

The Status of Higher Education Teaching Personnel in Israel, the West Bank and Gaza

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1. Introduction and summary

1. This report, a joint publication of Education International and the Canadian Association of University Teachers, examines the employment conditions and professional and academic rights of higher education academic staff in Israel, the West Bank and Gaza. The study uses as its reference point the principles and standards established in the *1997 UNESCO Recommendation concerning the status of higher education teaching personnel* (see Appendix A).

2. The *1997 UNESCO Recommendation* is a non-binding standard-setting instrument that provides an international framework of recommended practices covering the responsibilities and rights of higher education teaching personnel. Specifically, the *1997 Recommendation* addresses the following:

- **Academic freedom:** "Higher-education teaching personnel are entitled to the maintaining of academic freedom, that is to say, 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 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. All higher-education teaching personnel should have the right to fulfil their functions without any discrimination of any kind and without fear of repression by the state or any other source. (VI.A.27)
- **Individual rights and freedoms:** "Higher-education teaching personnel, like all other groups and individuals, should enjoy those internationally recognized civil, political, social and cultural rights applicable to all citizens. Therefore, all higher-education teaching personnel should enjoy freedom of thought, conscience, religion, expression, assembly and association as well as the right to liberty and security of the person and liberty of movement. They should not be hindered or impeded in exercising their civil rights as citizens, including the right to contribute to social change through freely expressing their opinion of state policies and of policies affecting higher education." (VI.26)
- **Collegial governance:** "Higher-education teaching personnel should have the right and opportunity...to take part in the governing bodies and to criticize the functioning of higher education institutions...and they should also have the right to elect a majority of representatives to academic bodies...." (VI.A.31)
- **Terms and conditions of employment:** "Higher education teaching personnel should enjoy: (a) a just and open system of career development, including fair procedures for appointment, tenure where applicable, dismissal and other related matters; (b) an effective, fair and just system of

labour relations within the institution consistent with...international standards...." (IX.A.43)

- **Remuneration:** "The salaries of higher-education teaching personnel should: (a) reflect the importance to society of higher education...; (b) be at least comparable to salaries paid in other occupations requiring similar or equivalent qualifications...." (IX.F.58)
- **Security of employment:** "Tenure or its functional equivalent, where applicable, should be safeguarded as far as possible even when changes in the organization of or within a higher education institution or system are made, and should be granted, after a reasonable period of probation, to those who meet stated objective criteria in teaching, and/or scholarship, and/or research to the satisfaction of an academic body, and/or extension work to the satisfaction of the institution of higher education." (IX.B.46)
- **Workload:** "The workload of higher-education teaching personnel should be fair and equitable, should permit such personnel to carry out effectively their duties and responsibilities to their students as well as their obligations in regard to scholarship, research and/or academic administration...." (IX.F.62)
- **Trade union and collective bargaining rights:** "Higher-education teaching personnel should enjoy the right to freedom of association, and this right should be effectively promoted. Collective bargaining or an equivalent procedure should be promoted in accordance with the standards of the International Labour Organization (ILO).... Salaries, working conditions and all matters related to the terms and conditions of employment of higher-education teaching personnel should be determined through a voluntary process of negotiation between organizations representing higher-education teaching personnel and the employers of higher-education teaching personnel, except where other equivalent procedures are provided that are consistent with international standards." (IX.E. 52 and 53)
- **Appraisal:** "Higher education institutions should ensure that: (a) evaluation and assessment of the work of higher-education teaching personnel are an integral part of the teaching, learning and research process, and that their major function is the development of individuals in accordance with their interests and capacities; (b) evaluation is based only on academic criteria of competence in research, teaching and other academic or professional duties as interpreted by academic peers...; (f) higher-education teaching personnel have the right to appeal to an impartial body against assessments which they deem to be unjustified." (IX.C.47)
- **No discrimination:** "Amongst candidates seeking to prepare for a career in higher education, women and members of minorities with equal academic qualifications and experience should be given equal opportunities and treatment." (VII.39)

3. This report assesses how these core principles are respected and applied in Israel, the West Bank and Gaza. Information was gathered from in-depth discussions and interviews with university professors, students, academic staff union officials, administrators, and representatives of human rights organizations in Israel and the West Bank. Travel to Gaza was not possible because of the near total closure of the territory by Israeli and Egyptian authorities, but telephone interviews were conducted in place of a site visit. The report incorporates information obtained from interviews with supporting documentation that is publicly available. The work was carefully conducted with impartiality and objectivity.

4. While the report indicates that there is general compliance with the basic principles of the *1997 UNESCO Recommendation* in Israel, there are nevertheless some emerging concerns. The political conflict between Israelis and Palestinians and the strong polarization of opinions within Israeli society and the academy with respect to the conflict have generated some prominent academic freedom controversies in recent years. Proposed changes to the governance structures of higher education institutions threaten to weaken institutional autonomy and academic freedom. In addition, working conditions for Israeli faculty have deteriorated in recent years as student-teacher ratios have increased. There is a documented shortage of professors in Israel caused in large measure by inflation-adjusted salary erosion and a “brain drain” of academics to Western Europe and North America.

5. However, it is the situation facing higher education teaching personnel in the West Bank and Gaza that is particularly dire. There is clear evidence of consistent violations of the academic and professional rights of higher education teaching personnel as outlined in the *1997 UNESCO Recommendation*. While Israel has legitimate security concerns, the blockade of the Gaza Strip and the travel restrictions imposed on residents within the West Bank have seriously disrupted the work of Palestinian scholars. While Israel has the right to take appropriate measures to ensure the safety and security of its citizens, the sweeping nature of the restrictions on freedom of movement go far beyond what can be reasonably justified and constitute an infringement of basic civil liberties and of the academic freedom rights of higher education teaching personnel as affirmed in the *1997 UNESCO Recommendation*. The civil liberties and academic freedom of Palestinian professors are also routinely compromised as a result of the arbitrary arrest and detention of faculty both by the Israeli military and by Palestinian forces affiliated with the rival Fatah and Hamas parties. It is further documented that as a result of the blockade imposed on Gaza and the ongoing policies of the occupation in the West Bank, higher education institutions in the Occupied Territories are facing a devastating financial crisis. Faculty salaries are low, working conditions of staff are deteriorating rapidly, and there is a serious shortage of qualified academics. The capacity of academic staff to pursue

research is limited by strict controls on the importation of lab equipment and research materials, poor infrastructure, insufficient funding for the conduct research, and high teaching loads that leave inadequate time for faculty to pursue research. A resolution to the broader political conflict between Israel and the Palestinian people will be necessary to pursue long-term reforms to secure the conditions necessary to ensure compliance with the *1997 UNESCO Recommendation*. However, such a resolution appears far beyond reach at this time. While the political problems seem intractable, it is nevertheless important that higher education unions and associations urgently explore concrete ways to support higher education teaching personnel and their unions in Palestine.

2. Overview and Context

6. Many of the issues and challenges facing higher education teaching personnel in Israel, the West Bank and Gaza are inextricably linked to the broader political tensions in the region. At the risk of oversimplification, at the core of the conflict lie the competing claims of two peoples to the same tract of land. It is a clash between a Jewish national movement seeking to establish a state in what it regards as the traditional Jewish homeland, and a Palestinian Arab movement that views the same land as its ancestral home.

7. The origins of the modern-day conflict that now engulfs Israel and the Occupied Palestinian Territories can be traced to the last two decades of the 19th Century. In the 1880s, small numbers of Jewish immigrants, primarily from Eastern Europe, began settling in the historical land of Israel, then part of the Turkish Ottoman Empire. Facing persecution from the pogroms in Russia and a wave of anti-Semitism sweeping across Eastern Europe, Jewish refugees fled to Western Europe and the Americas, with a small number – fewer than 2 percent – choosing to settle in Zion, a poetic reference to the Biblical land of Israel. The anti-Semitism that marked this period convinced many Jews, led principally by Theodor Herzl, that Jewish assimilation into other cultures and nations was no longer possible or desirable. The solution to anti-Semitism lay in the creation of a Jewish state. Thus was born the modern Zionist political movement.¹

8. Further persecution of Jews in Russia in the early 20th Century fuelled a new wave of immigration, but again only a small share of refugees settled in Palestine. By the outbreak of 1914 the Jewish population in Palestine was still modest, estimated at about 94,000.² The First World War, however, breathed new life into the Zionist movement. The Ottoman Empire sided with the Central Powers against the Allied Powers led by Britain, France and Russia. The latter three negotiated a secret division of Ottoman territory which would give Syria and Lebanon to France, the straits to Russia, and most of present-day Iraq and Jordan to the British. Palestine was to be regarded as an international dominion. During the war, the British instigated an “Arab Revolt” within the Ottoman Empire by promising the Sharif of Mecca, Husayn ibn Ali, leadership of an Arab state across the Arab Peninsula, Iraq and Syria – the latter two despite the previous agreement with the French. Seeking to win Jewish support in Russia and the United States, the British also promised to support the creation of a Jewish homeland. In 1917, the famous *Balfour Declaration* was issued in the form of a letter to the head of the British Zionist Federation, Lord Lionel Rothschild. The

¹ See Jacques Kornberg, *Theodor Herzl: From Assimilation to Zionism* (University of Indiana Press, 1993).

² Alan Dowty, *Israel/Palestine* (Cambridge, UK: Polity Press, 2008), p. 69.

Declaration affirmed Britain's support for "the establishment in Palestine of a national home for the Jewish people."³

9. With the defeat of the Central Powers and the break-up of the Ottoman Empire after the war, Palestine was one of several Arab territories placed under the administrative control of Great Britain. All of the mandated territories, with the exception of Palestine, were eventually granted independent statehood.

10. Jewish immigration to Palestine, mainly from Europe, rose steadily under the British Mandate. In the 1920s, many countries, including the United States and Canada, began restricting Jewish immigration. Even with the horrific persecution of Jews under Nazism in the 1930s, few countries were willing to accept Jewish refugees. Palestine increasingly became the only destination for Jews fleeing persecution.

11. Tensions between Arabs and Jews in Palestine escalated during this period. Palestinian Arabs viewed the British Mandate as a betrayal of the promise of independent statehood, and as a thinly-veiled mask for Western imperialism and colonialism. Many viewed rising Jewish immigration as a threat to their homeland. In 1936-39, growing Arab unrest led to a full-scale insurrection against British authorities. In 1937, the British government established a Royal Commission to investigate the causes of the Arab Revolt. The Commission, headed by Lord Peel, concluded that the only workable solution to the conflict was the creation of two states: an Arab state of about 80 per cent of Palestine united with Transjordan, and a Jewish state in the remaining 20 per cent of the Mandate in the coastal plain from Tel Aviv to Galilee.⁴

12. Palestinian Arabs rejected partition while Jewish leaders accepted the plan in principal while disagreeing on the precise borders. Two years later, faced with growing political opposition, the British government renounced the partition plan. It further stated there would be no Jewish state and that an undivided Palestine would be granted full autonomy within ten years.⁵

13. As the full horrors of the Holocaust came to light following the Second World War, support for the creation of a Jewish state once again grew within the international community. Shortly after the war, Britain ceded control of the Palestine Mandate to the United Nations which established a special committee to investigate and make recommendations on the future of the region. The committee recommended partition. In 1947, the United Nations General Assembly approved, over strong opposition from the Arab world, Resolution 181

³ The Balfour Declaration, November 2, 1917. Available on-line at: <http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/The+Balfour+Declaration.htm> [accessed 14 August 2009]

⁴ *Report of the Palestine Royal Commission to the United Kingdom Parliament*, July 1937. Available on-line at: <http://www.jewishvirtuallibrary.org/jsource/History/peel1.html>

⁵ Dowty, *op. cit.*, p. 80. [accessed 14 August 2009]

that Palestine be split into three parts: a Jewish state, an Arab state, and an international zone including Jerusalem and Bethlehem to be administered by the UN. Fighting between Jews and Arabs in Palestine began almost immediately after the resolution was adopted.

14. On May 14, 1948, a provisional state council of Jewish leaders proclaimed the establishment of an independent Jewish state based upon Resolution 181. On the following day, Israel was attacked by the armies of Egypt, Jordan, Syria and Iraq (joined later by Lebanon). In the ensuing war, Israeli forces pushed back the invading armies and extended their territory further into Palestine to include about 78 per cent of the former Mandate. The Gaza Strip was placed under the administrative authority of Egypt, while Jordan took control of the West Bank. The 1948 war was a triumph for the Israelis, solidifying Israel's existence as an independent state. Israel's victory also led to its general diplomatic recognition in most of the world. For the Palestinians, however, the outcome of the war was considered a disaster ("al-Naqba") as hundreds of thousands of Palestinians fled or were forced to leave their homes. The anguish felt by many Palestinians at the time was expressed by the writer Fawaz Turki: "Beneath the glamour [of the founding of Israel] lies the tragedy of another people who suffered for no reason, who were uprooted from their homeland, and who never in their history practiced persecution in their rencontre with Jews, but who were made to pay the price of a crime that others had committed."⁶

15. Armed conflict between Israel and its Arab neighbours occurred again in June 1967 during the Six Day War. The origins of the war are disputed. According to Egypt, intelligence provided by the Soviet Union indicated that Israel was planning a major military strike on Syria. In response, Egypt moved troops into the Sinai desert, and closed passage to the Gulf of Aqaba to all Israeli ships. Egypt also signed mutual defence pacts with Syria and Jordan in what was claimed to be an attempt to deter an Israeli military attack. For its part, Israel denied the Soviet intelligence claims and viewed the massing of Egyptian troops, the blockade on Israeli shipping, and the Arab defence pacts as a prelude to a second invasion. Israel claimed it had no choice but to launch a pre-emptive military strike. After six days of fighting, Israel had taken control of the West Bank from Jordan, the Gaza Strip and Sinai Peninsula from Egypt, and the Golan Heights from Syria.

16. Further hostilities broke out in 1973 when Egypt and Syria launched a surprise invasion of Israel. The Yom Kippur/Ramadan War saw Egypt regain some territory lost in 1967. The conflict led to renewed international efforts to establish a lasting peace deal. In 1978, Egypt and Israel signed a U.S.-brokered peace treaty that saw the Sinai returned to Egypt, with the Gaza Strip remaining under Israeli

⁶ Fawaz Turki, *The Disinherited: Journal of a Palestinian Exile* (New York: Monthly Review Press, 1972), p. 29.

occupation. Ten years later, Jordan renounced any territorial claim to the Israeli occupied West Bank.⁷

17. Israel's continuing occupation and settlement of the West Bank and Gaza have been marked by waves of terrorist attacks, reprisals and uprisings that have claimed thousands of lives. A lasting resolution to the conflict between Israel and the Palestinian people, after years of negotiations, has thus far proven to be elusive. In 1993, the Palestinian Liberation Organization and the government of Israel began secret negotiations in Oslo, Norway. The Oslo Peace Process led to a transfer of limited powers and responsibilities from Israeli to Palestinian control. The head of the Palestinian Liberation Organization, Yasser Arafat, returned from exile in Tunisia to take over as Chairman of the newly established Palestinian Authority (PA). In subsequent agreements, the responsibility for civil government and partial security in other Arab communities of the West Bank were transferred to the PA.

18. The Oslo Accords also established a framework for a second phase of negotiations intended to address a number of more difficult outstanding issues including the status of East Jerusalem, the borders of a future Palestinian state, the fate of Palestinian refugees who fled or were forced to flee their homes, the dismantling of Israeli settlements in the Occupied Territories, and security arrangements. This final agreement, if achieved, would constitute an official peace treaty between Israel and the Palestinian Authority, including the possible establishment of a sovereign Palestinian state. However, these negotiations have been postponed and suspended on a number of occasions. The Camp David summit in July 2000 was the latest failed attempt to reach a lasting accord. Violence between the two sides erupted again in 2000 during the second Palestinian intifada, the origins of which remain disputed.⁸ Suicide bombings against Israeli targets increased. Israel responded with a reoccupation of a large number of Arab towns and villages, and imposed curfews and heightened restrictions on movement in the West Bank.

19. A ceasefire agreement was reached in 2005 that significantly reduced the level of violence. However, tensions arose again in 2006 when in elections held

⁷ Israel does not consider itself as an occupying power in the West Bank and in the Gaza Strip. As such, Israeli authorities claim that the Fourth Geneva Convention does not apply to its actions in the West Bank and Gaza. According to Israel, the International Covenant on Civil and Political Rights (ICCPR) also does not apply to the West Bank and Gaza Strip. However, the UN has classified Israel as an occupying power, and the United Nations Committee for Human Rights as affirmed that Israel is responsible under international law for the application of the ICCPR in the West Bank and Gaza Strip.

