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Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART)

**Interim report of the Joint ILO–UNESCO Committee of Experts
on the Application of the Recommendations concerning Teaching Personnel**

Allegation received from the Cambodian Independent Teachers' Association (CITA)

Geneva, 2016

UNESCO – PARIS

ILO – GENEVA

I. Background

1. This interim report of the Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (hereafter, Joint Committee) is in follow-up to an examination by the Joint Committee of an allegation submitted by the Cambodian Independent Teachers’ Association (CITA) concerning the non-respect of principles in the 1966 ILO–UNESCO Recommendation on the Status of Teachers in Cambodia (hereafter the Recommendation). The allegation was received by the Joint Committee on 5 October 2012. As per the Joint Committee’s procedures, the allegation was sent to the Government of Cambodia for its observations. When no response was received, after further reminders, the allegation was initially examined in the Joint Committee’s interim report to the ILO’s Governing Body at its 322nd Session in November 2014,¹ with a recommendation strongly encouraging the Government to respond to the allegation.
2. Having received no response from the Government, the allegation was examined fully at the 12th Session of the Joint Committee in April 2015.² In its findings, the Joint Committee expressed its regret that the Government did not engage in dialogue with CITA and the Joint Committee on the matter. The Joint Committee recommended to the Governing Body of the ILO and the Executive Board of UNESCO that they urge Cambodia, as a member of both organizations, to respond to CITA’s allegations.³
3. On 19 January 2016, the Government of Cambodia responded to the allegation, providing supplementary information on education sector reforms in the country. The trade union responded on 4 March 2016, and the Government submitted its final remarks on 9 May 2016.

II. Substance of further communications on the allegation

4. In its response to the allegation, the Government of Cambodia indicated that the Ministry of Education, Youth and Sport was in the midst of implementing the Teacher Policy Action Plan (TPAP), which was adopted in January 2015. According to the Government, the plan would improve the quality of the management and teaching in schools as well as pre-service and in-service training. The Government also indicated that the plan was drafted in consultation with both CITA and non-CITA affiliated teachers. Moreover, the Government pointed out that Cambodia had become a member of the International Task Force on Teachers for Education 2030.
5. In its comments on the Government response, CITA recognized the improvement made in the working conditions of teachers since 2013, including a raise in teachers’ salaries and the development of an education reform agenda. The base salary of teachers, however, was US\$200 per month, which, according to the union, was still below living levels. CITA also welcomed the elaboration of the TPAP, which it acknowledged would, if implemented, improve the status of teachers in Cambodia. The union nonetheless indicated that, while some teachers were individually involved in the elaboration of the plan, CITA was never

¹ CEART/INT/2014/1.

² Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel, Final report, 12th Session, 2015 (ILO, 2015).

³ The report of the 12th Session of the Joint Committee was reviewed by the ILO Governing Body at its 325th Session in November 2015.

formally consulted on the TPAP or involved in its implementation. The union requested a mission by the Joint Committee to Cambodia to examine issues raised in the allegation.

6. In its final response, the Government of Cambodia affirmed its implementation of the TPAP, and pointed out that, in the formulation of the plan, school teachers and development partners had been consulted.
7. The Government further stated that, in its view, CITA was partisan to the opposition party. It further pointed out that the President of CITA, Mr Rong Chun, was a member of the National Election Commission on behalf of the opposition party, and that he had led a violent demonstration in January 2014.

III. Findings

8. The Joint Committee welcomes the Government's response to the allegation and notes with interest the Teacher Policy Action Plan. The Plan appears promising as a means of improving the status of Cambodian teachers, and the Joint Committee notes that certain provisions, notably on teacher salaries, inclusion of teachers' opinions on educational policies, development of recruitment criteria and a teacher professional standard, the promotion of teacher autonomy, and standards in relation to professional development, could address some of the issues raised in CITA's allegation.
9. The Joint Committee nonetheless regrets that the Government of Cambodia did not respond to the allegations specifically. In particular, the Government has not addressed allegations that:
 - (a) no teacher unions were recognized for the purpose of consultations on the elaboration of education policies;
 - (b) there were no clear criteria for the promotion of teachers;
 - (c) there was a lack of consultation on teaching aids;
 - (d) there was a lack of standards regarding disciplinary and dismissal procedures against teachers;
 - (e) teachers were subject to elevated contact hours;
 - (f) wages remained below the level of a living wage; and
 - (g) the Government interfered in the activities of teacher organizations.
10. The Joint Committee reiterates its concern that the situations described above do not appear to be in line with the principles of the 1966 Recommendation. In particular, the Joint Committee recalls that the Recommendation sets out that:
 - (a) Teachers' organizations should be recognized as a force which can contribute greatly to educational advance and which therefore should be associated with the determination of educational policy (paragraph 9).
 - (b) Teachers' salaries should compare favourably with salaries paid in other occupations requiring similar or equivalent qualifications, and they should provide teachers with the means to ensure a reasonable standard of living for themselves and their families, as well as to invest in further education or in the pursuit of cultural activities, thus enhancing their professional qualification (paragraph 115).

