australia, Denmark, Ethiopia and Japan and to the National Tertiary Education Union of Australia, the National Teachers' Association (formerly Ethiopian Teachers' Association), Education International, the All Japan Teachers' and Staff Union (ZENKYO), Nakama Union, the Japan Teachers' Union (Nikkyoso) and other representative teachers' organizations in Japan, and to take the necessary follow-up action as recommended in the report.

ANNEX I

Extracts from the report of the Joint ILO-UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) (Tenth Session, Paris, 28 September-2 October 2009)

II. Progress in promotion and use of the 1966 and the 1997 Recommendations

A. Allegations on non-observance of the Recommendations

Allegations Received since the Ninth Session, 2006

73. Since the Ninth Session in 2006, the Joint Committee received one allegation from the Dansk Magisterfrening (DM), a Danish organization that represents academic personnel, concerning the application of the 1997 Recommendation. Education International (EI) also supported the allegation. This allegation was found to be receivable under the terms of the Recommendation. The Government of Denmark responded fully with information on the points raised by the allegation, and the DM responded to the Government's communications. According to the procedures of the Joint Committee, its Working Party on Allegations reviewed all information provided concerning the allegation. The report of the Working Group on Allegations was approved by the Joint Committee and is found in Annex II of this Report.

Review of further developments in allegations previously received

74. Following the last report of the Joint Committee in 2006, the Government of Japan, the All Japan Teachers and Staff Union (ZENKYO) and Nakama Union provided additional information concerning the matters set out in the case examined in more detail in Annex II.

75. In accordance with the procedures of the Joint Committee, the Working Party on Allegations examined these communications. The Government of Japan continued to assert that it was prohibited by law from complying fully with the provisions of the 1966 Recommendation and in any case was meeting with teachers' organizations as appropriate. ZENKYO argued that the report of the Joint Committee's 2008 Fact-Finding Mission to Japan had not been distributed to prefectural school boards and little social dialogue was occurring. The Working Party on Allegations reviewed these materials, and the Joint Committee approved a report including recommendations that the parties continue efforts to collaborate on matters discussed in the report of the Fact Finding Mission and in the interim report of the Joint Committee. The full report of this matter is contained in Annex II.

76. The Joint Committee further reviewed an allegation received from Education International (EI) and the Ethiopian Teachers' Association. The Joint Committee's interim report in 2008 expressed regret that the Government of Ethiopia did not provide further information on this allegation as the Joint Committee had previously requested. The Joint Committee suspended further consideration of the allegation until more information became available.

77. The UNESCO Executive Board requested the Director-General in April 2009 to use his good offices to improve communications between the Ethiopian authorities and the teachers' organizations concerned. Moreover, the Committee on Freedom of Association of the ILO Governing Body in March 2009 examined a complaint from workers' organizations and among other matters noted that the Government of Ethiopia required teachers to perform duties unrelated to education (participation in a population census) without any consultation with teachers' organizations.

78. The Joint Committee reviewed these developments and prepared a report that is contained in Annex II.

79. Also at its Ninth Session, the Joint Committee examined an allegation from the National Tertiary Education Union (NTEU) of Australia that was submitted in 2006. Details of the allegation were included in the report of the Joint Committee in its 2006 report and an interim report issued in 2008. Since the interim report, the Joint Committee received additional information from the Government of Australia and NTEU. Stated briefly, the legislation that gave rise to many of the allegations has been repealed. However, the NTEU asserted that, while progress has been made, conditions at some institutions still contravened the provisions of the 1997 Recommendation.

80. The Joint Committee examined the materials received since the interim report and issued a report that is contained in Annex II.

ANNEX II

Allegations received from teachers' organizations

A. Allegations received since the Ninth Session, 2006

1. Allegation received from the Dansk Magisterforening (DM) of Denmark

Background

1. The Dansk Magisterforening (DM) addressed an allegation of non-observance of the 1997 Recommendation to the Director-General of UNESCO on 22 May 2008.