⁸ Palestinians maintain the intifada was precipitated by the visit of Israeli Opposition Leader Ariel Sharon to Temple Mount in Jerusalem on September 28, 2000. The site is home to the Al-Aqsa mosque, one of Islam's holiest sites. Sharon's visit was widely interpreted amongst Palestinians as intended to demonstrate his party's commitment to asserting Israeli sovereignty over all of Jerusalem. The Israeli government maintains the second intifada began when PA President Yasser Arafat walked out of peace negotiations at Camp David earlier in the year.

for the Palestinian legislature the Hamas party won a majority of seats. This prompted the United States and the European Union, both of whom consider Hamas to be a terrorist organization, to cut off all aid to the PA. Similarly, Israel severed all ties and refused to remit taxes it collected on behalf of the PA. This unleashed a fiscal crisis that threatened the future of the PA.⁹

20. In 2007, armed fighting broke out between rival Palestinian factions Hamas and Fatah. Hamas seized control of Gaza. In the West Bank, Fatah President Mahmoud Abbas dissolved the Palestinian Legislative Council and swore in a new Caretaker Government on June 17, 2007, declaring the Hamas authority in Gaza illegal. Israel imposed a blockade on Gaza and, following a brief truce, launched an aerial bombardment in late December 2008 followed by a ground invasion in January 2009.

21. The Caretaker Government and Israel agreed to re-start peace negotiations in 2007, but developments since then have frustrated the process. Israeli Defence Forces have launched frequent raids into Nablus that challenged the credibility of the PA. Israeli settlements have expanded in the West Bank and in East Jerusalem despite growing international condemnation. Current attempts to revive peace negotiations have been frustrated by the refusal of the Netanyahu government to halt construction of Israeli settlements in the West Bank.¹⁰

⁹ During the first six months after the new Palestinian government was sworn into office, tax revenues amounted to just \$US 17 million per month, compared to \$US 104 million during the same period a year earlier. Expenditures for the same period in 2005 (including wages and allowances, transfers, operating and capital expenses, and net lending) stood at around \$US 172 million per month; by 2006, they had fallen by more than half. See World Bank, *West Bank and Gaza Public Expenditure Review. Vol. 1: From Crisis to Greater Fiscal Independence*, Report No. 38207-WBG, Feb. 2007. Available at: <http://unispa.un.org/pdfs/38207WBGVol1.pdf> [accessed 21 September 2009]

¹⁰ Matt Friedman, "Israeli FM: Netanyahu talks with Obama, Palestinians a victory for firm stand on settlements," *Associated Press*, September 23 2009.

3. Israel

Israel: Statistical Portrait	
Population	7,233,701 ¹¹
Ethnic groups	Jewish 76.4% (of which Israel-born 67.1%, Europe-America born 22.6%, Africa-born 5.9%, Asia born 4.2%), Arab 19.8 %, other minorities 3.8%
Religion	Jewish 76.4%, Muslim 16%, Arab Christians 1.7%, other Christians 0.4%, Druze 1.6%, unspecified 3.9%.
Official Languages	Hebrew and Arabic
GDP per capita (\$US PPP)	\$28,000 (2008 est.)
Unemployment rate	6.1% (2008)
Inflation rate	4.7% (2008)
UN Human Development Index	0.930 (24 th)
Infant mortality rate	4.22 deaths/1,000 live births
Life expectancy at birth	80.7 years
Literacy rate	97.1%
Education expenditures	6.8% of GDP

A. Overview

22. Israel is a parliamentary democracy with a unicameral legislative branch (Knesset) elected by popular vote. Israel has no formal Constitution, but rather a set of Basic Laws. The Knesset is composed of 120 members elected for a four-year term by universal suffrage under a system of proportional representation. All parties exceeding the minimum threshold of 1.5 percent qualify for Knesset representation.

23. The Knesset elects the President who is the Head of State and who appoints senior state officials, including the State Comptroller, the Governor of the Bank of Israel, the President and Deputy-President of the Supreme Court and judges. The President is also empowered to sign laws, treaties and agreements with foreign countries that have been ratified by the Knesset.

¹¹ This figure includes about 187,000 Israeli settlers in the West Bank, 20,000 in the Israeli-occupied Golan Heights and 177,000 in East Jerusalem.

24. The executive branch of government is led by a Prime Minister and cabinet of ministers. The President appoints the Prime Minister, normally the leader of the political party most likely to be able to form a government enjoying majority support in the Knesset. To date, all Israeli governments have been coalitions of several parties.

25. Following the last legislative elections in February 2009, twelve parties are represented in the current Knesset, out of which Kadima (28 seats) Likud (27 seats), Yisrael Beitenu (15 seats) the Labor Party, (13 seats), the Shinui (15 seats), and the Shas (11 seats) have the largest representation. The 32nd government of Israel, formed in March 2009, is a coalition led by Prime Minister Benjamin Netanyahu of the Likud party that includes Yisrael Beitenu, Labor, Jewish Home, and United Torah Judaism.

26. Israel is a technologically advanced industrialized country with a large public sector. Services account for over 60 percent of GDP. Major goods industries include metal products, high technology products, wood and paper products, and potash and phosphates.

27. In its Declaration of Independence, Israel established itself as a Jewish state with equality for all citizens irrespective of religion, sex or race. However, the United Nations Human Rights Council (UNHRC) has expressed concern about legislation and regulations that favour the Jewish majority.¹² As well, an Israeli government commission report presented in 2003 ("Or Commission") concluded that the Arab minority suffers from discrimination in many areas including budget allocations, official planning, employment, education and health.¹³

B. Higher Education in Israel

28. Higher education in Israel has expanded greatly in the past two decades. There are currently seven traditional research universities in Israel funded by the state: Hebrew University of Jerusalem, the Technion (Israel Institute of Technology), Tel-Aviv University, Bar-Ilan University, the University of Haifa, Ben-Gurion University of the Negev, and the Weizmann Institute of Science. A distance learning university, the Open University of Israel, was established in 1976 and was authorized to grant bachelor degrees in 1980.

¹² UN Committee on the Elimination of Racial Discrimination (CERD), *Reports submitted by States parties under article 9 of the Convention : International Convention on the Elimination of All Forms of Racial Discrimination : information received from the Government of Israel on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination*, 16 December 2008, CERD/C/ISR/CO/13/Add.1, available at: <http://www.unhcr.org/refworld/docid/49634ac32.html> [accessed 14 September 2009]

¹³ "The Official Summary of the Or Commission," *Haaretz*, January 9, 2003.

29. In addition to the universities, there are two arts academies that offer bachelor's and master's degrees: 10 comprehensive academic colleges leading to bachelor's degrees and, more recently, master's degrees; 6 academic colleges of engineering; and 6 university-level academic programs operating at regional colleges. The Ministry of Education directly funds 27 academic teacher training colleges in Israel. There are 8 private academic colleges operating in Israel that receive no government funding. In recent years, approximately 30 foreign universities have established operations in Israel. Private and foreign institutions tend to offer only a limited range of programs in highly demanded fields and charge much higher tuition fees than public universities and colleges.

Table 3.1: Higher Education Institutions in Israel				
Type of Institution	1990	2003	2004	2006
Universities	8	8	8	8
Arts Academies	2	2	2	2
Comprehensive Academic Colleges	0	6	6	10
Academic Colleges of Engineering	2	6	6	6
Private Academic Colleges	2	6	7	8
Academic Colleges for Teacher Training	7	24	26	27
TOTAL	21	54	55	61

Source: Council of Higher Education, "Higher Education in Israel," March 2008

30. Israel's higher education system is governed by the *Council for Higher Education Law* enacted in 1958 with 14 subsequent amendments. The law created the Council for Higher Education (CHE), an independent body granted authority to plan for the development of higher education; to accredit institutions of higher education; to approve new degrees and programs; and to license foreign institutions. In recent years, the CHE has also been given new responsibilities in the area of quality assurance and assessment.

31. The governing board of the CHE is comprised of 25 members, two-thirds of whom must be of academic standing. The Minister of Education is an ex-officio member and chair. The chairs of the National Union of Students and the Israeli Students Organization are also ex-officio members.

32. In 1973, the authority for higher education budgeting was transferred from the Education Ministry to the Planning and Budgeting Committee (PBC) of the CHE. The PBC was intended to act as an independent intermediary between the government and higher education institutions in all matters related to budgetary allocations. The PBC is responsible for submitting budget requests to the government, allocating funding provided by the government to higher education and research institutions, and proposing plans for the future development of higher education.

33. Some concerns have been raised about perceived political interference in CHE matters. In 2006, a group of senior academics accused the minister of education of trying to influence a decision on upgrading Ariel College, a controversial institution in a West Bank Israeli settlement, to university status. The Israeli Cabinet supported the application and instructed Education Minister Limor Livnat to work with the CHE to expedite the matter. Some academics charged this amounted to political interference and worried that the upgrading of Ariel College was being used to legitimize the settlement policies of the government. The CHE did not support the application and it was the Council for Higher Education in Judea and Samaria, a separate regulatory body responsible for Israeli higher education in the occupied West Bank, which granted university accreditation. In March 2008, the Justice Ministry overturned the decision on a technicality. It ruled that the change to university status was illegal because the sovereign authority in the West Bank is the Israeli Defence Force (IDF) and they were not properly consulted.¹⁴

34. The omnibus economic arrangements bill of 2009 included a proposal to eliminate the PBC and to transfer all budgeting decisions directly to the Education Ministry.¹⁵ The bill, if enacted, would have also taken away the powers of the CHE to evaluate and assess current programs, and instead establish a new body with only one academic staff representative. Academic staff unions reported that they were not consulted on the proposed legislation. These measures were strongly opposed by the academic community and were removed from the final legislation.

C. Institutional Autonomy and Collegial Governance

35. Accredited universities and other public higher education institutions in Israel are funded primarily by the state, which provides for more than two-thirds of their operating budgets. Israeli universities are by law guaranteed autonomy with respect to the management of their academic and administrative affairs.¹⁶

36. Israeli universities have a bicameral governance structure. The overall financial and administrative authority of the institution is vested in the board of governors, of whom up to 20 to 25 per cent traditionally had been academic staff. Recent governance changes at several institutions, however, have seen less

¹⁴ Hillel Fendal, "Justice Ministry downgrades Ariel University to College," *IsraelNationalNews.com*, March 30, 2008.

¹⁵ Ami Volansky, "A decisive blow to higher education," *Haaretz*, October 13, 2008.

¹⁶ Paragraph 15 of *The Council for Higher Education Law* states: "An accredited institution shall be at liberty to conduct its academic and administrative affairs, within the framework of its budget, as it may think fit...[including] the determination of a program of research and teaching, the appointment of authorities of the institution, the appointment and promotion of teachers, the determination of a method of teaching and study, and any other scientific, pedagogic or economic activity."

academic staff representation on boards. The board is responsible for appointing a President. A Senate, granted authority over academic matters, was traditionally composed of all full professors. However, in the wake of recent governance changes, the size of the Senate has been reduced to 70 members including academic representatives of each faculty as well as the deans, vice-presidents and student representatives. The Senate elects a Rector who is a full professor and is responsible for academic matters within the university.

37. Representatives of Israel's two academic staff unions raised concerns about recent governance reforms and proposed changes. In 2001, a public commission on university governance headed by retired Supreme Court Justice Yaakov Maltz reported that the organizational structure of Israeli universities was ineffective and inefficient. The Maltz Commission recommended that the position of Rector be abolished, that more power be concentrated in the office of the President, that the size of the Senate be reduced, and that an Executive Committee composed of non-academics be nominated as the supreme body in the university with the authority to override decisions made by Senate.¹⁷ The Commission stated in its report that: "The senate...is not the appropriate body to administer the academic part of a university.... It prevents implementation in the university of the required reform."¹⁸

38. While the government has accepted the Maltz Commission recommendations in principle, the reforms have yet to be fully implemented. University senates and the CHE have rejected the proposals. An inter-Senate committee of the seven traditional universities in Israel has concluded that the recommendations will "severely damage the academic faculty's independence and freedom of research, teaching and expression."¹⁹

39. Tel Aviv University recently adopted several controversial changes in its governance structure. In June 2009, the Board of Governors amended the constitution to limit the representation of academics on the Board to no more than 20 percent, and to require that the executive council be composed of a majority of external "public representatives," primarily business people. Following the change, the university president, Zvi Galil, resigned with media reports suggesting he was forced out by the executive council.²⁰

¹⁷ See the Inter-Senate Committee (ISC) of the Universities for the Protection of Academic Independence, *Position Paper Submitted to the Research and Information Center of the Knesset*, (Tel Aviv, March 20, 2002).

¹⁸ *Ibid.*, p 7.

¹⁹ *Ibid.*, p. 3.

²⁰ Ofri Ilani and Or Kashti, "Tel Aviv University president quits," *Haaretz*. July 2, 2009.

D. Employment Conditions of Academic Staff

40. In general, the terms and conditions of employment of higher education teaching personnel in Israel are comparable to that of their counterparts in Western Europe and North America. Academic appointments are made at the level of assistants "A" and "B", instructors, senior instructors, lecturers, senior lecturers, associate professors and full professors. Tenure is awarded at the level of senior lecturer and above.

41. Universities are granted autonomy over the appointment, promotion, and awarding of tenure of academic staff, but the procedures are similar across institutions. For appointment above the rank of senior instructor, candidates are generally required to hold a PhD. Appointments and promotions are assessed almost exclusively on the basis of research performance by academic peer committees with written evaluations solicited from professors outside the institution and often from abroad.

42. The average teaching load of a tenure-track or tenured position is six to eight hours of in-class instruction per week for seven months. Academic staff report this teaching workload provides adequate time to pursue research and administrative duties. Lecturers, senior lecturers, associate professors and full professors are also entitled to a fully paid sabbatical leave every seven years to pursue their research.

43. Faculty salaries have risen in recent years, but have experienced a long inflation-adjusted decline. Salary rises have not kept pace with average wage increases in the labour market. Between 1997 and 2007, academic salaries increased by 22 percent, well below the 31 percent increase in inflation. By contrast, average wages as a whole in Israel rose 49 percent over the same period.²¹

44. Faculty unions report that a salary gap with Western European and North American countries is contributing to the departure of academics from Israel. Institutions are experiencing difficulty in recruiting qualified academics in highly demanded fields including economics, law and engineering. The number of Israeli scholars now based in the United States alone represents one-quarter of the total senior faculty in Israeli institutions.²²

²¹ Dan Ben-David, *Brain Drained* (London: Centre for Economic Policy Research), Paper no. 6717, March 22, 2008.

²² Dan Ben-David, "Canary in the Academic Mine," *Haaretz*, March 11, 2008.

Table 3.2: Average monthly salary of higher education teaching personnel by academic rank, 2009 (\$US)

Rank	2009 Monthly Salary
Full professor	6,100
Associate	4,504
Senior Lecturer	3,832
Lecturer	3,314
Senior Instructor	2,579
Instructor	2,449
Assistant A	2,305
Assistant B	2,077

Source: Calculations based on Council of Higher Education salary tables.

<http://www.che.org.il/tables/univer.html>

45. Given current enrolment demands, there is a significant shortage of full-time academic staff in Israel. While student enrolments have risen sharply, the number of senior faculty has declined from a peak of 5,178 in 2000, to about 4,500 today.²³

46. As a result of the reduction in senior academic staff and the increase in the number of students, the ratio between faculty and students has risen to 1:25. In a 2007 report issued by the government-appointed Committee for the Examination of the System of Higher Education in Israel, it was estimated that in order to lower the student faculty ratio to meet international standards, it would be necessary to recruit an additional 600 academic staff per year over the next six years over and above that required to meet anticipated retirements and resignations.²⁴

47. There are approximately 11,000 junior faculty in Israel, about half of whom are part-time and fixed-term appointees. Faculty union representatives reported an increasing use of fixed-term academic staff due to declining public funding and financial problems caused by the economic recession. Fixed-term staff generally receive poor remuneration and have no job security.