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- (c) Authorities, in consultation with teachers' organizations, should promote the establishment of system-wide in-service education, available free to all teachers. Such a system should provide a variety of arrangements and should involve the participation of teacher-preparation institutions, scientific and cultural institutions, and teachers' organizations. Refresher courses should be provided, especially for teachers returning to teaching after a break in service (paragraph 32).
 - (d) Promotion should be based on an objective assessment of the teacher's qualifications for the new post, by reference to strictly professional criteria laid down in consultation with teachers' organizations (paragraph 44).
 - (e) Every teacher should enjoy equitable safeguards at each stage of any disciplinary procedure, including the right to be informed in writing of the allegations and the grounds for them; the right to full access to the evidence in the case; the right to defend himself or herself and to be defended by a representative of choice, and the right to appeal to clearly designated competent authorities or bodies (paragraph 50).
 - (f) Teachers and their organizations should participate in the development of new courses, textbooks and teaching aids (paragraph 62).
 - (g) The hours teachers are required to work per day and per week should be established in consultation with teachers' organizations (paragraph 89).
- 11.** The Joint Committee further notes the Government's claim that CITA was not an independent association and that its leader promoted violence. In this regard, the Joint Committee notes that the ILO Committee on Freedom of Association has held that a trade union's establishment of relations with a political party or the undertaking of constitutional political action as a means towards the advancement of its economic and social objectives falls within the scope of freedom of association.⁴ At the same time, it notes that the Committee on Freedom of Association has held that trade union organizations should not engage in political activities in an abusive manner and go beyond their true functions by promoting essentially political interests.⁵
- 12.** The Joint Committee recalls that paragraph 9 of the 1966 Recommendation states that teachers' organizations should be associated with the determination of educational policy. The Joint Committee further recalls that paragraphs 79–81 of the 1966 Recommendation set out the right of teachers to engage in public life and serve in public office.
- 13.** The Joint Committee therefore does not find that CITA's association with an opposition political party, or participation in the National Election Commission, should be an obstacle to social dialogue on the working conditions and labour rights issues raised in the allegation. The actions of the President of CITA should also have no bearing on institutional social dialogue between the Government and CITA on these specific issues.
- 14.** The Joint Committee at the same time takes into consideration paragraph 72, which states that "teachers and teachers' organizations should seek to co-operate fully with authorities in the interests of the pupils, of the education service and of society in general". The Joint Committee therefore stresses the need for teachers' organizations to act responsibly and keep in mind the interests of learners in their actions.

⁴ ILO, *Digest of decisions and principles of the Freedom of Association Committee* of the Governing Body of the ILO, fifth (revised) edition, 2006, para. 498.

⁵ *Ibid.* para. 502.

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- 15.** The Joint Committee welcomes Cambodia’s membership in the International Task Force on Teachers for Education 2030. In this regard it encourages full respect of the principle of the 1966 Recommendation by all Task Force members.

IV. Recommendations

- 16.** The Joint Committee recommends that the Governing Body of the ILO and the Executive Board of UNESCO encourage the Government of Cambodia to:
- (a) engage in specific dialogue with CITA around the issues raised in the allegation;
 - (b) engage in formal consultation with all relevant teachers’ associations on the implementation of the TPAP and other education policy matters; and
 - (c) keep the Joint Committee informed of further developments within one year, in particular in relation to the development and implementation of relevant policies, to allow for monitoring of the situation and further consideration by the Committee.
- 17.** The Joint Committee also recommends that the Governing Body of the ILO and the Executive Board of UNESCO encourage CITA to clearly align its political actions with the professional interests of its members, and refrain from actions that are abusive, violent or essentially of a political nature.