2. The DM allegation asserted that "the *University Act*" (the "*Act*"), passed in 2003, violated the 1997 Recommendation in three areas: freedom of research, institutional autonomy and collegial governance. In addition, the DM asserted that working conditions of its members who are teaching personnel in Danish universities did not permit them to carry out their duties as set out in the 1997 Recommendation.

3. The DM is a registered trade union with approximately 36,000 members, comprising a majority of researchers and teachers in the Danish system of higher education. It has the right to bargain collectively on behalf of its members with the Finance Ministry. The DM allegation stated that the Danish government did not regard the 1997 Recommendation as a normative influence. Instead, OECD standards were appropriate for Denmark. However, DM acknowledged that the current Minister of Science, Technology and Innovation, who is responsible for higher education, has declared that Danish legislation and policy complies with the 1997 Recommendation.

4. The DM allegation asserts that Sections 2.2 and 17.2 of the *Act* violate Sections 26-30 of the 1997 Recommendation, which protect academic freedom. Furthermore, DM argued that Section 10.8 of the *Act*, which describes "performance contracts" between universities and the Ministry. Section 2.2 of the *Act* states: "The university has freedom of research and shall safeguard this freedom and ensure the ethics of science." Section 17.2 states:

> The Head of Department shall undertake the day-to-day management of the department, which includes planning and allocation of tasks. The Head of Department may allocate specific jobs to specific employees. Members of the academic staff are free to conduct research within the strategic framework laid down by the University for its Research Activities to the extent they are not requested to address jobs allocated to them by the Head of Department.

5. The DM allegation objects to the wording of Section 2.2 because it does not refer explicitly to institutional autonomy, only to "freedom of research" and "ethics". According to DM, institutional autonomy and academic freedom are interrelated, and the Act fails to recognize this fact by referring only to freedom of research and ethics.

6. DM objects to Section 17.2 because it implies that academic staff are free to conduct research only "within the strategic framework laid down by the university". Furthermore, the wording of the section means that research is a residual duty for academic staff, undertaken only after duties assigned by department heads are completed. The strategic framework is contained in the development contract between the university and the ministry, so in effect, the ministry must approve areas of research open to faculty members.

7. Apart from the text of the *Act*, the DM alleges that funding for Danish universities has become more subject to political control. Research is directed towards fields that promote links with industry and "short term commercial effect." DM also asserts that it has been involved in cases

in which members have been dismissed or threatened with dismissal because their research filed did not fit into the strategic framework of their university under its contract with the Ministry.

8. In addition to the *Act*, another statute, the Act on inventions at public research institutions, restricts the right of academic staff to publish an invention produced as part of their work for a university or other institution. DM asserted that this provision also violates the 1997 Recommendation.

9. As noted above, Section 10.8 of the *Act*, universities must enter into "development contracts" with the Ministry, which DM regards as a restriction on institutional autonomy. According to DM, these contracts obligate each university to achieve quantitative contracts for educational programmes, including the number of degrees granted, research activity, including the number of publications, patents and citations. Each university must confine its work to the areas of research and education contained in the development contract.

10. Beginning in 2006, a number of academic and research institutions were merged into 11 universities and a number of other institutions. DM alleges that the universities had no real choice about participation in the merger process, which it alleges is a violation of Section 22 of the 1997 Recommendation.

11. The *Act* stipulates that a majority of university academic boards must be external members. Academic councils also exist, but they have little executive powers, while many other decisions are decided by the government or Parliament. The effect of these systems is that academics do not have the power to decide such issues as what to teach, what academic standards apply to an institution, how to ensure quality in academic work, hiring of academic staff and the like. Many decisions are made by senior administrators, and the only requirement for their appointment is that they be researchers in good standing. In practice, at least some appointments are based on administrative or industry experience, undermining collegiality. The previous law regulating universities provided that such positions were filled through elections, so that the views of faculty were regarded carefully.