E. Labour and trade union rights of higher education teaching personnel

48. Employees in Israel are free to join trade unions and bargain collectively. Labour rights in Israel are legally established through the following: the Basic Laws²⁵ on *Human Dignity and Freedom* and *Freedom of Occupation*; specific

²³ Ben-David, *Brain Drained*, p. 6

²⁴ *Report of the Committee for the Examination of the System of Higher Education in Israel*, July 2007.

²⁵ When the state was founded in 1948, it adopted the British tradition of an unwritten constitution. Since then, a long process has been in place to develop a written constitution

statutes and regulations, including the *Collective Agreements Law* (1957) and the *Settlement of Labour Disputes Law* (1957); collective agreements; and individual labour contracts. These rights and regulations are interpreted by the National Labour Court. ILO conventions adopted by Israel²⁶ and EU labour standards are also used as interpretive guidelines by the courts, although they are non-binding. Supreme Court and National Labour Court judgements have determined that the freedom of association of Israeli workers is guaranteed by the *Basic Law: Human Dignity and Freedom*.

50. There is no specific law regulating trade unions in Israel. Instead, unions are recognized as legal entities according to the laws governing non-profit organizations. There are two main national faculty unions in Israel: the Senior Faculty Union and the Junior Faculty Union.²⁷ The national unions are “coordinating councils” comprised of the chairs of faculty unions at each institution. While there is some overlap in membership, the Senior Faculty Union generally represents tenured and tenure-track professors while the Junior Faculty Union represents teaching assistants, instructors, fixed-term staff and other non-tenured staff. Faculty unions have negotiated automatic dues check-off which guarantees high membership density rates.

51. National Labour Court decisions have ruled that employees in Israel have the legal right to strike. In a precedent-setting case, the Court held that an employer had to reinstate workers fired for joining a union and participating in a strike since this violated their constitutional right to freedom of association.²⁸ Unions must give 15 days notice of their intention to strike unless otherwise stated in their collective agreements. Strikes may be prohibited or constrained under certain circumstances. The government may prohibit strikes when it deems it is necessary to ensure public safety and guarantee the supply of “essential services”. There are also limitations on political strikes. The Supreme Court held that a strike to protest legislation being considered by the Knesset was unlawful as it was a political and not an industrial strike.

52. Employers may petition the Labour Court to end a strike, but the court has generally refrained from interfering in industrial disputes. In a few instances, the

chapter by chapter. These “basic laws” set out constitutional rights and restrict the ability of the Knesset to develop legislation that infringes upon these basic rights.

²⁶ Israel has adopted all eight core ILO Conventions: c. 29 *Forced Labour*; c. 87 *Freedom of Association and Protection of the Right to Organize*; c. 98 *Right to Organize and Collective Bargaining*; c. 100 *Equal Remuneration*; c. 105 *Abolition of Forced Labour*; c. 111 *Discrimination (Employment and Occupation)*; c. 138 *Minimum Age Convention*; c. 182 *Elimination of the Worst Forms of Child Labour*.

²⁷ Until 1975, all higher education teaching personnel were in one union. At that point separate unions for teaching assistants were formed at some institutions and named junior faculty unions.

²⁸ Stephen J. Adler with Adv. Ariel Avgar, *National Labour Law Profile: The State of Israel*, (International Labour Organization: December 11, 2006). Available on-line at: http://www.ilo.org/public/english/dialogue/ifpdial/info/national/is.htm#_ftn19 [accessed 15 June 2009]

court has issued an injunction to end a strike when it infringes on basic rights, such as the right to travel abroad. During an eighty-day strike by the Senior Faculty Union in 2007-08, the Committee of University Heads sought a back-to-work order on the grounds that the dispute was jeopardizing the academic school year. The Labour Court denied the request.

53. Collective bargaining negotiations in the higher education sector are primarily national in scope. Salaries and standardized working conditions are negotiated with the Committee of University Heads, the Council of Higher Education, and the Government Treasury. Local negotiations focus on additional benefits such as travel funds and research stipends.

54. While fundamental labour rights are guaranteed in Israeli law, there are reports that employers frequently flaunt basic legal protections for workers, including minimum wage laws.²⁹ There are isolated reports of violations of trade union rights in the higher education sector. In 2008, employees at the Davidson Institute, part of the Weizmann Institute in Tel Aviv, were beaten by guards during a protest over the university's refusal to recognise their union. The employees asked the university legal clinic to take up their case but the legal clinic was ordered by the Tel Aviv University administration to stop representing them.³⁰

F. Academic Freedom

55. Representatives of the two faculty unions indicated that university and college administrations generally respect academic freedom and that direct violations are rare. In their view, the greatest immediate threat to academic freedom stems from two principal sources: the Maltz Commission recommendations that would curtail institutional autonomy and undermine collegial governance; and the increasing use of fixed-term academic staff who, because they lack the formal protection of tenure, may not be able to fully exercise their academic freedom.

56. The most heated controversies over academic freedom in Israel are those that touch upon the ongoing political conflict in the region and the sharp polarization of opinions over Israel's policies with respect to the West Bank and Gaza. Faculty who criticize the occupation are routinely targeted in public campaigns by special interest groups, including the Israel Academia Monitor and Professors for a Strong Israel. To date, there is no evidence that these campaigns

²⁹ See Michael Tadjer, *Working without dignity: The violation of workers' rights in Israel* (Jerusalem: Association for Civil Rights in Israel, 2006). Available on-line at: <http://www.acri.org.il/pdf/WorkersSummary.pdf> [accessed 15 June 2009]

³⁰ International Trade Union Confederation, *2009 annual survey of violations of trade union rights: Israel*. <http://survey09.ituc-csi.org/survey.php?IDContinent=5&IDCountry=ISR&Lang=EN> [accessed 9 June 2009]

have led to the discipline or dismissal of a professor. There are some reports that they may have the effect of creating a chill that makes academic staff disinclined to speak out on political matters.³¹ However, there is no conclusive evidence to support this and faculty union representatives deny this is a problem. On the contrary, they note that many Israeli academics speak out regularly on controversial issues, including the ongoing conflict in the region, without recrimination.

57. Some university administrations have actively defended staff and students who have come under pressure because of their controversial views. In 2009, the past president of Tel Aviv University, Zvi Galil, resisted calls that he expel a Palestinian student for supporting an international boycott of Israeli universities. In an open letter to the university community, the President justified his decision on the grounds that: "A university campus should be a place that encourages and tolerates free speech, no matter how offensive the expressed opinions may be to the majority of students and faculty at that institution, or indeed to the public at large."³²

58. Other administrations, however, have been publicly critical of staff who express unpopular opinions. In August 2009, Dr. Neve Gordon, professor of political science at Ben-Gurion University, published an article in several international newspapers calling for an academic and cultural boycott of Israel to protest the ongoing occupation of the West Bank and Gaza. Dr. Gordon characterized Israel's treatment of Palestinians as "apartheid".³³ In response, the university president, Rivka Carmi, publicly criticized Dr. Gordon for bringing the university into disrepute and for potentially upsetting the university's donors. Carmi harshly condemned Gordon's views, and warned that he may have jeopardized his career: "Like it or not, Gordon cannot be readily dismissed....At the same time, by calling on other entities, including academic institutions, to boycott Israel — and effectively, to boycott his own university — Gordon has forfeited his ability to work effectively within the academic setting, with his colleagues in Israel and around the world."³⁴ Some individual faculty who support Dr. Gordon's right to express his views stated that Carmi's comments bordered on intimidation and expressed concerns that her remarks might dissuade junior faculty members from exercising their academic freedom. Other faculty supported Carmi's intervention and have called for Dr. Gordon's dismissal.³⁵

59. A representative of the senior faculty union indicated that the union is

³¹ David Newman, "Academic freedom under threat," *The Jerusalem Post*, May 17, 2009.

³² Cited in Nechemia Meyers, "Should a Tel Aviv University academic support a boycott of Israel?" *Jewish Community Voice*, May 20, 2009. Available on-line at: <http://www.jewishvoicesnj.org/news/2009/0520/columns/017.html> [accessed 7 October 2009]

³³ Neve Gordon, "Boycott Israel," *Los Angeles Times*, August 20, 2009.

³⁴ Rivka Carmi, "Neve Gordon's divisive op-ed," *Los Angeles Times*, September 1, 2009.

³⁵ Matthew Kalman, "An Israeli professor tests the limits of academic freedom," *The Chronicle of Higher Education*, September 13, 2009.

reluctant to intervene in cases where professors who hold "extreme political views" are alleging violations of their academic freedom. Such cases are seen as internally divisive.

60. Perhaps the most prominent and controversial academic freedom case in Israel in recent years is that of Dr. Ilan Pappé, a professor of history formerly based at Haifa University. Prof. Pappé is an outspoken critic of Israel's occupation of the West Bank and Gaza and its treatment of Palestinians. In 1998, a graduate student of Prof. Pappé's published a thesis alleging crimes committed by the IDF during the 1948 war. Representatives of the IDF battalion named in the thesis claimed the allegations were false and launched legal action. The university undertook an internal review of the matter and concluded that there were inaccuracies and unsubstantiated allegations in the thesis. Prof. Pappé rejected the university's findings, defended the research and conducted a public campaign against the university for what he claimed was a violation of academic freedom. He was threatened with dismissal for bringing the university into disrepute. The university subsequently backed away from dismissing him, but did prevent him from taking part in seminars and conferences. Prof. Pappé left the University of Haifa in 2007 to take up a position at the University of Exeter in the United Kingdom.³⁶

61. There are reports of academics in Israel being targeted by extremist groups. On September 25 2008, Ze'ev Sternhell, a Hebrew University professor and critic of Israeli settlements in the Occupied Palestinian Territories, was wounded by a pipe bomb planted outside the door of his home in West Jerusalem. It is alleged the attack was coordinated by members of the Army of State Liberators, a radical settlement movement.³⁷

62. There are allegations that the Israeli Defence Forces (IDF) and the Shin Bet security service have attempted to exert influence over academic matters at higher education institutions. The Council of University Presidents has accused the IDF of unduly interfering in the admission process by refusing study permits to Palestinians for reasons other than security.³⁸

63. Higher education institutions receive some funding from the IDF and Shin Bet. Most funding is for research purposes, but some universities and colleges have also signed contracts to provide special courses for military and intelligence personnel that allow them to conduct their studies over a significantly shorter period than normal. Some have questioned this arrangement on academic grounds. Hebrew University is the only institution that, for academic reasons, has

³⁶ Chris Arnot, "I felt it was my duty to protest," *The Guardian*, January 20, 2009.

³⁷ U.S. Department of State, "2008 Human Rights Report: Israel and the occupied territories." Available at: <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119117.htm> [accessed 7 October 2009]

³⁸ Moran Zelikovitch, "University heads: IDF interfering in enrolment process," *ynetnews.com*, July 29, 2008.

refused to provide academic reductions for members of Shin Bet.³⁹

64. It is alleged that pressure from the IDF led to the firing of an Arab instructor at Sapir College in 2008. Nizar Hassan, a well-known filmmaker and professor, was accused of refusing to teach a Jewish student and reservist who arrived in class from his reserve duty wearing his military uniform. During the lecture, Prof. Hassan made allegedly mocking and derisive remarks to the student. Prof. Hassan denied making such comments, but did admit to demanding the student not wear his military uniform in class.⁴⁰ According to media reports, upon learning of the incident the head of the IDF Personnel Directorate, Major General Elazar Stern, threatened to terminate the army's cooperation with the college unless the matter was dealt with expeditiously. The termination of the IDF agreement would mean a loss of revenues for the college. The college administration denies the IDF made such a threat. Disciplinary proceedings against Prof. Hassan were launched and he was suspended from his duties before the process was concluded. The university panel reviewing the case found that Prof. Hassan's behaviour and remarks to the student "were totally unacceptable and deserving of the most severe condemnation." The president of Sapir College ordered Prof. Hassan as a condition of his continued employment not only to apologize to the student but, further, to publicly declare respect for the IDF uniform. Prof. Hassan refused to do so and was dismissed.⁴¹

65. Some university and college officials have in the past sought to restrict political activities and demonstrations on campuses. In 2007, students at Ben Gurion University were refused permission to organize a demonstration on campus to protest the employment conditions of subcontracted workers at the university. The administration argued that the university's internal regulations prohibited campus demonstrations concerning political or controversial issues. The Association for Civil Rights in Israel filed a petition with the court and in April 2008 a ruling was delivered ordering the university to allow the demonstration and to remove the regulation prohibiting such activities. In the ruling, the court stated that the right to protest, including the right to demonstrate on political and controversial matters, is enshrined in Israel's *Rights of the Student Law*.⁴²

66. During the 2008/09 IDF military campaign in the Gaza Strip, some students within Israel protesting the action were arrested. When released, many faced strict bail conditions that affected their ability to pursue their studies. Ran Tzoref, a student arrested at a protest in Beersheba on January 14, 2009, was reportedly released on the condition that he not leave his village in northern

³⁹ Gideon Levy, "The Shin Bet's academic freedom," *Haaretz*, February 13, 2009.

⁴⁰ Shmulik Hadad, "Sapir college lecturer to apologize to reservist," *ynetnews.com*, January 31, 2008. Available on-line at: <http://www.ynetnews.com/articles/0,7340,L-3501396,00.html> [accessed 7 June 2009]

⁴¹ Tamara Traubmann and Yuval Azoulay, "Battle Dress," *Haaretz*, February 21, 2008.

⁴² Association for Civil Rights in Israel, Annual Report 2008 . Available on-line at: <http://www.acri.org.il/pdf/Annualreport2008.pdf> [accessed 20 June 2009]

Israel for two to three months, making it impossible for him to attend classes at Ben Gurion University. A Tel Aviv University student arrested during a protest in front of the Egyptian Embassy on December 29, 2008 was barred from entering Tel Aviv for a month, resulting in her being unable to attend classes.⁴³

G. Equity in Israeli Higher Education

67. The status of women and minority groups in higher education has shown uneven improvement. As in many Western European and North American countries, women make up a majority of higher education students in Israel. In 1979-1980, 45 percent of students receiving degrees were women, while in 2004-2005 the percentage rose to 59 percent. However, women are still under-represented in certain disciplines such as science and engineering.

68. While the representation of women within the ranks of higher education teachers has improved in recent decades, women are still significantly under-represented at the more senior academic ranks. In 2004-2005, women made up 43.3 percent of lecturers, 35.2 percent of senior lecturers, 21.6 percent of associate professors, and only 11.9 percent of full professors.⁴⁴

69. There are concerns about the low representation of Arab Israeli minorities in higher education. Arab Israelis make up approximately 20 percent of the country's population but comprise less than 2 percent of academic staff. Haifa University's Dean of Research is the only Arab to serve at the senior administrative level of an Israeli university. There is only one female Arab full professor in Israel.⁴⁵

70. Arab students are less likely than Jewish students to continue with post-secondary education of any kind and, in particular, to study at a university. They are less likely to obtain the minimum score on the psychometric examinations needed to apply to a university – examinations that some Arab human rights groups have claimed are culturally biased against Arab students. The test can be taken in a variety of languages, including Arabic, but Arab students have consistently scored worse than their Jewish counterparts. As a result, Arab Israeli university applicants are rejected at more than twice the rate of Jewish applicants. Critics note that when the test was made optional for one year in 2003, Tel Aviv

⁴³ United Nations Human Rights Council, *Human Rights in Palestine and Other Occupied Arab Territories. Report of the UN fact finding mission on the Gaza conflict*, Document A/HRC/12/48, September 15, 2009, p. 481.

⁴⁴ Israel Democracy Institute, *Does gender equality really exist in Israel?* (April 15, 2008). Available at: <http://www.idi.org.il/sites/english/parliament/Pages/DoesGenderEqualityReallyExistinIsrael.aspx> [accessed 20 June 2009]

⁴⁵ Offri Hani, "Israel appoints first Arab female professor in country's history," *Haaretz*, November 23, 2008.

University reported a large increase in the number of Arab students admitted to its professional programs. The National Institute for Testing and Evaluation, the body that composes and administers the test, denies the test is biased and points out that while the proportion of Arab students in higher education is still low, it has increased over the last decade.⁴⁶

71. Needs-based university scholarships provided by the Israeli government award extra points for military service, which Arab students almost never perform.⁴⁷ Some university programs require applicants to be 19 or 20 years old, which Arab groups claim is a policy intended to limit the number of Arab students in these programs. They say the age requirement forces Arabs to wait an extra year or two after graduating from secondary school before being eligible to apply while most Jewish students perform military service upon graduating from high school. Some higher education programs explicitly impose military service requirements for students, which eliminates most Arab candidates.⁴⁸

72. Human rights groups charge that inequities in the primary school system largely explain the poor representation and performance of Arab Israelis in higher education. Israel's education system is divided into Arab-speaking and Hebrew-speaking schools. Arab parents are not legally prevented from sending their children in Jewish schools, but few do as there is little support in either community for integration.⁴⁹ The curriculum, aside from the language of instruction, is set by the Ministry of Education. In 2008, according to the Ministry, the country's Arab education system lacked 7,000 classrooms. Arab schools also lacked basic facilities such as computer and science labs, library resources, and playgrounds.⁵⁰

73. According to a 2005 study at Hebrew University, three times more money per student was invested in Jewish schools than in Arab schools. Arab children drop out of school at three times the rate of Jewish children. The Central Bureau of Statistics reports that just 49.4 percent of Arab students passed their matriculation exams in 2006 compared with 64.4 percent of Jewish students. International tests shows that while Jewish-Israeli students ranked 11th in the world in literacy, Arab-Israeli students ranked 40th.⁵¹

⁴⁶ Haim Watzman, "Israel's Arab Education Gap," *The Chronicle of Higher Education*, March 26, 2004.

⁴⁷ Arab Israelis are not prohibited from military service, but it is not obligatory.

⁴⁸ The Mossawa Center, *The human rights status of the Palestinian Arab minority citizens of Israel*, (Haifa: Mossawa Center, October 2008), p. 223-24.

⁴⁹ Zama Coursen-Neff, "Discrimination against Palestinian Arab children in the Israeli educational system," *International Law and Politics*, Vol. 36, no. 749, p. 105.

⁵⁰ Mossawa Center, *op. cit.*, p. 23.

⁵¹ U.S. State Department, "2007 Country Reports on Human Rights Practices: Israel and the occupied territories." Available at: <http://www.state.gov/g/drl/rls/hrrpt/2007/100597.htm> [accessed 21 June 2009]

74. Some Israeli universities have instituted affirmative action programs for disadvantaged groups, including Arabs. Most universities also provide support services to assist Arab students.

75. It is alleged that age discrimination is common in Israel. The Junior Faculty Union reported that it has filed an appeal to the High Court in the case of alleged age discrimination against two members dismissed from Bar-Ilan University.

H. Summary and Conclusions

Governance

76. Overall, there is general respect in Israel for the basic principles of the *1997 UNESCO Recommendation*. Nevertheless, some concerns have been noted, and in particular the proposed changes to the traditional collegial governance of higher education institutions in Israel as recommended by the Maltz Commission. The *1997 UNESCO Recommendation* affirms that the proper enjoyment of academic freedom requires collegial governance in which academic staff have an effective voice in the academic affairs of their institutions (VI.B). The Maltz Commission, by contrast, has recommended that universities create an Executive Committee, a body of non-academics with the power to override and annul decisions taken by Senate. If adopted, there is a strong *prima facie* case to be made that this would violate the principles of self-governance and collegiality in the *1997 UNESCO Recommendation* (VI .B. 31-32).

77. Israeli faculty unions have played an important role in opposing the recommendations of the Maltz Commission and have been successful in preventing the recommendations from being introduced in legislation. However, it appears that some institutions are moving ahead with reforms in any case. In light of this, faculty unions may consider negotiating language in their collective agreements that specify academic staff rights in governance, such as the following:

Collegiality:

The University (Employer) acknowledges the rights and responsibilities of Members to participate in the formulation and/or recommendation of academic policies and procedures within the University through duly constituted collegial bodies and committees. The involvement and participation of Members in the selection of senior academic administrators is accepted and supported by the University.

Board of Governors and Senate:

The union acknowledges the rights, powers and responsibilities of the Board as established by statute, by-law, and practice, except those rights, powers and responsibilities that have been specifically modified or delegated by this Agreement. The Board shall exercise its rights, powers, and responsibilities in a manner which is fair, transparent, reasonable and consistent with the provisions of this Agreement.

The parties to this Agreement acknowledge the rights, powers and responsibilities of the Senate as established by statute, bylaw, and practice, except those rights, powers and responsibilities that have been specifically modified or delegated by this Agreement. The Senate shall exercise its rights, powers, and responsibilities in a manner which is fair, transparent, reasonable and consistent with the provisions of this Agreement.

Except where modified by this Agreement, existing Board and/or Senate policies relating to terms and conditions of employment which are reasonable, certain, and known, and which were in force at the date of the ratification of this Agreement shall continue during the term of this Agreement. The onus of establishing an existing policy within the meaning of this clause shall rest on the Employer.

78. A change in higher education governance away from collegiality and toward more managerial orientations has been identified as a common trend in many countries around the world.⁵² Israeli faculty unions may therefore benefit from the experiences and perspectives of other academic staff unions who have confronted similar challenges. This could be facilitated through membership in Education International.

Salaries of Higher Education Teaching Staff

79. The remuneration of academic staff in Israel has experienced a marked decline in real terms. The result has been the emergence of a significant pay gap with Western Europe and North America that has in turn contributed to the departure of Israeli academics to countries in those regions. Faculty unions have made some significant salary gains in recent rounds of negotiations; however, salaries still lag well behind that in Australia, Canada, the United States, and most Western European countries. More funding will be needed in order for universities to ensure that salaries are competitive in order that they may attract and retain qualified staff.

⁵² See Anamaria Vere, "Freedom of association and staff participation in higher education decision-making: A review," *Working Paper no. 257* (Geneva: International Labour Office, Sectoral Activities Committee, 2007).

Staff Complement

80. Full-time staffing levels in Israel have fallen at the same time as enrolments have increased, pushing up student-faculty ratios well above the OECD average. Faculty unions and university administrations will need to continue their efforts to lobby the Israeli government to implement the recommendations of the Committee for the Examination of the System of Higher Education in Israel to increase the full-time faculty complement.

81. Israeli faculty unions may also consider negotiating stronger complement language in their collective agreements that establishes a requirement to maintain and/or increase over the course of the agreement the number of full-time faculty employed at an institution or across the system.

Tenure and Security of Employment

82. The increasing use of fixed-term and part-time academic staff has been a major trend within the Israeli higher education system in recent years. Without the formal protection of tenure, fixed-term academic staff have limited academic freedom. Negotiating stronger complement language, as suggested above, may slow the growth of fixed-term employment. For existing staff employed on fixed-term contracts, the priority should be on negotiating better terms and conditions of employment, including guarantees of academic freedom, seniority rights, and access to a full-time career path.

Academic Freedom

83. Academic freedom is generally respected in Israel, although isolated allegations of violations have been reported. It is worth noting that academic freedom appears to have limited formal legal protection in Israel. *The Council of Higher Education Law* guarantees institutional autonomy and independence, but as the *1997 UNESCO Recommendation* notes, institutional autonomy should not be confused with individual academic freedom. Higher education institutions are autonomous to the extent that they can set policies independent of outside influence. That very autonomy can protect academic freedom from external pressures, but it can also facilitate an internal attack on academic freedom.

84. Most recent cases of alleged violations of individual rights and academic freedom of higher education teachers in Israel are bound up with the broader and longstanding political divisions over the Palestinian conflict. The *1997 UNESCO Recommendation* explicitly recognizes that higher education teaching personnel have the "right to contribute to social change through freely expressing their opinion of state policies..." (VI.26). Some Israeli academics who speak out on the policies of the Israeli state with respect to the Palestinian question have faced criticism from both inside and outside the academy. In many cases, the statements and actions of academics have generated controversy not

only publicly, but within the ranks of the academic staff unions as well. This may explain the expressed reluctance of faculty unions to take up controversial academic freedom cases. Nevertheless, it is essential that faculty unions, no matter how contentious a matter may be, not shy away from their core responsibility to vigorously defend the professional rights of members.

Employment Equity

85. The representation of women within the ranks of academic staff in Israel has improved in recent years, but more progress is needed. In particular, staff unions and higher education institutions could look at developing requirements, policies and programs that could better ensure greater representation of women and pay equity between men and women.

86. There is a well-documented under-representation of Arab Israelis within the country's professoriate. This largely reflects broader social inequities, including inequities between the Arab and Jewish primary and secondary education systems within Israel. The government of Israel, as recommended by a number of commissions, must invest more in the Arab education system. In the meantime, faculty unions and higher education institutions could explore ways to expand and make more effective their affirmative action programs.

4. The West Bank and Gaza

West Bank: Statistical Portrait	
Population	2,461,267
Ethnic groups	Palestinian Arab 83%, Jewish 17%
Religion	Muslim 75%, Jewish 17%, Christian and other 8%
Official Languages	Arabic
GDP per capita (\$US PPP)	\$2,900 (2008 est.)*
Unemployment rate	16.3% (2008)
Inflation rate	11.5% (2008)*
UN Human Development Index	0.731 (106 th)*
Infant mortality rate	15.96 deaths/1,000 live births
Life expectancy at birth	74.5 years
Literacy rate	92.4%
Education expenditures	n/a

* includes the Gaza Strip

Gaza Strip: Statistical Portrait	
Population	1,551,859
Ethnic groups	Palestinian Arab 100%
Religion	Muslim 99.3%, Christian 0.7%
Official Languages	Arabic
GDP per capita (\$US PPP)	\$2,900 (2008 est.)*
Unemployment rate	41.3% (2008)
Inflation rate	11.5% (2008)*
UN Human Development Index	0.731 (106 th)*
Infant mortality rate	18.35 deaths/1,000 live births
Life expectancy at birth	74.5 years
Literacy rate	92.4%
Education expenditures	n/a

* includes the West Bank

A. Overview

87. The West Bank and Gaza Strip were occupied by Israel following the 1967 war. As a result of negotiations between Israel and the Palestinians, the Palestinian Authority (PA) was established in the two territories in 1994.

88. Israeli forces withdrew from the Gaza Strip in 2005, but Israel maintains strict control over Gaza's airspace, ports, and most of the land borders. Since 2007, Gaza's borders have been effectively closed to all but humanitarian aid.

89. The Palestinian Authority is an interim administrative body responsible for a range of civil functions and maintaining order in certain designated areas. The permanent status of the PA is to be determined through further negotiation. The division of responsibilities and jurisdiction in the West Bank between Israel and the PA is complicated and subject to change.

90. The PA has a democratically elected President and Legislative Council, which select a Prime Minister. The Prime Minister chooses a cabinet and reports directly to the President. The current President is Mahmoud Abbas of the Fatah party. Elected in 2005 to serve until January 2009, Abbas has unilaterally extended his term for another year, citing internal turmoil. The rival Hamas political party does not recognize Abbas' Presidency and instead considers Aziz Dweik, who served as the speaker of the house in the Palestinian Legislative Council, to be the acting President until new elections are held.

91. In elections for the Palestinian Legislative Council in 2006, Hamas won 74 of 132 seats. International donors which had propped up the Palestinian economy, ended their aid to the PA after Hamas refused to officially recognize Israel or agree to renounce violence.

92. In 2007, Hamas and Fatah agreed to enter into a unity government, but tensions between the two factions continued. When President Abbas refused to hand over the control of security agencies, Hamas responded by seizing power over the Gaza Strip. Abbas then dissolved the Legislative Council and established a Caretaker Government in the West Bank.

93. Political instability and the ongoing policies of the occupation have taken a heavy toll on the Palestinian economy. Since 2000, economic growth has suffered as a consequence of new Israeli restrictions on the movement of goods and people into and out of the territory. Internal constraints on movement have also intensified. In the West Bank, the number of checkpoints increased from 376 in August 2005 to 580 in early 2008.⁵³

94. By the beginning of 2008, gross domestic product (GDP) per capita in the West Bank and Gaza was nearly a third lower than in 1999.⁵⁴ About 58 percent of

⁵³ World Bank, "West Bank and Gaza: Economic Developments and Prospects," March 2008. Available on-line at:

<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/WESTBANKGAZAEXTN/0,,contentMDK:21694302~menuPK:294370~pagePK:2865066~piPK:2865079~theSitePK:294365,00.html> [accessed 27 June 2009]

⁵⁴ World Bank, *Country Brief: Middle East and North Africa Region – West Bank and Gaza*, (Washington: World Bank, 2008). Available on-line at:

Palestinians now live in poverty, with about half of them experiencing extreme poverty. The rate of chronic malnutrition in children under five is near 10 percent, and nearly 8 percent of children have low birth weights. Economic and social conditions in Gaza have deteriorated significantly since the takeover by Hamas in June 2007 and the subsequent near total blockade by Israel. Infant mortality figures have increased by 30 percent. One in three infants admitted to hospital newborn care units in Gaza dies.⁵⁵

B. Higher Education in the West Bank and Gaza

95. The Palestinian education system comprises a mandatory basic cycle covering Grades 1 to 10, divided into the Preparation Stage (Grades 1 to 4) and the Empowerment Stage (Grades 5 to 10). Optional Secondary Education covers Grades 11 and 12, with students having the choice of pursuing a general secondary education or attending vocational secondary schools. Higher education is provided by 46 institutions in the West Bank and Gaza, including 12 universities which award bachelor's and master's degrees, 13 university colleges offering bachelor's degrees and 2-year diplomas, and 21 community colleges which award diplomas (see Table 4.1).

96. Higher education institutions are further divided into three types. Public institutions are non-profit and independent of the PA but receive public funding. Governmental universities and colleges are ones directly under the supervision of the PA and all employees, including academic staff, are civil servants. Private universities are independent providers who do not receive PA funding.

97. Enrolment in basic education is universal, and the enrolment rate for secondary education is above 80 percent. In tertiary education, the enrolment rate is above 40 percent for the 18-24 age group, an extremely high level when compared with middle-income countries.⁵⁶

98. Universities were not established in the Palestinian Territories until after Israel occupied the West Bank and Gaza following the Six Day War in 1967. In the period of the British Mandate, the Peel Commission identified the lack of higher education opportunities for Palestinians as a major source of concern:

http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/WBG-ENG_2008AMpdf.pdf
[accessed 20 June 2009]

⁵⁵ Canadian International Development Agency, "West Bank and Gaza." Available on-line at:
<http://www.acdi-cida.gc.ca/westbankandgaza>

⁵⁶ World Bank, *West Bank and Gaza Public Expenditure Review. Vol. 1: From Crisis to Greater Fiscal Independence*, Report No. 38207-WBG, Feb. 2007. Available at:
<http://unispal.un.org/pdfs/38207WBGVol1.pdf> [accessed 20 June 2009]

Table 4.1: Palestinian Higher Education Institutions, 2009

	Type	Year Established	Location
Universities			
Al-Azhar	Public	1991	Gaza
The Islamic University	Public	1978	Gaza
Al-Aqsa	Governmental	1991	Gaza
Universal Studies Academy	Private	2006	Gaza
Hebron	Public	1971	Hebron
Palestine Polytechnic	Public	1978	Hebron
Bethlehem	Public	1973	Bethlehem
Al-Quds	Public	1984	Al-Quds
Birzeit	Public	1972	Birzeit
An-Najah	Public	1977	Nablus
Arab American	Private	1997	Jenin
Al-Quds Open University	Governmental	1991	Al-Quds
University Colleges			
Palestine Technical-Tulkarem	Governmental	1930	Tulkarem
Palestine Technical-Al-Aroub	Governmental	1996	Hebron
Palestine Technical-Girls	Governmental	1996	Ramallah
Palestine Technical Deir Elbalah	Governmental	1996	Deir Elbalah
Science and Technology	Governmental	1983	Khanyounis
Educational Sciences – Women	UNRWA	1992	Ramallah
Educational Science – Men	UNRWA	1992	Ramallah
Ibn Sina Nursing	Governmental	1997	Ramallah
Palestine Nursing	Private	1976	Khanyounis
Al-Dawa Kalkilia	Governmental	1999	Kalkilia
Al-Dawa Gaza	Governmental	1999	Gaza
Bethlehem Bible	Private	2000	Bethlehem
Nihad Abu Gharbieh Tech. Inst.	Private	2004	Al-Quds
Community Colleges			
Al-Ummah	Governmental	1952	Al-Quds
Al-Ibrahimiyyah	Private	1983	Al-Quds
Modern Community College	Private	1982	Ramallah
Al-Rawdah Technical	Private	1982	Nablus
An-Najah Community College	Governmental	1990	Nablus
Hisham Hijjawi Technical	Governmental	2000	Nablus
Applied Professions	Governmental	1992	Hebron
Applied Sciences & Technology	Governmental	1979	Gaza
Arabia Community College	Private	1990	Rafah
Gaza Community College	UNRWA	1953	Gaza
Al-Azhar Community College	Governmental		Gaza
Gaza Community for Tourist Studies	Private	2004	Gaza
Development of Capabilities	Private	n/a	Gaza
Hajah Andaleeb College For Nursing	Governmental		Nablus
School of Community College	Governmental	1994	Ramallah
Hebron Nursing College	Private	1970	Hebron
Inash El-Usra College	Governmental	1999	Ramallah
Caritas Hospital Nursing College	Governmental	2000	Bethlehem
Makased Islamic Hospital Nursing	Governmental	2000	Al-Quds
Talitha Kumi Community College	Private	2000	Bethlehem
Dar Al-Kalima College	Private	2006	Bethlehem

"The contrast between the Arab and Jewish systems of education is most striking at the top. The Jews have a university of high quality. The Arabs have none and the young *intelligenza* of the country are unable to complete their education without the cost and inconvenience of going abroad."⁵⁷

99. Most of today's universities in Palestine began as elementary schools and colleges before gaining full university status. For example, An-Najah started as an elementary school in 1918 and became a community college in 1963 before establishing itself as a university in 1977.