12. DM further alleges that terms and conditions of employment of Danish academics do not reflect their status and importance to Danish society. In particular, they lag behind colleagues in Europe and North America. Although a collective agreement concluded in March 2008 may improve this situation, universities have refused to introduce a system of sabbaticals as provided in the 1997 Recommendation.

13. By a communication of 6 August 2009, Education International (EI) submitted additional information in support of the DM allegations concerning provisions of the 1997 Recommendation that relate to individual freedom of research within Danish universities, loss of collegiality and lack of meaningful involvement of personnel in decision-making bodies, as well as non-recognition of the value of services provided by part-time higher education teaching personnel, their non-representation in negotiations with teachers' organizations, and their lack of entitlement to pension benefits. EI contended that the Danish situation was symptomatic of that which prevailed in many countries around the world, with institutions operating as if they had no knowledge of the 1997 Recommendation. Freedom of research principles were being violated by more liberal and competitive forms of research funding and as more university decision-making bodies were constituted along managerial lines, with a concomitant loss of collegial governance. University staff were increasingly casual and short-term, suffering restrictions on academic freedom, and worsened conditions of work and benefits, especially in the current economic crisis. In contrast to the Danish practices, EI referred to a case of good practice from Ireland by which an Irish Labour Court decision had reasserted employment protection and research personnel control over their own research, and urged a negotiated agreement with a teachers' organization on the approach to academic research and therefore freedom.

14. In accordance with its procedures, the Joint Committee requested the Minister for Science, Technology and Innovation of Denmark to submit its observations on the DM allegation.

15. The Ministry noted that the DM allegation reflected its dissatisfaction of current government policy with regard to universities. The Government's position is that these policies do not conflict with the 1997 Recommendation.

16. The Minister maintained that a government that allocates public funds to be managed by universities each year should establish some rules for the use of those funds. The Minister did not accept that the mergers of 2007 in any way curtailed academics' freedom of speech. The constitution guarantees freedom of speech for all, and universities have an obligation from the Ministry to encourage their employees to take part in public debate. Data show that university staff express their views on public issues more often than other professionals.

17. The *Act* establishes a system for employees to exert influence in areas of their special academic competency. The *Act* requires deans and heads of departments to involve employees in decisions on the activities of universities. Staff are represented on the university board, the most senior authority in the university.

18. The Minister's view on the protection of academic freedom is that the *Act* establishes the obligation to safeguard academic freedom. It does not define the meaning of "university" and leaves it up to the management of an institution to determine how to protect academic freedom. The meaning of Section 17(2) of the *Act* is that academic staff are free to conduct research, so an individual researcher has a statutory right to conduct such research, a right the university must respect. In 2006, DM commissioned a survey of its members which revealed that 12 per cent of state-employed researchers, including universities, research institutions, and archives/libraries and museums, have been ordered to carry out specific research tasks.

19. In the view of the Government, Section 17(2) of the *Act* means that a strategic framework laid down by a university for its research activities should be broadly interpreted and covers the entire profile of the university, so it is hard to imagine this condition to be restrictive. Performance contracts contain descriptions of a university's strategic aims and action areas on a general level. The contracts should not be used to restrict academic freedom. Moreover, development contracts are prepared in a process that includes open discussion at the university, including the academic council.

20. The majority of research funds are allocated through competitions held by various councils and foundations in the research advisory system. Researchers prepare their own proposals. The Danish Council for Independent Research funds projects initiated by researchers, and the Danish Council for Strategic Research funds research in priority areas defined by the government. Members of both councils are researchers.

21. If research is partially or fully funded from public sources, there is an obligation to publish the results under the *Act*. The time of publication will depend on specific circumstances, including protection of intellectual property rights. A statute regulating inventions at public research institutions provides that an institution may order a researcher not to publish an invention for up to two months if further evaluation is necessary. The institution may also order a delay if publication may obstruct possible commercial exploitation, including time necessary for the university to secure a patent right. The same law gives the institution the right to exploit inventions produced by employees as part of their work. The employee is entitled to reasonable payment from the institution if it obtains revenue from commercial exploitation of an invention. The Minister believes that Danish practice in this area conforms to international norms.