100. Total education expenditures, as a percentage of GDP, increased from 7.5 percent in 2000 to 11.5 percent in 2003. However, this was largely driven by an increase in private financing which now constitutes 46 percent of all education expenditures. The Palestinian Authority's share of total education spending for the same period fell from 42 to 34 percent. Donor organizations have funded the bulk of capital expenditures since 2000. The UNRWA, which enrolls 25 percent of students in basic education, accounted for 20 percent of total expenditures.⁵⁸

101. Public funding for higher education is inadequate to meet the basic needs of universities and colleges. This is in large measure due to the ongoing fiscal crisis within the PA largely as a result of Israel's decision to withhold taxes it collects from Palestinians. According to the World Bank: "The Government of Israel's decision to suspend the transfer of clearance revenue, which accounts for over 60 percent of the PA's revenues, has made it virtually impossible to achieve the objective of sustainable fiscal management."⁵⁹

102. Higher education institutions rely heavily upon private forms of financing. Administrators at Al-Quds University, for instance, indicated the institution receives just 12 percent of its funding from the PA, while tuition fees make up 62 percent and private donations account for the rest. Tuition fees have been increased to about \$US 1,700 per year, more than half of the annual per capita GDP. Not surprisingly, the majority of students cannot afford to pay. Higher education institutions are recording large deficits and are now facing a serious financial crisis.

103. The financial crisis has been compounded by the impact of the global recession. Higher education institutions in the West Bank and Gaza have traditionally depended upon financial assistance from donors and governments in the Arab region. However, the global economic downturn has seen this assistance dry up. The Kuwait Trust Fund had been providing about \$US 20

⁵⁷ Report of the Palestine Royal Commission to the United Kingdom Parliament, July 1937. Available on-line at: <http://www.jewishvirtuallibrary.org/jsource/History/peel1.html> [accessed 13 July 2009]

⁵⁸ *Ibid.*, pp, 26-27.

⁵⁹ World Bank, op. cit., p. 10.

million per year for student financial assistance, but this has now been discontinued.

104. Prior to the establishment of the Palestinian Authority, higher education in the West Bank and Gaza was regulated by a Higher Education Council based in Jordan. The Council set out the rules and regulations for institutions. Funding was provided primarily by the PLO and Arab League governments, although institutions relied upon tuition fees for the bulk of their revenues.

105. Following the creation of the PA, the Higher Education Council was replaced by the Ministry of Education and Higher Education. A Council of Higher Learning composed of the minister and the presidents of the universities was also established.

106. Some university administrators and academics expressed frustration with the regulatory framework for higher education in the Palestinian territories. They argued that the PA does not sufficiently recognize the importance of the higher education sector and that a separate ministry for higher education and research is needed to ensure it becomes more of a priority.

107. At the institutional level, academic staff reported satisfaction with university governance. Universities in Palestine have adopted a traditional bicameral governance structure with academic staff, through the Senate or Academic Council, having final authority on educational matters. Academic staff also make up 50 percent of the governing boards of universities.

108. The ongoing conflict between Hamas and Fatah has had an impact on university governance. In October 2009, the Palestinian minister of education for the Caretaker Government in the West Bank ordered the closure of Gaza City's Al-Aqsa University after the Hamas government fired the president. Al-Aqsa is one of the last major institutions in Gaza associated with Fatah.⁶⁰

C. Trade Union and Labour Rights

109. Palestinian workers, including public sector employees, have the right under law to establish unions in the West Bank and Gaza without government authorisation. Collective bargaining rights are also legally recognised.

110. The existing labour law has a number of weaknesses. It does not specify a minimum wage and does not cover large segments of the workforce, including seasonal and domestic workers. An ILO investigation in 2008 concluded that in

⁶⁰ "Palestinian University is shut down amid fight over control," *The Chronicle of Higher Education*, October 8, 2009.

practice labour legislation is insufficiently enforced by the PA and is systematically violated by employers.⁶¹

111. There are reports of serious infringements of trade union rights in Gaza following June 2007 when Hamas took control. The Palestinian General Free Trade Union (PGFTU) reported that its offices in Gaza were attacked and occupied by Hamas. The offices were later destroyed by Israeli forces during the 2008/09 military action.

112. Higher education teaching personnel in the West Bank and Gaza are represented by the Palestinian Federation of University Unions of Professors and Employees (PFUUPE) established in 1988. The PFUUPE is a federation representing unions at Al-Azhar University, Al-Aqsa University, Islamic University in Gaza, Brizeit University, An-Najah University, Bethlehem University, Hebron University, Palestinian Polytechnic University, Al-Quds University, Al-Quds Open University, and the Arab American University. Total membership is about 3,500 in the West Bank and 2,600 in Gaza. All staff are entitled and encouraged to join the union. Union density rates are about 68 percent, a figure high relative to other sectors. Unionization levels are much higher among men (75 percent) than women (56.5 percent).

113. The PFUUPE is a member of the Federation of Independent Unions Palestine, a body established in 2007 in response to concerns that the main labour federation, the Palestinian General Federation of Trade Unions, had become undemocratic and too closely aligned to Fatah. The PFUUPE has scarce resources and is run for the most part on a volunteer basis. Membership dues are set at a largely symbolic fee of approximately \$US 5 per month.

114. In 1998, PFUUPE negotiated its first collective agreement with the Palestinian Authority. In 2008, the union launched a series of rotating strikes during a round of multi-party talks that involved the Palestinian Ministry of Education and Higher Education and the Council of Higher Learning. The agreement reached awarded academic staff a 25 to 30 percent increase in salaries, but the PA has to date not provided the additional funding needed to honour the deal.

D. Employment conditions of higher education teaching personnel

115. The terms and conditions of employment of academic staff in the West Bank and Gaza are poor. Average salaries are low, particularly in comparison to

⁶¹ Jamil Hilal, Saleh Al Kafri, and Eileen Kutab, *Unprotected employment in the West Bank and Gaza Strip* (Geneva: International Labour Organization, June 2008), p. 3.

Israel and neighbouring Arab states, and the cost of living is high.⁶² Average monthly salaries are the equivalent of \$US 1,866 for an assistant professor, \$US 2,327 for an associate professor, and \$US 2,820 for a full professor. There are yearly increment increases of between \$US 40 and \$US 65 per month for up to 15 years.

116. It has been reported that there is a large gap in salaries between male and female academics. A 2007 survey by the Democracy and Workers' Rights Center in Palestine found that across all sectors the gender pay gap was most pronounced in pharmaceuticals and higher education.⁶³ The average wages of women employed in universities are about one-quarter less than those of their male colleagues.

117. As a consequence of the serious financial crisis they face, higher education institutions are regularly unable to meet their payroll obligations. Academic staff reported they receive on average just 80 per cent of their salaries in any given month.

118. Academic staff reported they are normally required to teach 12 hours per week, but actual time spent in the classroom ranges between 19 to 24 hours as staff must take on "overload" work to supplement their income. This is an extraordinarily high teaching load by international standards. When preparation time is also considered, there is virtually no opportunity for faculty to conduct research.

119. Academic staff at public institutions are not covered by a pension plan. It was also reported that there are few health benefits.

120. Procedures for the appointment, promotion and awarding of tenure are inconsistent and often unclear. The PFUUE recognizes that this opens up the potential for abuse and indicated they will be seeking to negotiate standardized terms of appointment and promotion in their next collective agreement.

121. Universities in the West Bank report difficulty in attracting and retaining faculty. Birzeit University alone, with fewer than 300 full-time professors, reported 100 vacancies. Academic staff and administrators noted there is a significant loss of Palestinian faculty to Jordan and other Arab states. The need to recruit and retain qualified academic staff is made more urgent by the projections that

⁶² According to the World Bank, the consumer price index for food rose by 28 percent in Gaza and 21.4 percent in the West Bank between June 2007 and June 2008. See World Bank, *Country Brief: West Bank and Gaza*. Available at: http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/WBG-ENG_2008AMpdf.pdf [accessed 20 June 2009]

⁶³ Hamid Al Kawaja, *Work Conditions and Circumstances in Palestinian Workplaces* (Ramallah: The Democracy and Workers' Rights Center in Palestine, 2007), p. 8.

retirements will reach a peak in 2018.

122. The shortage of qualified faculty is compounded by the lack of doctoral programs in the West Bank and Gaza. Doctoral students must study abroad and it is reported that a significant number do not return.

123. The recruitment of foreign academics to fill the shortage is frustrated by poor salaries and the tight restrictions placed on their entry. Israeli authorities will not issue work visas to foreigners travelling to the West Bank, but at most grant only a 3 month tourist visa. Temporary entry into Gaza is forbidden, unless for exceptional humanitarian reasons as determined by Israeli authorities.

124. Faculty report rising student-teacher ratios. Student enrolments have increased sharply, with the gross enrolment rate more than doubling from 10.2 percent in 1995 to over 23 percent in 2003.⁶⁴ The increase in enrolments coupled with declining public spending raises concerns about the ability of institutions to maintain and improve the quality of higher education they offer.

125. The use of part-time and fixed-term academic staff has risen. Part-time faculty make up about 19 percent of the total staff complement in traditional universities. The Open University is staffed almost entirely by part-time faculty. About 24 percent of faculty in the university colleges are on part-time contracts, while the figure for community colleges is over 52 per cent.⁶⁵

126. Women make up a majority of students in higher education. This is partly because male students are more likely to study abroad. In 2007-08, women constituted 56 percent of all students in the traditional universities, 55 percent of students at the Open University, 52 percent of university college students, and 40 percent of community college students.⁶⁶

127. Despite being a majority of higher education students, women are poorly represented amongst the ranks of academic staff. As illustrated in Table 3.2, female faculty employed on a full-time basis constitute just under 16 percent of the total in traditional universities, and only 17 percent overall. Across the higher education sector, women make up just 18 percent of full-time teaching staff, and roughly the same share of part-time staff.

⁶⁴ The World Bank, "Project appraisal document on a proposed grant in the amount of US\$ 10 million equivalent to West Bank and Gaza for a tertiary education project," (World Bank Group: Report no. 31744-WBZ), March 17, 2005.

⁶⁵ Palestinian Ministry of Education and Higher Education, *Higher Education Institutions Statistical Yearbook 2007/2008* (Ramallah, Palestine: September 2008).

⁶⁶ Palestinian Ministry of Education and Higher Education, *Higher Education Institutions Statistical Yearbook 2007/2008* (Ramallah, Palestine: September 2008).

Table 4.2 Distribution of faculty by gender institution type and employment status, 2007/08

	Full-Time		Part-Time	
	Male	Female	Male	Female
Traditional Universities	1,741	321	523	146
Open university	187	24	2,264	467
University colleges	247	107	43	7
Community colleges	187	66	235	40
Total	2,362	518	3,065	660

Source: Palestinian Ministry of Education and Higher Education, *Higher Education Institutions Statistical Yearbook 2007/2008* (Ramallah, Palestine: September 2008).

E. Academic Freedom under Occupation

128. There is as yet no formal legal protection for academic freedom in the West Bank and Gaza. A draft constitution for a future Palestinian state prepared for the PA makes no direct reference to academic freedom but would guarantee all individuals the "right to express their opinions and publicize them in writing, speech, art, or other means of expression within the provisions of the law," (Article 37). In addition, the proposed constitution would require the state to "uphold the independence of institutions, universities and research centers that have a scientific purpose. The law shall regulate the supervision thereof in such a manner so as to safeguard the freedom of scientific research and innovation in all fields," (Article 44).⁶⁷

129. In the absence of formal legal guarantees, the right of higher education teaching personnel to academic freedom is primarily recognized in the by-laws and policies of higher education institutions. Faculty reported that academic freedom is generally respected by institutions and by the PA.⁶⁸ The greatest constraint on academic freedom in their view stems from the limitations on civil liberties as a result of the Israeli occupation.

130. Palestinian universities and colleges have been sporadically closed by the Israeli authorities over the course of the occupation. Some universities remained shut by military order for extended periods during the years immediately preceding and following the first Palestinian intifada. Human Rights Watch investigated the military blockade of Birzeit University following the Al Aqsa or second intifada in 2000, and found that the IDF could not provide any specific security reasons to explain the closure. The investigation concluded that the

⁶⁷ *Constitution of the State of Palestine*, Third Draft, revised March 25, 2003. Available at: <http://www.jmcc.org/documents/palestineconstitution-eng.pdf> [accessed 7 September 2009]

⁶⁸ In its annual human rights report, the U.S. Department of State reported that there were no PA restrictions on academic freedom in 2008. See: <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119117.htm> [accessed 9 September 2009]

closure was a violation of academic freedom and a "cruel form of collective punishment."⁶⁹

131. Despite some recent improvements, Palestinians still face severe restrictions on their ability to travel within Palestine and abroad. There remain nearly 600 checkpoints within the West Bank operated by the Israeli military. Temporary or "flying" checkpoints are still common throughout the West Bank and prevent Palestinian vehicles from travelling on major transit routes, often during peak travelling times. These checkpoints routinely keep students and staff from campus. Students and faculty at Birzeit University reported that when a flying checkpoint is placed on the main road from Ramallah, a normally 10 to 15 minute commute to campus can take as long as 3 hours.

132. Travel restrictions also force higher education institutions to close early and well before nightfall so that students and faculty will face fewer problems crossing checkpoints.

133. In many regions, the construction of the "security" or "separation" barrier between Israel and the West Bank is making travel even more difficult.⁷⁰ Students and staff at the Abu Dis campus of Al-Quds reported that the barrier around occupied East Jerusalem has made it far more difficult for Palestinians from other areas of the West Bank to travel to the university's campus in the city. Administrators, academics and students with West Bank identity cards require permits to travel from the main Abu Dis campus to the Jerusalem campus.

134. An investigation by the ILO in 2008 concluded: "The intensifying internal closure in the West Bank is resulting in the fragmentation of the territory into isolated population centres, in a manner that protects Israeli settlements and the free movement of settlers. East Jerusalem and the Jordan Valley are becoming increasingly inaccessible to Palestinians."⁷¹

135. Concern was expressed about the fate of Palestinians who fall within the "seam zone" between the barrier and the Green Line.⁷² The current route of the

⁶⁹ Human Rights Watch, "Israel: Palestinian academic rights violated," News Release, July 13, 2001. Available at: <http://www.hrw.org/en/news/2001/07/13/israel-palestinian-academic-rights-violated> [accessed 7 June 2009]

⁷⁰ The wall is projected to be more than 700 km in length, of which about 60 percent has been constructed to date. The July 9 2004 advisory opinion of the International Court of Justice called for an immediate cessation and reversal of construction activity and urged the Israeli government to compensate for all damage that had been caused. This was subsequently endorsed by the United Nations General Assembly Resolution A/RES/ES-10/15 of July 20 2004.

⁷¹ International Labour Office, *The Situation of Workers of the Occupied Arab Territories*, (Geneva, 2008), p. 19.

⁷² The Green Line refers to the 1949 Armistice boundaries established between Israel and Egypt, Jordan, Lebanon and Syria after the 1948 Arab-Israeli War. The Green Line today also separates Israel from the territories it captured and occupied during the 1967 Six-Day War, including the West Bank and Gaza,

barrier will cut off close to 10 percent of land in the West Bank, and all Palestinians over the age of 16 who live inside this zone will require permanent resident permits in order to continue residing there.

136. In Gaza, Israel has imposed a near complete ban on all movement into or out of the territory, with the exception of “humanitarian cases” approved by the military. As a result, there are an estimated 670 students in Gaza who cannot pursue their studies abroad — including the West Bank. The lack of materials, infrastructure and equipment is affecting the provision of education as the entire system in Gaza is reportedly in a state of crisis.⁷³

137. Palestinians from the West Bank face strict limitations on their ability to enter Israel for study and research purposes. The Israeli military prevents those from the West Bank from studying undergraduate programs in Israel. PhD and Master’s students can apply but will be considered only if there is no practical alternative to studying in Israel. Even if a student meets all the criteria for entry, the army, at its discretion, may refuse to admit anyone. Residents of Gaza are prohibited from entering Israel or leaving the territory at all except for exceptional humanitarian cases.⁷⁴

138. Travel restrictions make it difficult for university faculty from the Palestinian Territories to attend conferences, conduct joint research or participate in scholarly cooperation with colleagues within the occupied territories or in other parts of the world. All Palestinians with West Bank identity cards are prohibited from travelling through Ben Gurion airport.

139. A number of high profile cases in recent years have highlighted the impact the mobility restrictions have upon Palestinian academics. In 2008, Professor Abdul-Rahim al-Shaikh of Birzeit University was invited to attend an academic conference at Columbia University in New York. Professor al-Shaikh was required to obtain a visa from the U.S. consulate office in East Jerusalem. However, Israeli authorities denied his request for a one-hour permit to enter Jerusalem in order to visit the consulate. In a letter to American consular officials, Birzeit University noted that such restrictions on mobility have “a clear and negative impact on the academic freedom of hundreds of Palestinian lecturers who are invited to participate in conferences in the USA but cannot participate due to their inability to obtain a visa.”⁷⁵

⁷³ Ethan Bronner, “Misery hangs over Gaza despite pledges of help,” *The New York Times*, May 29, 2009.

⁷⁴ An Israeli High Court decision issued May 24, 2009 upheld the army’s ability to vet and reject potential Palestinian students. The Court however ruled that rejected students had a right to appeal a decision. See Dan Izenberg, “High Court accepts IDF criteria for Palestinian study in Israel,” *The Jerusalem Post*, May 25, 2009.

⁷⁵ Right to Education Campaign, “No access to consulates, no academic freedom.” October 13, 2008. <http://right2edu.birzeit.edu/news/article608> [accessed 9 June 2009]

140. Academic cooperation and exchange is further constrained by Israeli limitations on the entry of foreign academics into the West Bank and Gaza. Academics from Arab countries are generally prohibited from entering the Palestinian territories. Visiting academics from other regions of the world are routinely denied entry to the West Bank by Israeli authorities. The Arab American University in Jenin reports that in July 2007 the English department was nearly closed due to visa difficulties presented to native-speaking teachers from outside the West Bank.⁷⁶ During the time interviews for this report were conducted with students and staff at Birzeit University, a British academic who was scheduled to give a guest lecture in a women's studies course was refused entry by Israeli authorities at the Jordanian border. No reason was given for the denial of entry.

141. Students, staff, and administrators feel that the travel restrictions imposed on them and the denial of entry for foreign academics cannot be reasonably justified on legitimate security grounds. Palestinian students and academics maintain that the restrictions are a violation of their academic rights and a collective form of punishment aimed at deliberately weakening the higher education system in the West Bank and Gaza.

Arbitrary arrests and detentions

142. There are many reports of faculty and students being arrested by the Israeli military under "administrative detention." The 1979 Emergency Powers Law allows the Defense Ministry to detain persons without charge for up to six months, renewable indefinitely. In the West Bank, administrative detentions are carried out on the basis of Military Order Number 1229 of 1988 which empowers military commanders to detain an individual if they have "reasonable grounds to presume that the security of the area or public security require the detention." Persons held under administrative detention, and their legal counsel, are routinely unable to see the evidence against them. Administrative detainees from the West Bank and Gaza are held in detention facilities in Israel, making it difficult for attorneys or relatives in the Occupied Territories to visit. According to the Right to Education Campaign, there are at least 10 academic staff and 214 students from An-Najah, Birzeit and Hebron universities in Israeli detention.⁷⁷

143. Membership in student political groups, including student unions, is illegal under Israeli military law. In December 2007, the head of Birzeit University's Student Council was charged with belonging to an "illegal organization" and "holding a position of responsibility" within this organization. He was imprisoned for one year.

⁷⁶ Inshirah Jaber, "AAUJ and the effects of occupation and conflict," June 30, 2009. Available on-line at: <http://right2edu.birzeit.edu/news/article841> [accessed 5 August 2009]

⁷⁷ Right to Education Campaign, R2E Fact Sheet, April 30, 2009. Available on-line at: <http://right2edu.birzeit.edu/news/article495> [accessed 5 August 2009]

144. On March 19, 2009 the Israeli military conducted a series of raids into the West Bank towns of Nablus, Ramallah, Hebron and Bethlehem, and arrested four members of the Palestinian Legislative Council including a university professor.

145. The ongoing factional conflict between Hamas and Fatah within the Occupied Territories has also resulted in the harassment and arrests of academics and students. There are reports that in April 2008 Hamas police entered Al Azhar University in Gaza and beat a number of professors and students who were protesting a rally being held for the founder of Hamas.⁷⁸ In April 2009, An-Najah University professor of political science Abdul Sattar Qasem, a vocal critic of the PA, was arrested by the Palestinian Preventive Security forces.⁷⁹ Hamas has charged that hundreds of its supporters, including academics and students across the West Bank, have been beaten, arrested and tortured.⁸⁰

IDF targeting of educational institutions

146. The Israeli military has been criticized for allegedly targeting civilians and civilian infrastructure within the West Bank and Gaza Strip, and for engaging in actions that are disproportionate or incompatible with international law, including the 2008/09 campaign in Gaza.⁸¹ In 2008, the UN Special Rapporteur on human rights in the Palestinian territories concluded that the Israeli Defence Force "has frequently failed to distinguish clearly between military targets and civilians."⁸²

147. It is alleged that in the 2008/09 military assault on Gaza, the IDF targeted the territory's education infrastructure. According to reports, 66 schools were destroyed or damaged throughout the Gaza Strip by the Israeli military. On the second and third day of aerial bombardment, Israeli planes made direct strikes on Gaza's Islamic University. The main buildings were destroyed. The Ministry of

⁷⁸ Taghreed El-Khodary, "Hamas and Fatah supporters clash at Gaza university," *The New York Times*, April 1, 2008.

⁷⁹ See Palestinian Centre for Human Rights, "PCHR Notes with Grave Concern the Arrest of Dr. Abdul Sattar Qasem by the Palestinian Police in Nablus," Media Release, April 22, 2009. Available at: <http://pchr.org.ps/files/PressR/English/2008/54-2009.html> [accessed 6 August 2009]

⁸⁰ Matthew Kalman, "Hamas says Fatah taking revenge in West Bank," *San Francisco Chronicle*, January 23, 2009.

⁸¹ See United Nations Commission on Human Rights, *Report of the Fifth Special Session*, Supplement no. 22, E/CN.4/S-5/5 (New York and Geneva, 2000); UN News Centre, "Israel used disproportionate force in Gaza, says UN humanitarian chief," July 25, 2006; "UN Rights Chief: Israeli force 'disproportionate'," *ynetnews.com*, December 28, 2008; United Nations Human Rights Council, *Human Rights in Palestine and Other Occupied Arab Territories: Report of the UN fact finding mission on the Gaza conflict*, Document A/HRC/12/48, September 15, 2009.

⁸² United Nations Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967* (UN General Assembly, 7th Session, document A/HRC/7/17, January 21, 2008).

Education building was bombed twice.⁸³

148. Israeli authorities claimed the strikes on the Islamic University were justified because laboratories there were being used to develop weapons.⁸⁴ University officials have denied the allegation and no proof has to date been provided indicating weapons were being produced on campus. A UN investigation into the Gaza conflict concluded that the Islamic University and other educational institutions bombed during the campaign were "civilian, educational buildings and the Mission did not find any information about their use as a military facility or their contribution to a military effort that might have made them a legitimate target in the eyes of the Israeli armed forces."⁸⁵ The same report concluded that the offensive was "a deliberately disproportionate attack designed to punish, humiliate and terrorise a civilian population, radically diminish its local economic capacity both to work and to provide for itself, and to force upon it an ever increasing sense of dependency and vulnerability."⁸⁶

149. Faculty and university officials report that the reconstruction and repair of university infrastructure in Gaza damaged during the conflict has been hampered by ongoing restrictions on the importation of basic building materials. Both Israel and Egypt have placed strict limits on the importation of cement, for example, citing concerns that it could be used by Hamas for military purposes. Robert Serry, the United Nations special coordinator for the Middle East peace process has called these restrictions unacceptable.⁸⁷

150. A 2009 UN report found that the blockade was leading to long delays in the delivery of humanitarian assistance items including emergency shelters, medical kits, and basic household items. In addition, textbooks, paper, chalk, desks and chairs were not reaching schools in the Gaza Strip because of the blockade. The report concluded that the current situation contravenes a UN Security Council resolution which calls for "unimpeded provision and distribution" of humanitarian aid for Gaza.⁸⁸ The Palestinian Human Rights Monitoring Group reports that the blockade of fuel supplies into Gaza has meant that about half of all students and staff are unable to reach their schools and universities.⁸⁹

⁸³ Ameer Ahmad and Ed Vulliamy, "In Gaza the schools are dying too," *The Guardian*, January 10, 2009.

⁸⁴ Yaakov Katz, "IAF hits Islamic University targets," *The Jerusalem Post*, December 29, 2008.

⁸⁵ United Nations Human Rights Council, *Human Rights in Palestine and Other Occupied Arab Territories. Report of the UN fact finding mission on the Gaza conflict*, Document A/HRC/12/48, September 15, 2009, p. 353.

⁸⁶ *Ibid.*, p. 525.

⁸⁷ Matthew Kalman, "Gaza's damaged universities still await repairs," *The Chronicle of Higher Education*, August 10, 2009.

⁸⁸ Rory McCarthy, "Israel's Gaza blockade crippling reconstruction," *The Guardian*, September 18, 2009.

⁸⁹ Palestinian Human Rights Monitoring Group, "Summary Report for April 2008." Available on-line at:

Restrictions on Academic Research

151. Israeli authorities have imposed a sweeping ban on the importation of precision lab equipment and scientific and research materials into the West Bank, citing concerns that such materials could potentially be used against the state of Israel. Faculty in the West Bank reported that it is impossible to get chemicals, concentrated acids and modern lab equipment. As a result, research laboratories are poorly resourced and academic staff and students have difficulty conducting basic experiments and research.

152. Faculty also reported poor library resources and limited access to computers. At the Abu Dis campus of Al-Quds University, it was reported that only about 20 percent of faculty offices are equipped with computers.

153. There are limited funds available for faculty to pursue research. The PA provides no direct grants for research. Most funding comes from international donors and often requires cooperation with Israeli institutions and academics. For political reasons, most Palestinian faculty refuse to accept these conditions.

F. Summary and Conclusions

Academic Freedom

154. Academic freedom cannot be fully exercised unless the basic civil liberties of higher education teaching personnel are respected. Higher education teaching personnel, as affirmed in the *1997 UNESCO Recommendation*, are entitled to, among other rights, freedom of association, the right to security of the person, and liberty of movement (VI.A.26). Clearly, academic staff in the West Bank and Gaza are not afforded these basic rights, and therefore cannot fully exercise their academic freedom. While Israel has a right to take appropriate measures to ensure its security, the severity of the restrictions imposed on the mobility of staff and students within the Occupied Territories, and the limitations on travel into and outside of the region cannot be reasonably justified on security grounds alone and constitute a violation of the principles of the *1997 UNESCO Recommendation*.

155. It was reported that higher education institutions generally respect the academic freedom of faculty. However, there are documented cases of direct violations of academic freedom and basic civil liberties on the part of Palestinian factions in Gaza and the West Bank. In many instances, academic staff have

<http://www.phrmg.org/pressrelease/2008/Summary%20Report%20for%20May%202008.htm>
[accessed 9 October 2009]

found themselves caught in the cross-fire of the fighting between Hamas and Fatah.

Research

156. The restrictions imposed by Israeli authorities on the importation of research equipment and materials infringe upon the right of academics to pursue their scholarship. While ostensibly implemented for security purposes, the sweeping nature of the restrictions are difficult to justify. With appropriate oversight and security, Israeli authorities could, if willing and in cooperation with the relevant international bodies, develop the appropriate safeguards and oversight bodies to ensure that materials and equipment for peaceful educational and research purposes are used as intended.

157. The ability of Palestinian academics to pursue research is limited by other factors. As noted, the heavy teaching loads of faculty leave little time for research. This runs contrary to the *1997 UNESCO Recommendation* which asserts that workload assignments of higher education teaching personnel “should permit such personnel to carry out effectively their duties and responsibilities to their students as well as their obligations in regard to scholarship, research and/or academic administration,” (IX.F.62). Given the shortage of staff and comparably low salaries, it is difficult to see much improvement in this situation in the short term. Institutions clearly need to be more adequately funded so they can recruit more faculty and raise the total compensation of academic staff.

158. In addition, there is very limited financial support, either from the Palestinian Authority or the donor community, for untied academic research in the West Bank and Gaza. Given the demonstrated link between research and economic and social development, it is important that faculty, institutions, the donor community, and the relevant authorities in the West Bank and Gaza work together toward developing a strategy to better support and encourage academic research. Education International and its affiliates could facilitate this process by sharing expertise and helping to establish and seek contributions for a peer-reviewed research fund to be independently administered in the West Bank and Gaza.

Financing of Higher Education Institutions

159. Palestinian universities are facing extraordinary financial difficulties, difficulties that have been compounded by the global recession. Increased financial support from the PA that had been promised has not been forthcoming. Funding support from the donor community has fallen, most notably with respect to student financial assistance programs. Other private sources of funding appear to have been exhausted. Tuition fees are already extremely high and should ideally be reduced and/or eliminated in order to encourage greater access. Faculty salaries are low and recently negotiated increases have not been

funded by the PA. Faculty are routinely underpaid each month as universities struggle to meet their payroll obligations. The current situation is simply not sustainable. Clearly, the international community needs to find ways of restoring fiscal stability to the PA so that basic public services, including higher education, can be more adequately funded on a sustainable basis.

160. As other jurisdictions have recognized, public investment in higher education and research is critical to promoting long-term social, cultural and economic development. In the West Bank and Gaza, however, there are few effective voices advocating for higher education. The Palestinian Federation of Unions of University Professors and Employees could play an important role in developing a coalition of students, university administrations, and employers in building public support and lobbying nationally and internationally for increased investment in higher education and research. Education International and its affiliates are well positioned to assist PFUUE in developing its capacity to undertake this initiative. In the broader political context, the strengthening of independent trade unions and other civil society organizations in the West Bank and Gaza is vital for the long-term democratic development of the Palestinian territories.