22. The Minister takes the position that a balance between self-governance and autonomy and accountability is necessary in universities, and Danish legislation meets those requirements.

23. Development contracts are a framework for institutional self-governance and autonomy of universities, based on university proposals. They are not legally binding.

24. The university mergers that occurred in 2007 have not changed the framework for freedom of speech, either in the Constitution or the University *Act*. The DM's own survey found that university researchers express their views more often than other groups in the association to which DM is affiliated.

25. Career structures were simplified after the university mergers in 2007. This change followed a dialogue between an organization representing universities and the association to which DM belongs. The Minister states that no ministerial document can alter statutory rights. The Ministry normally consults with the DM and other groups before issuing new rules, but it is not obligated to accept the position of the DM or any other organization before issuing a new policy.

26. The Minister states that salaries and working conditions of academic personnel are comparable with other universities in Europe. Pay scales are determined through collective bargaining, so the parent organization to which DM belongs has agreed to current salaries.

27. In its comments on the information submitted by EI, the Government contends that fixed-term higher education staff in Denmark enjoy the same rights as full-time staff through the collective agreement and the *University Act*, including academic freedom, freedom of research, salary levels and pension rights. The extension of the collective agreement's coverage in 2008 to employment of less than 21 hours a week meant that part-time staff enjoyed the same rights as full-time staff in equivalent positions. The conditions in Ireland referred to by EI were not directly transferable to Denmark since an agreement on workload models did not exist in Denmark, nor did the 1997 Recommendation refer to such agreements. Institutional responsibility to safeguard freedom of research prevailed in Denmark in accordance with the 1997 Recommendation's provisions. Assertions by EI on the loss of collegiality in violation of the 1997 Recommendation's provisions contradicted those of DM and in any case appeared to be politically motivated. On the contrary, provisions in the *University Act* concerning staff representation on academic bodies and the governing board were not deemed to be in contravention of the 1997 Recommendation. The Government rejected the assertion that working conditions of part-time higher education personnel were worse than those of full-time staff; all such working conditions were negotiated the majority through collective bargaining, formalized in collective agreements.

Findings

28. The Joint Committee supports the statement attributed to the Minister that Danish law and policy should comply with the provisions of the 1997 Recommendation. The Joint Committee recognizes that possibilities exist for disagreement about the proper application of the principles of the 1997 Recommendation. The Joint Committee also notes that according to the Recommendation (paragraphs 22 and 24) there should be a proper balance between the level of autonomy enjoyed by higher education institutions and their systems of accountability without harming academic freedom.

29. The Joint Committee remarks that this allegation is not based on specific actions of any university or the Government of Denmark. Rather, it reflects DM's dissatisfaction with some of the terms of the *Act* passed in 2003.

30. The 1997 Recommendation is necessarily framed in general terms and broad principles. Individual nations and academic institutions are able to organize their activities consistent with national practices to ensure conformance with the principles of the Recommendation. For instance, Section 17 of the 1997 Recommendation sets out the principles to govern institutional autonomy. The final sentence states, "However, the nature of institutional autonomy may differ according to the type of establishment involved".

31. Similarly, the *Act* governing the operation of Danish universities contains many general statements concerning academic freedom (Section 2.2), research activities (Section 17.2) and governance and "performance contracts" (Section 10.8).

32. DM correctly notes that Section 2.2 of the *Act* does not refer to institutional autonomy. But the Joint Committee notes that this provision contains a strong statement that requires universities to protect academic freedom. The text of the 1997 Recommendation, especially Sections 28 and 29, focuses first on the rights of academic personnel to teach and carry out research work "without any interference", subject to professional principles.