Appendix

Recommendation concerning the Status of Higher-Education Teaching Personnel

11 November 1997

Preamble

The General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO), meeting in Paris from 21 October to 12 November 1997, at its 29th session, Conscious of the responsibility of states for the provision of education for all in fulfilment of Article 26 of the Universal Declaration of Human Rights (1948),

Recalling in particular the responsibility of the states for the provision of higher education in fulfilment of Article 13, paragraph 1(c), of the International Covenant on Economic, Social and Cultural Rights (1966),

Conscious that higher education and research are instrumental in the pursuit, advancement and transfer of knowledge and constitute an exceptionally rich cultural and scientific asset,

Also conscious that governments and important social groups, such as students, industry and labour, are vitally interested in and benefit from the services and outputs of the higher education systems,

Recognizing the decisive role of higher education teaching personnel in the advancement of higher education, and the importance of their contribution to the development of humanity and modern society,

Convinced that higher-education teaching personnel, like all other citizens, are expected to endeavour to enhance the observance in society of the cultural, economic, social, civil and political rights of all peoples,

Aware of the need to reshape higher education to meet social and economic changes and for higher education teaching personnel to participate in this process,

Expressing concern regarding the vulnerability of the academic community to untoward political pressures which could undermine academic freedom,

Considering that the right to education, teaching and research can only be fully enjoyed in an atmosphere of academic freedom and autonomy for institutions of higher education and that the open communication of findings, hypotheses and opinions lies at the very heart of higher education and provides the strongest guarantee of the accuracy and objectivity of scholarship and research,

Concerned to ensure that higher-education teaching personnel enjoy the status commensurate with this role, Recognizing the diversity of cultures in the world,

Taking into account the great diversity of the laws, regulations, practices and traditions which, in different countries, determine the patterns and organization of higher education,

Mindful of the diversity of arrangements which apply to higher-education teaching personnel in different countries, in particular according to whether the regulations concerning the public service apply to them,

Convinced nevertheless that similar questions arise in all countries with regard to the status of higher education teaching personnel and that these questions call for the adoption of common approaches and so far as practicable the application of common standards which it is the purpose of this Recommendation to set out,

Bearing in mind such instruments as the UNESCO Convention against Discrimination in Education (1960), which recognizes that UNESCO has a duty not only to proscribe any form of discrimination in education, but also to promote equality of opportunity and treatment for all in education at all levels, including the conditions under which it is given, as well as the Recommendation concerning the Status of Teachers (1966) and the UNESCO Recommendation on the Status of Scientific Researchers (1974), as well as the instruments of the International Labour Organization on freedom of association and the right to organize and to collective bargaining and on equality of opportunity and treatment,

Desiring to complement existing conventions, covenants and recommendations contained in international standards set out in the appendix with provisions relating to problems of particular concern to higher education institutions and their teaching and research personnel,

Adopts the present Recommendation on 11 November 1997

I. Definitions

1. For the purpose of this Recommendation:

(a) 'higher education' means programmes of study, training or training for research at the post-secondary level provided by universities or other educational establishments that are approved as institutions of higher education by the competent state authorities, and/or through recognized accreditation systems;

(b) 'research', within the context of higher education, means original scientific, technological and engineering, medical, cultural, social and human science or educational research which implies careful, critical, disciplined inquiry, varying in technique and method according to the nature and conditions of the problems identified, directed towards the clarification and/or resolution of the problems, and when within an institutional framework, supported by an appropriate infrastructure;

(c) 'scholarship' means the processes by which higher-education teaching personnel keep up to date with their subject, engage in scholarly editing, disseminate their work and improve their pedagogical skills as teachers in their discipline and upgrade their academic credentials;

(d) 'extension work' means a service by which the resources of an educational institution are extended beyond its confines to serve a widely diversified community within the state or region regarded as the constituent area of the institution, so long as this work does not contradict the mission of the institution. In teaching it may include a wide range of activities such as extramural, lifelong and distance education delivered through evening classes, short courses, seminars and institutes. In research it may lead to the provision of expertise to the public, private and non-profit sectors, various types of consultation, and participation in applied research and in implementing research results;

(e) 'institutions of higher education' means universities, other educational establishments, centres and structures of higher education, and centres of research and culture associated with any of the above, public or private, that are approved as such either through recognized accreditation systems or by the competent state authorities;

(f) 'higher-education teaching personnel' means all those persons in institutions or programmes of higher education who are engaged to teach and/or to undertake scholarship and/or to undertake research and/or to provide educational services to students or to the community at large.

II. Scope

2. This Recommendation applies to all higher education teaching personnel.

III. Guiding principles

3. The global objectives of international peace, understanding, co-operation and sustainable development pursued by each Member State and by the United Nations require, inter alia, education for peace and in the culture of peace, as defined by UNESCO, as well as qualified and cultivated graduates of higher education institutions, capable of serving the community as responsible citizens and undertaking effective scholarship and advanced research and, as a consequence, a corps of talented and highly qualified higher-education teaching personnel.

4. Institutions of higher education, and more particularly universities, are communities of scholars preserving, disseminating and expressing freely their opinions on traditional knowledge and culture, and pursuing new knowledge without constriction by prescribed doctrines. The pursuit of new knowledge and its application lie at the heart of the mandate of such institutions of higher education. In higher education institutions where original research is not required, higher-education teaching personnel should maintain and develop knowledge of their subject through scholarship and improved pedagogical skills.

5. Advances in higher education, scholarship and research depend largely on infrastructure and resources, both human and material, and on the qualifications and expertise of higher-education teaching personnel as well as on their human, pedagogical and technical qualities, underpinned by academic freedom, professional responsibility, collegiality and institutional autonomy.

6. Teaching in higher education is a profession: it is a form of public service that requires of higher education personnel expert knowledge and specialized skills acquired and maintained through rigorous and lifelong study and research; it also calls for a sense of personal and institutional responsibility for the education and welfare of students and of the community at large and for a commitment to high professional standards in scholarship and research.

7. Working conditions for higher-education teaching personnel should be such as will best promote effective teaching, scholarship, research and extension work and enable higher-education teaching personnel to carry out their professional tasks.

8. Organizations which represent higher-education teaching personnel should be considered and recognized as a force which can contribute greatly to educational advancement and which should, therefore, be involved, together with other stakeholders and interested parties, in the determination of higher education policy.

9. Respect should be shown for the diversity of higher education institution systems in each Member State in accordance with its national laws and practices as well as with international standards.

IV. Educational objectives and policies

10. At all appropriate stages of their national planning in general, and of their planning for higher education in particular, Member States should take all necessary measures to ensure that:

(a) higher education is directed to human development and to the progress of society;

(b) higher education contributes to the achievement of the goals of lifelong learning and to the development of other forms and levels of education;

(c) where public funds are appropriated for higher education institutions, such funds are treated as a public investment, subject to effective public accountability;

(d) the funding of higher education is treated as a form of public investment the returns on which are, for the most part, necessarily long term, subject to government and public priorities;

(e) the justification for public funding is held constantly before public opinion.

11. Higher-education teaching personnel should have access to libraries which have up-to-date collections reflecting diverse sides of an issue, and whose holdings are not subject to censorship or other forms of intellectual interference. They should also have access, without censorship, to international computer systems, satellite programmes and databases required for their teaching, scholarship or research.

12. The publication and dissemination of the research results obtained by higher-education teaching personnel should be encouraged and facilitated with a view to assisting them to acquire the reputation which they merit, as well as with a view to promoting the advancement of science, technology, education and culture generally. To this end, higher-education teaching personnel should be free to publish the results of research and scholarship in books, journals and databases of their own choice and under their own names, provided they are the authors or co-authors of the above scholarly works. The intellectual property of higher-education teaching personnel should benefit from appropriate legal protection, and in particular the protection afforded by national and international copyright law.

13. The interplay of ideas and information among higher-education teaching personnel throughout the world is vital to the healthy development of higher education and research and should be actively promoted. To this end higher-education teaching personnel should be enabled throughout their careers to

participate in international gatherings on higher education or research, to travel abroad without political restrictions and to use the Internet or video-conferencing for these purposes.

14. Programmes providing for the broadest exchange of higher-education teaching personnel between institutions, both nationally and internationally, including the organization of symposia, seminars and collaborative projects, and the exchange of educational and scholarly information should be developed and encouraged. The extension of communications and direct contacts between universities, research institutions and associations as well as among scientists and research workers should be facilitated, as should access by higher education teaching personnel from other states to open information material in public archives, libraries, research institutes and similar bodies.

15. Member States and higher education institutions should, nevertheless, be conscious of the exodus of higher-education teaching personnel from the developing countries and, in particular, the least developed ones. They should, therefore, encourage aid programmes to the developing countries to help sustain an academic environment which offers satisfactory conditions of work for higher-education teaching personnel in those countries, so that this exodus may be contained and ultimately reversed.

16. Fair, just and reasonable national policies and practices for the recognition of degrees and of credentials for the practice of the higher education profession from other states should be established that are consistent with the UNESCO Recommendation on the Recognition of Studies and Qualifications in Higher Education of 1993.

V. Institutional rights, duties and responsibilities

A. Institutional autonomy

17. The proper enjoyment of academic freedom and compliance with the duties and responsibilities listed below require the autonomy of institutions of higher education. Autonomy is that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights. However, the nature of institutional autonomy may differ according to the type of establishment involved.

18. Autonomy is the institutional form of academic freedom and a necessary precondition to guarantee the proper fulfilment of the functions entrusted to higher-education teaching personnel and institutions.

19. Member States are under an obligation to protect higher education institutions from threats to their autonomy coming from any source.

20. Autonomy should not be used by higher education institutions as a pretext to limit the rights of higher-education teaching personnel provided for in this Recommendation or in other international standards set out in the appendix.

21. Self-governance, collegiality and appropriate academic leadership are essential components of meaningful autonomy for institutions of higher education.

B. Institutional accountability

22. In view of the substantial financial investments made, Member States and higher education institutions should ensure a proper balance between the level of autonomy enjoyed by higher education institutions and their systems of accountability. Higher education institutions should endeavour to open their governance in order to be accountable. They should be accountable for:

(a) effective communication to the public concerning the nature of their educational mission;

(b) a commitment to quality and excellence in their teaching, scholarship and research functions, and an obligation to protect and ensure the integrity of their teaching, scholarship and research against intrusions inconsistent with their academic missions;

(c) effective support of academic freedom and fundamental human rights;

(d) ensuring high quality education for as many academically qualified individuals as possible subject to the constraints of the resources available to them;

(e) a commitment to the provision of opportunities for lifelong learning, consistent with the mission of the institution and the resources provided;

(f) ensuring that students are treated fairly and justly, and without discrimination;

(g) adopting policies and procedures to ensure the equitable treatment of women and minorities and to eliminate sexual and racial harassment;

(h) ensuring that higher education personnel are not impeded in their work in the classroom or in their research capacity by violence, intimidation or harassment;

(i) honest and open accounting;

(j) efficient use of resources;

(k) the creation, through the collegial process and/or through negotiation with organizations representing higher-education teaching personnel, consistent with the principles of academic freedom and freedom of speech, of statements or codes of ethics to guide higher education personnel in their teaching, scholarship, research and extension work;

(l) assistance in the fulfilment of economic, social, cultural and political rights while striving to prevent the use of knowledge, science and technology to the detriment of those rights, or for purposes which run counter to generally accepted academic ethics, human rights and peace;

(m) ensuring that they address themselves to the contemporary problems facing society; to this end, their curricula, as well as their activities, should respond, where appropriate, to the current and future needs of the local community and of society at large, and they should play an important role in enhancing the labour market opportunities of their graduates;

(n) encouraging, where possible and appropriate, international academic co-operation which transcends national, regional, political, ethnic and other barriers, striving to prevent the scientific and technological exploitation of one state by another, and promoting equal partnership of all the academic communities of the world in the pursuit and use of knowledge and the preservation of cultural heritages;

(o) ensuring up-to-date libraries and access, without censorship, to modern teaching, research and information resources providing information required by higher-education teaching personnel or by students for teaching, scholarship or research;

(p) ensuring the facilities and equipment necessary for the mission of the institution and their proper upkeep;

(q) ensuring that when engaged in classified research it will not contradict the educational mission and objectives of the institutions and will not run counter to the general objectives of peace, human rights, sustainable development and environment.

23. Systems of institutional accountability should be based on a scientific methodology and be clear, realistic, cost-effective and simple. In their operation they should be fair, just and equitable. Both the methodology and the results should be open.

24. Higher education institutions, individually or collectively, should design and

implement appropriate systems of accountability, including quality assurance mechanisms to achieve the above goals, without harming institutional autonomy or academic freedom. The organizations representing higher-education teaching personnel should participate, where possible, in the planning of such systems. Where state-mandated structures of accountability are established, their procedures should be negotiated, where applicable, with the institutions of higher education concerned and with the organizations representing higher-education teaching personnel.

VI. Rights and freedoms of higher-education teaching personnel

A. Individual rights and freedoms: civil rights, academic freedom, publication rights, and the international exchange of information

25. Access to the higher education academic profession should be based solely on appropriate academic qualifications, competence and experience and be equal for all members of society without any discrimination.

26. Higher-education teaching personnel, like all other groups and individuals, should enjoy those internationally recognized civil, political, social and cultural rights applicable to all citizens. Therefore, all higher-education teaching personnel should enjoy freedom of thought, conscience, religion, expression, assembly and association as well as the right to liberty and security of the person and liberty of movement. They should not be hindered or impeded in exercising their civil rights as citizens, including the right to contribute to social change through freely expressing their opinion of state policies and of policies affecting higher education. They should not suffer any penalties simply because of the exercise of such rights. Higher-education teaching personnel should not be subject to arbitrary arrest or detention, nor to torture, nor to cruel, inhuman or degrading treatment. In cases of gross violation of their rights, higher-education teaching personnel should have the right to appeal to the relevant national, regional or international bodies such as the agencies of the United Nations, and organizations representing higher-education teaching personnel should extend full support in such cases.

27. The maintaining of the above international standards should be upheld in the interest of higher education internationally and within the country. To do so, the principle of academic freedom should be scrupulously observed. Higher-education teaching personnel are entitled to the maintaining of academic freedom, that is to say, 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. All higher-education teaching personnel should have the right to fulfil their functions without discrimination of any kind and

without fear of repression by the state or any other source. Higher-education teaching personnel can effectively do justice to this principle if the environment in which they operate is conducive, which requires a democratic atmosphere; hence the challenge for all of developing a democratic society.

28. Higher-education teaching personnel have the right to teach without any interference, subject to accepted professional principles including professional responsibility and intellectual rigour with regard to standards and methods of teaching. Higher-education teaching personnel should not be forced to instruct against their own best knowledge and conscience or be forced to use curricula and methods contrary to national and international human rights standards. Higher education teaching personnel should play a significant role in determining the curriculum.

29. Higher-education teaching personnel have a right to carry out research work without any interference, or any suppression, in accordance with their professional responsibility and subject to nationally and internationally recognized professional principles of intellectual rigour, scientific inquiry and research ethics. They should also have the right to publish and communicate the conclusions of the research of which they are authors or co-authors, as stated in paragraph 12 of this Recommendation.

30. Higher-education teaching personnel have a right to undertake professional activities outside of their employment, particularly those that enhance their professional skills or allow for the application of knowledge to the problems of the community, provided such activities do not interfere with their primary commitments to their home institutions in accordance with institutional policies and regulations or national laws and practice where they exist.

B. Self-governance and collegiality

31. Higher-education teaching personnel should have the right and opportunity, without discrimination of any kind, according to their abilities, to take part in the governing bodies and to criticize the functioning of higher education institutions, including their own, while respecting the right of other sections of the academic community to participate, and they should also have the right to elect a majority of representatives to academic bodies within the higher education institution.

32. The principles of collegiality include academic freedom, shared responsibility, the policy of participation of all concerned in internal decision making structures and practices, and the development of consultative mechanisms. 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.

VII. Duties and responsibilities of higher education teaching personnel

33. Higher-education teaching personnel should recognize that the exercise of rights carries with it special duties and responsibilities, including the obligation to respect the academic freedom of other members of the academic community and to ensure the fair discussion of contrary views. Academic freedom carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base research on an honest search for truth. Teaching, research and scholarship should be conducted in full accordance with ethical and professional standards and should, where appropriate, respond to contemporary problems facing society as well as preserve the historical and cultural heritage of the world.

34. In particular, the individual duties of higher education teaching personnel inherent in their academic freedom are:

(a) to teach students effectively within the means provided by the institution and the state, to be fair and equitable to male and female students and treat those of all races and religions, as well as those with disabilities, equally, to encourage the free exchange of ideas between themselves and their students, and to be available to them for guidance in their studies. Higher-education teaching personnel should ensure, where necessary, that the minimum content defined in the syllabus for each subject is covered;

(b) to conduct scholarly research and to disseminate the results of such research or, where original research is not required, to maintain and develop their knowledge of their subject through study and research, and through the development of teaching methodology to improve their pedagogical skills;

(c) to base their research and scholarship on an honest search for knowledge with due respect for evidence, impartial reasoning and honesty in reporting;

(d) to observe the ethics of research involving humans, animals, the heritage or the environment;

(e) to respect and to acknowledge the scholarly work of academic colleagues and students and, in particular, to ensure that authorship of published works includes all who have materially contributed to, and share responsibility for, the contents of a publication;

(f) to refrain from using new information, concepts or data that were originally obtained as a result of access to confidential manuscripts or applications for funds for research or training that may have been seen as the result of processes such as peer review, unless the author has given permission;

(g) to ensure that research is conducted according to the laws and regulations of

the state in which the research is carried out, that it does not violate international codes of human rights, and that the results of the research and the data on which it is based are effectively made available to scholars and researchers in the host institution, except where this might place respondents in peril or where anonymity has been guaranteed;

(h) to avoid conflicts of interest and to resolve them through appropriate disclosure and full consultation with the higher education institution employing them, so that they have the approval of the aforesaid institution;

(i) to handle honestly all funds entrusted to their care for higher education institutions for research or for other professional or scientific bodies;

(j) to be fair and impartial when presenting a professional appraisal of academic colleagues and students;

(k) to be conscious of a responsibility, when speaking or writing outside scholarly channels on matters which are not related to their professional expertise, to avoid misleading the public on the nature of their professional expertise;

(l) to undertake such appropriate duties as are required for the collegial governance of institutions of higher education and of professional bodies.