33. While the guarantees of Section 2.2 of the *Act* could be stated more fully, as they are in the 1997 Recommendation, this legislative provision does not in itself violate the principles of the Recommendation.

34. Section 17.2 of the *Act* states that academic staff are free "to conduct research within the strategic framework laid down by the university…". The language of this provision is open to various interpretations. It is possible that a strategic framework could restrict the provisions of Section 29 of the 1997 Recommendation, but the Joint Committee has no evidence that the legislation has in fact limited the freedom of academic staff to carry out their research. The Minister states that "the notes on the University Act" refer that a strategic frame work for research activities in a university should be broadly interpreted and that it covers the entire profile of the university. Under these circumstances, the Joint Committee cannot conclude that the existence of strategic frameworks per se limit the freedom of academic staff to conduct research. It further acknowledges that the possibility of such conflicts exists. DM alleges that staff have been threatened with reprisal because their research did not fit within the strategic framework of their university. Such cases might violate the principles of Section 29 of the Recommendation and should be regarded seriously by all parties concerned. In the absence of more information the Joint Committee recommends that DM and the Ministry examine the possibilities that strategic plans could impinge on the freedom of research with the goal of agreeing on a policy to prevent such occurrences.

35. The Joint Committee noted the principles of the *Act on inventions at public research institutions* and the Minister's description of its operation. This legislation refers principally to inventions, a specific form of research. The 1997 Recommendation does not mention inventions or the commercial exploitation of the results of academic research. The Joint Committee acknowledges that these issues are important in many universities and have resulted in benefits to research personnel, their universities and in some cases, students. The 1997 Recommendation contains strong statements about the freedom of academic personnel to publish the results of their research without interference. The Recommendation anticipates publication in traditional outlets, i.e., books, journals and databases. The restrictions in the *Act on inventions* are limited to short periods to permit registration of copyrights. This provision does not limit the right of academics to publish their work where they choose. The Joint Committee further notes that normal delays in traditional publications often exceed two months. Therefore, lacking any evidence that the interests of researchers are compromised by the limits in the Act on inventions, the Joint Committee cannot conclude that the restrictions violate the 1997 Recommendation.

36. The 1997 Recommendation addresses self-governance and collegiality in Sections 31-32. In particular, Section 31 states that teaching personnel should be able "to elect a majority of representatives to academic bodies within the higher education institution. The evidence presented to the Joint Committee is that external members must be a majority on the Academic Boards of each university (The Universities Act, Section 12), and the chair must be an external member. In addition to the academic board, each university has at least one "academy council" which is comprised of academic personnel, graduate student and academic administrators. It appears that academic personnel can comprise a majority in these bodies. Council duties include the distribution of funds within the university. Other bodies regulate Ph.D. programmes and study boards. Study board members are equally divided between academic personnel and students, and the chair must be an academic member.

37. The Joint Committee notes that academic personnel are well represented in the governance of Danish universities. The Joint Committee also notes that it is not uncommon for universities to be governed by a senior body that oversees non-academic functions of a university. The Joint Committee notes that the Academic Boards in Danish universities do not fall under the definition of "academic bodies", in Section 31 of the 1997 Recommendation. It further recommends that DM and representatives of universities and the Ministry discuss the operation of governance structures in universities with a view to clarifying any misunderstandings on the proper functions of the relevant bodies.

38. The Joint Committee lacks data to assess the economic situation of DM members. However, it notes that salaries and conditions of employment are subject to collective bargaining. It would be inappropriate for the Joint Committee to express an opinion on the results of voluntary collective bargaining, as envisioned in Section 53 of the 1997 Recommendation.

Recommendations

39. The Joint Committee recommends that the Governing Body of the ILO and the Executive Board of UNESCO:

(a) Take note of the situation described above;

(b) Communicate to the Government of Denmark and the DM its recommendations concerning the value of discussions of university governance among the relevant parties;

(c) Urge the Government of Denmark and the DM to engage in effective social dialogue around performance contracts between the Government and individual universities; and

(d) Request the Government and the DM to report on the results of their discussions, progress made and any difficulties encountered to the Joint Committee.

B. Further developments in relation to allegations previously received

1. Allegation received from the National Tertiary Education Union (NTEU) of Australia

Background

1. Details of the allegation and its treatment are set out in reports of the Joint Committee at its 9th session (2006) and in its interim report of 2008. The 2008 interim report of the Joint Committee called upon the Government:

(a) to cooperate with institutional heads and teachers' organizations in reviewing its policies on funding of higher education institutions so as to ensure a proper balance between respect for institutional autonomy and accountability in terms of the 1997 Recommendation;

(b) to review and modify as necessary provisions in the Higher Education Workplace Relations Requirements (HEWRR) that might reduce tenure, disciplinary guarantees and thereby academic freedom at institutions;

(c) to collaborate with the teachers' organizations to remove ambiguities in legislation that could inhibit effective higher education staff participation in institutional governing bodies as recommended by the 1997 Recommendation; and

(d) to review and as necessary modify national legislation and policy that had the effect of undermining the 1997 Recommendation's provisions on negotiation of terms and conditions of employment in higher education institutions, in accordance with the relevant conclusions and recommendations of ILO supervisory bodies.

Further developments

2. The Joint Committee has now considered additional information provided by the Government on 24 February 2009, as well as additional information submitted on 25 June 2009 from the NTEU.

3. The Government informed the Joint Committee that the previous HEWRR legislation and related institutional governance protocols that were at the heart of the allegations had been abolished by new legislation. This legislation took effect in September 2008 and resolved the issues raised by the NTEU in the opinion of the Government.

4. The NTEU provided information on the new labour laws in relation to disciplinary measures and negotiation on terms of employment, recent policy changes affecting academic freedom and autonomy through the peer review process, new funding policies with implications for institutional autonomy and changes in the social dialogue environment. The major points of reform according to the NTEU included:

(a) progress achieved by the repeal of the HEWRRs and governance protocols has been minimal until previously agreed collective agreements reached under the abolished legislation are renegotiated, a process that could take some years and delay improvements in other areas;

(b) procedural guarantees concerning disciplinary actions (dismissals) have been restored, although limited to workplaces with more than 15 employees and not applicable to casual employees and those engaged on contracts of less than one year;

(c) a reaffirmation by the Government of the importance of academic freedom as a core requirement for all institutions following a national inquiry in which the NTEU made submissions along with other stakeholders;

(d) changes in Government policy on funding for research that accords greater protection to standards of academic freedom and institutional autonomy within broad standards of accountability, notably new legislation under consideration to strengthen the independent peer review process and reduce direct Government interference by strengthening the independence of the Australian Research Council, and by the introduction of a formal charter supported by the Government to ensure freedom of inquiry in research carried out by public research agencies; and

(e) new policies to increase funding provisions that provide more guarantees for access to higher education.

Findings

5. Recalling the recommendations of its 2008 interim report, the Joint Committee notes with satisfaction and commends the Government for reforms in legislation that better apply the provisions of the 1997 Recommendation concerning negotiation on terms and conditions of employment in higher education and in particular on disciplinary measures, and by extension tenure and academic freedom. At the same time, it notes that improvements in procedural guarantees on dismissal have not been extended to all institutions and employees.

6. The Joint Committee also notes and commends improvements in policies and funding measures that ensure greater respect for core principles of the 1997 Recommendation on

academic freedom and institutional autonomy in accordance with a balance of such principles with the Recommendation's guidelines on institutional accountability.

7. The Joint Committee further observes a substantial improvement in the climate for social dialogue created by the legislative and policy reforms. The NTEU's voice on behalf of higher education teaching personnel, and that of other higher education stakeholders, appears to be more prominent in the consultative processes leading up to the indicated changes, as well as its ability to engage in more effective negotiation on terms and conditions of employment, principles and practices that are also at the heart of an effective application of the 1997 Recommendation.