35. Higher-education teaching personnel should seek to achieve the highest possible standards in their professional work, since their status largely depends on themselves and the quality of their achievements.

36. Higher-education teaching personnel should contribute to the public accountability of higher education institutions without, however, forfeiting the degree of institutional autonomy necessary for their work, for their professional freedom and for the advancement of knowledge.

VIII. Preparation for the profession

37. Policies governing access to preparation for a career in higher education rest on the need to provide society with an adequate supply of higher-education teaching personnel who possess the necessary ethical, intellectual and teaching qualities and who have the required professional knowledge and skills.

38. All aspects of the preparation of higher-education teaching personnel should be free from any form of discrimination.

39. Amongst candidates seeking to prepare for a career in higher education, women and members of minorities with equal academic qualifications and experience should be given equal opportunities and treatment.

IX. Terms and conditions of employment

A. Entry into the academic profession

40. The employers of higher-education teaching personnel should establish such terms and conditions of employment as will be most conducive for effective teaching and/or research and/or scholarship and/or extension work and will be fair and free from discrimination of any kind.

41. Temporary measures aimed at accelerating de facto equality for disadvantaged members of the academic community should not be considered discriminatory, provided that these measures are discontinued when the objectives of equality of opportunity and treatment have been achieved and systems are in place to ensure the continuance of equality of opportunity and treatment.

42. A probationary period on initial entry to teaching and research in higher education is recognized as the opportunity for the encouragement and helpful initiation of the entrant and for the establishment and maintenance of proper professional standards, as well as for the individual's own development of his/her teaching and research proficiency. The normal duration of probation should be known in advance and the conditions for its satisfactory completion should be strictly related to professional competence. If such candidates fail to complete their probation satisfactorily, they should have the right to know the reasons and to receive this information sufficiently in advance of the end of the probationary period to give them a reasonable opportunity to improve their performance. They should also have the right to appeal.

43. Higher-education teaching personnel should enjoy:

(a) a just and open system of career development including fair procedures for appointment, tenure where applicable, promotion, dismissal, and other related matters;

(b) an effective, fair and just system of labour relations within the institution, consistent with the international standards set out in the appendix.

44. There should be provisions to allow for solidarity with other institutions of higher education and with their higher-education teaching personnel when they are subject to persecution. Such solidarity may be material as well as moral and should, where possible, include refuge and employment or education for victims of persecution.

B. Security of employment

45. Tenure or its functional equivalent, where applicable, constitutes one of the

major procedural safeguards of academic freedom and against arbitrary decisions. It also encourages individual responsibility and the retention of talented higher-education teaching personnel.

46. Security of employment in the profession, including tenure or its functional equivalent, where applicable, should be safeguarded as it is essential to the interests of higher education as well as those of higher-education teaching personnel. It ensures that higher-education teaching personnel who secure continuing employment following rigorous evaluation can only be dismissed on professional grounds and in accordance with due process. They may also be released for bona fide financial reasons, provided that all the financial accounts are open to public inspection, that the institution has taken all reasonable alternative steps to prevent termination of employment, and that there are legal safeguards against bias in any termination of employment procedure. Tenure or its functional equivalent, where applicable, should be safeguarded as far as possible even when changes in the organization of or within a higher education institution or system are made, and should be granted, after a reasonable period of probation, to those who meet stated objective criteria in teaching, and/or scholarship, and/or research to the satisfaction of an academic body, and/or extension work to the satisfaction of the institution of higher education.

C. Appraisal

47. Higher education institutions should ensure that:

(a) evaluation and assessment of the work of higher-education teaching personnel are an integral part of the teaching, learning and research process, and that their major function is the development of individuals in accordance with their interests and capacities;

(b) evaluation is based only on academic criteria of competence in research, teaching and other academic or professional duties as interpreted by academic peers;

(c) evaluation procedures take due account of the difficulty inherent in measuring personal capacity, which seldom manifests itself in a constant and unfluctuating manner;

(d) where evaluation involves any kind of direct assessment of the work of higher-education teaching personnel, by students and/or fellow colleagues and/or administrators, such assessment is objective and the criteria and the results are made known to the individual(s) concerned;

(e) the results of appraisal of higher-education teaching personnel are also taken into account when establishing the staffing of the institution and considering the renewal of employment;

(f) higher-education teaching personnel have the right to appeal to an impartial body against assessments which they deem to be unjustified.

D. Discipline and dismissal

48. No member of the academic community should be subject to discipline, including dismissal, except for just and sufficient cause demonstrable before an independent third-party hearing of peers, and/or before an impartial body such as arbitrators or the courts.

49. All members of higher-education teaching personnel should enjoy equitable safeguards at each stage of any disciplinary procedure, including dismissal, in accordance with the international standards set out in the appendix.

50. Dismissal as a disciplinary measure should only be for just and sufficient cause related to professional conduct, for example: persistent neglect of duties, gross incompetence, fabrication or falsification of research results, serious financial irregularities, sexual or other misconduct with students, colleagues, or other members of the academic community or serious threats thereof, or corruption of the educational process such as by falsifying grades, diplomas or degrees in return for money, sexual or other favours or by demanding sexual, financial or other material favours from subordinate employees or colleagues in return for continuing employment.

51. Individuals should have the right to appeal against the decision to dismiss them before independent, external bodies such as arbitrators or the courts, with final and binding powers.

E. Negotiation of terms and conditions of employment

52. Higher-education teaching personnel should enjoy the right to freedom of association, and this right should be effectively promoted. Collective bargaining or an equivalent procedure should be promoted in accordance with the standards of the International Labour Organization (ILO) set out in the appendix.

53. Salaries, working conditions and all matters related to the terms and conditions of employment of higher-education teaching personnel should be determined through a voluntary process of negotiation between organizations representing higher-education teaching personnel and the employers of higher education teaching personnel, except where other equivalent procedures are provided that are consistent with international standards.

54. Appropriate machinery, consistent with national laws and international standards, should be established by statute or by agreement whereby the right of higher-education teaching personnel to negotiate through their organizations

with their employers, whether public or private, is assured. Such legal and statutory rights should be enforceable through an impartial process without undue delay.

55. If the process established for these purposes is exhausted or if there is a breakdown in negotiations between the parties, organizations of higher-education teaching personnel should have the right to take such other steps as are normally open to other organizations in the defence of their legitimate interests.

56. Higher-education teaching personnel should have access to a fair grievance and arbitration procedure, or the equivalent, for the settlement of disputes with their employers arising out of terms and conditions of employment.

F. Salaries, workload, social security benefits, health and safety

57. All financially feasible measures should be taken to provide higher-education teaching personnel with remuneration such that they can devote themselves satisfactorily to their duties and allocate the necessary amount of time for the continuing training and periodic renewal of knowledge and skills that are essential at this level of teaching.

58. The salaries of higher-education teaching personnel should:

(a) reflect the importance to society of higher education and hence the importance of higher-education teaching personnel as well as the different responsibilities which fall to them from the time of their entry into the profession;

(b) be at least comparable to salaries paid in other occupations requiring similar or equivalent qualifications;

(c) provide higher-education teaching personnel 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 or scientific activities, thus enhancing their professional qualifications;

(d) take account of the fact that certain posts require higher qualifications and experience and carry greater responsibilities;

(e) be paid regularly and on time;

(f) be reviewed periodically to take into account such factors as a rise in the cost of living, increased productivity leading to higher standards of living, or a general upward movement in wage or salary levels.

59. Salary differentials should be based on objective criteria.

60. Higher-education teaching personnel should be paid on the basis of salary scales established in agreement with organizations representing higher-education teaching personnel, except where other equivalent procedures consistent with international standards are provided. During a probationary period or if employed on a temporary basis qualified higher-education teaching personnel should not be paid on a lower scale than that laid down for established higher education teaching personnel at the same level.

61. A fair and impartial merit-rating system could be a means of enhancing quality assurance and quality control. Where introduced and applied for purposes of salary determination it should involve prior consultation with organizations representing higher-education teaching personnel.

62. The workload of higher-education teaching personnel should be fair and equitable, should permit such personnel to carry out effectively their duties and responsibilities to their students as well as their obligations in regard to scholarship, research and/or academic administration, should provide due consideration in terms of salary for those who are required to teach beyond their regular workload, and should be negotiated with the organizations representing higher-education teaching personnel, except where other equivalent procedures consistent with international standards are provided.

63. Higher-education teaching personnel should be provided with a work environment that does not have a negative impact on or affect their health and safety and they should be protected by social security measures, including those concerning sickness and disability and pension entitlements, and measures for the protection of health and safety in respect of all contingencies included in the conventions and recommendations of ILO. The standards should be at least as favourable as those set out in the relevant conventions and recommendations of ILO. Social security benefits for higher-education teaching personnel should be granted as a matter of right.

64. The pension rights earned by higher-education teaching personnel should be transferable nationally and internationally, subject to national, bilateral and multilateral taxation laws and agreements, should the individual transfer to employment with another institution of higher education. Organizations representing higher education teaching personnel should have the right to choose representatives to take part in the governance and administration of pension plans designed for higher-education teaching personnel where applicable, particularly those which are private and contributory.

G. Study and research leave and annual holidays

65. Higher-education teaching personnel should be granted study and research leave, such as sabbatical leave, on full or partial pay, where applicable, at regular

intervals.

66. The period of study or research leave should be counted as service for seniority and pension purposes, subject to the provisions of the pension plan.

67. Higher-education teaching personnel should be granted occasional leave with full or partial pay to enable them to participate in professional activities.

68. Leave granted to higher-education teaching personnel within the framework of bilateral and multilateral cultural and scientific exchanges or technical assistance programmes abroad should be considered as service, and their seniority and eligibility for promotion and pension rights in their home institutions should be safeguarded. In addition, special arrangements should be made to cover their extra expenses.

69. Higher-education teaching personnel should enjoy the right to adequate annual vacation with full pay.

H. Terms and conditions of employment of women higher-education teaching personnel

70. All necessary measures should be taken to promote equality of opportunity and treatment of women higher-education teaching personnel in order to ensure, on the basis of equality between men and women, the rights recognized by the international standards set out in the appendix.

I. Terms and conditions of employment of disabled higher-education teaching personnel

71. All necessary measures should be taken to ensure that the standards set with regard to the conditions of work of higher-education teaching personnel who are disabled are, as a minimum, consistent with the relevant provisions of the international standards set out in the appendix.

J. Terms and conditions of employment of part-time higher-education teaching personnel

72. The value of the service provided by qualified part-time higher-education teaching personnel should be recognized. Higher-education teaching personnel employed regularly on a part-time basis should:

(a) receive proportionately the same remuneration as higher-education teaching personnel employed on a full-time basis and enjoy equivalent basic conditions of employment;

(b) benefit from conditions equivalent to those of higher-education teaching

personnel employed on a full-time basis as regards holidays with pay, sick leave and maternity leave; the relevant pecuniary entitlements should be determined in proportion to hours of work or earnings;

(c) be entitled to adequate and appropriate social security protection, including, where applicable, coverage under employers' pension schemes.

X. Utilization and implementation

73. Member States and higher education institutions should take all feasible steps to extend and complement their own action in respect of the status of higher-education teaching personnel by encouraging co-operation with and among all national and international governmental and nongovernmental organizations whose activities fall within the scope and objectives of this Recommendation.

74. Member States and higher education institutions should take all feasible steps to apply the provisions spelled out above to give effect, within their respective territories, to the principles set forth in this Recommendation.

75. The Director-General will prepare a comprehensive report on the world situation with regard to academic freedom and to respect for the human rights of higher-education teaching personnel on the basis of the information supplied by Member States and of any other information supported by reliable evidence which he/she may have gathered by such methods as he/she may deem appropriate.

76. In the case of a higher education institution in the territory of a state not under the direct or indirect authority of that state but under separate and independent authorities, the relevant authorities should transmit the text of this Recommendation to institutions, so that such institutions can put its provisions into practice.

XI. Final provision

77. Where higher-education teaching personnel enjoy a status which is, in certain respects, more favourable than that provided for in this Recommendation, the terms of this Recommendation should not be invoked to diminish the status already recognized.

Appendix

United Nations

- Universal Declaration of Human Rights, 1948;
- Declaration concerning the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples, 1965;
- International Convention on the Elimination of All Forms of Racial Discrimination, 1965;
- International Covenant on Economic, Social and Cultural Rights, 1966;
- International Covenant on Civil and Political Rights and Protocol thereto, 1966;
- Declaration on the Protection of All Persons from Being Subject to Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment, 1975;
- Declaration on the Rights of Disabled Persons, 1975;
- Convention on the Elimination of All Forms of Discrimination against Women, 1979;
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 1981;
- Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, 1984.

United Nations Educational, Scientific and Cultural Organization

- Convention against Discrimination in Education, 1960, and Protocol thereto, 1962;
- Recommendation against Discrimination in Education, 1960;
- Recommendation on Education for International Understanding and Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms, 1974;
- Recommendation on the Status of Scientific Researchers, 1974;
- Revised Recommendation concerning Technical and Vocational Education, 1974;
- Declaration on Race and Racial Prejudice, 1978;
- Convention on Technical/Vocational Education, 1989;
- Recommendation on the Recognition of Studies and Qualifications in Higher Education, 1993.

International Labour Organization

- Convention No. 87: Freedom of Association and Protection of the Right to Organize Convention, 1948;

- Convention No. 95: Protection of Wages Convention, 1949;
- Convention No. 98: Right to Organize and Collective Bargaining Convention, 1949;
- Convention No. 100: Equal Remuneration Convention, 1951;
- Convention No. 102: Social Security (Minimum Standards) Convention, 1952;
- Convention No. 103: Maternity Protection Convention (Revised), 1952;
- Recommendation No. 95: Maternity Protection Recommendation, 1952;
- Convention No. 111: Discrimination (Employment and Occupation) Convention, 1958;
- Convention No. 118: Equality of Treatment (Social Security) Convention, 1962;
- Convention No. 121: Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980];
- Convention No. 128: Invalidity, Old-Age and Survivors Benefit Convention, 1967;
- Recommendation No. 131: Invalidity, Old-Age and Survivors Benefit Recommendation, 1967;
- Convention No. 130: Medical Care and Sickness Benefit Convention, 1969;
- Convention No. 132: Holidays with Pay Convention (Revised), 1970;
- Convention No. 135: Workers' Representatives Convention, 1971;
- Recommendation No. 143: Workers' Representatives Recommendation, 1971;
- Convention No. 140: Paid Educational Leave Convention, 1974;
- Recommendation No. 148: Paid Educational Leave Recommendation, 1974;
- Convention No. 151: Labour Relations (Public Service Convention), 1978;
- Recommendation No. 159: Labour Relations (Public Service) Recommendation, 1978;
- Recommendation No. 162: Older Workers Recommendation, 1980;
- Convention No. 154: Collective Bargaining Convention, 1981;
- Recommendation No. 163: Collective Bargaining Recommendation, 1981;
- Convention No. 156: Workers with Family Responsibilities Convention, 1981;
- Recommendation No. 165: Workers with Family Responsibilities Recommendation, 1981;
- Convention No. 158: Termination of Employment Convention, 1982;
- Convention No. 159: Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983;
- Recommendation No. 168: Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983.

Other

- Recommendation concerning the Status of Teachers adopted by the Special Intergovernmental Conference on the Status of Teachers (convened by UNESCO in cooperation with ILO), Paris, 5 October 1966;
- UNESCO, Universal Copyright Convention, 1952, revised 1971;
- World Intellectual Property Organization, Berne Convention for the Protection of Literary and Artistic Works, Paris Act, 1971, amended in 1979.