Recommendations

8. The Joint Committee recommends that the Governing Body of the ILO and the Executive Board of UNESCO:

(a) Take note of the findings above;

(b) Communicate these findings and recommendations to the national Government, and to the NTEU, commending the Government for its reforms of legislation and policies that serve to better apply key provisions of the 1997 Recommendation;

(c) Request the parties to keep the Joint Committee apprised of further progress and any continued difficulties on these matters, in particular regarding extension of procedural guarantees concerning dismissal to all institutions and employees, should the need arise.

2. Allegation received from Education International (EI) and the Ethiopian Teachers' Association (ETA)

Background

1. In its interim report of 2008 the Joint Committee deeply regretted that the Government had not seen fit to reply to provide any further information since 2004 on progress made to resolve the difficulties encountered in applying various provisions of the 1966 Recommendation that dated back more than ten years. Nevertheless, in view of the lack of recent information, including from EI and ETA, the Joint Committee considered it necessary to suspend any further consideration of the allegations until such time as one or more of the parties provided relevant information on recent developments.

Further developments

2. The Joint Committee noted that in examining its interim report, at its 181st session in April 2009, the Executive Board of UNESCO requested the Director-General to use his good offices to try to improve communication between the Ethiopian authorities and the concerned teachers' organizations. At the same time, in addition to ongoing concerns over freedom of association in Ethiopia previously noted by the Joint Committee, the ILO Governing Body Committee on Freedom of Association in March 2009 also observed that required activities unrelated to their jobs as teachers (participation in population censuses in some regions resulting in heavier workloads for many according to the teachers' organizations) was decided without any consultation with these organizations.

Findings

3. Taken together, the above developments again raised the question about the lack of appropriate social dialogue in education in Ethiopia in respect of the 1966 Recommendation's provisions. The Joint Committee reiterates its call for greater respect for this key concept of

consultations with teachers' organizations, stated in paragraph 10(k) of the 1966 Recommendation. Teachers' commitment to education reform is closely linked to the process of social dialogue. The Joint Committee looks to the Government and international organizations, including ILO and UNESCO, to address these issues.

Recommendations

4. The Joint Committee recommends that the Governing Body of the ILO and the Executive Board of UNESCO:

(a) Take note of the concerns over the continued lack of respect for social dialogue on education matters affecting teachers by the Government;

(b) Request UNESCO to communicate to the Joint Committee the outcomes of actions by its Director-General to use her good offices to improve communications between the Government and teachers' organizations; and

(c) Communicate these findings and recommendations to the Government of Ethiopia, to the National Teachers' Association (formerly ETA) and to EI, requesting them to keep the Joint Committee apprised of any progress and continued difficulties on these matters.

3. Allegation received from the All Japan Teachers' and Staff Union (ZENKYO) and Nakama Teachers' Union

Background

1. Details of the allegation and its treatment are set out in reports of the Joint Committee at its 8th and 9th sessions (2003, 2006) and in its interim reports of 2005 and 2008. The 2008 interim report of the Joint Committee took note of the report of the Joint Committee's fact-finding mission which took place from 20 to 28 April and made a number of recommendations in the light of the 1966 Recommendation concerning in particular the Government's approach to improvements in the teacher appraisal system, merit assessment and salary determination and consultation and negotiation with teachers' organizations on these matters.

Further developments

2. The Joint Committee has now considered additional information provided by the Government on 24 August 2009, as well as additional information dated 30 July 2009 from ZENKYO and 9 September 2009 from the Nakama Union. The Joint Committee also noted comments received from the Japan Teachers' Union (JTU or NIKKYOSO) and Education International as reported to the ILO Governing Body in November 2008.

3. The Government reiterates that certain rights, such as making a statement during administrative appeal, are allowed to teachers facing unfavourable discharge on the ground that their teaching abilities have not improved even after special training. Otherwise, teachers deemed to be providing inadequate instruction do not suffer undesirable changes in employment status, so that administrative appeal is not applicable and the same rights do not apply. The Government confirms also that the teacher assessment system is regarded as an administration and management item not appropriate for negotiation with teachers' organisations. It requests the Joint Committee to reconsider some of its recommendations with a better understanding of the Japanese legal system. It considers that it duly respects the spirit of the Recommendations.

4. ZENKYO has promoted study of the report of the fact-finding mission and the interim report among its affiliates, following which representations have been made to education boards in 13 prefectures. Such representations can in some instances lead to improvements in industrial

relations. Meanwhile, it indicates that the Government has not translated those reports or provided information to the local education boards. ZENKYO relates the present question to the more general one of the basic labour rights of public personnel, which is dealt with by the ILO Committee on Freedom of Association.

5. The Nakama Union states that the Osaka Board of Education has not received the Joint Committee's report and has not agreed to meet with them. It describes the way in which the merit bonus and appeals system is being operated, which it finds discriminatory and in violation of human rights.

Findings

6. The Joint Committee refers to the recommendations contained in its 2008 interim report concerning teacher assessment, competence and disciplinary measures; merit assessment; and consultation and negotiation. It wishes to record again its appreciation of the positive attitude of the Government in enabling the fact-finding mission to take place, thanks to which the Joint Committee has been able to obtain a very clear view of the situation in regard to the implementation of the relevant provisions of the 1966 Recommendation.

7. In this respect, it would draw attention in particular to section VII of the Recommendation concerning teachers' employment and career: the need for adequate protection against arbitrary action affecting their professional standing (paragraph 46); and the need for procedural safeguards when disciplinary proceedings do take place (paragraphs 47 to 52). Given further the marked under-representation of women in relevant bodies as found by the fact-finding mission (paragraph 68 of its report), the Joint Committee remains concerned as to the implementation of the Recommendation's provisions on non-discrimination (paragraph 7) and women teachers with family responsibilities (paragraphs 54 to 58).

8. As regards the questions of consultation and negotiation, the Joint Committee wishes to underline that these are two related but essentially different concepts. It recalls that, according to paragraph 82 of the Recommendation, salaries and working conditions for teachers should be determined through the process of negotiation between teachers' organizations and the employers of teachers, and the Recommendation cites the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) as an instrument concerned with basic human rights applicable to teachers: on this point, the Joint Committee defers entirely to the ILO Committee on Freedom of Association. The Recommendation also, however, calls for close cooperation between the competent authorities, organizations of teachers, employers and workers and others for the purpose of defining educational policy and its precise objectives (Para. 10(k)). As indicated in the 2008 interim report, the Joint Committee therefore looks for a process of good faith consultation – not necessarily formal negotiation – at the levels of ministry and prefectural boards of education with teachers' organizations concerning policy in the matters raised.

Recommendations

9. The Joint Committee recommends that the Government and teachers’ organizations make use of the advisory services and good offices of the ILO and UNESCO, in order to obtain information on systems of consultation and social dialogue, teacher evaluation and merit assessment, and access good practices which might serve as a model.

10. The Joint Committee invites the Government and teachers’ organizations to cooperate with the ILO and UNESCO to prepare a mutually acceptable understanding of the text of the 1966 Recommendation.

11. The Joint Committee also invites the Government to transmit the interim report and the report of the fact-finding mission to the prefecture boards of education for information, together with any comments which the Government itself wishes to formulate.

12. The Joint Committee further recommends that the Governing Body of the ILO and the Executive Board of UNESCO:

(a) Take note of the findings above;

(b) Communicate these findings and recommendations to the national Government, prefecture boards of education and teachers' organizations concerned, requesting the Government, as well as all representative teachers' organizations, to keep the Joint Committee apprised of any progress and continued difficulties on these matters.