

# **SLII**

## **Safe Learning Institutions Initiative**

*Can there be Safe Schools for children if Teachers are not safe? A report on violations against Zimbabwean teachers during industrial action in 2019.*

Report produced by the Research & Advocacy Unit for the Safe Learning Institutions Initiative (SLII)

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## **Executive Summary:**

Zimbabwe has an enviable record in Africa for the quality of its educated population. The enormous investment in education from the beginning of Independence in 1980, has drawn favourable comment in Africa and around the world. It is thus deeply disturbing that schools have become sites of repression and teachers targets for repression. Children have been forced to attend political rallies, schools have become places where partisan political meetings take place, and teachers have become the targets of intimidation and violence.

This is no new phenomenon. Teachers were targets for political violence during the Liberation War, and have been targets in most elections since 2000, with 2008 perhaps the worst to date. The Zimbabwe Human Rights NGO Forum (Human Rights Forum) documented 283 cases of human rights violations against teachers in the period from January 2001 to June 2002. In 2008, 50% of teachers in a national sample of 1034 teachers reported an incident of organised violence, with half of these reporting that this happened at school in front of children.

In all the focus on teachers it is well not to forget the effects on young children. An examination of the data collected by the Human Rights Forum between 2000 and 2009 showed 103 cases where children were specifically identified as being victims of or direct witnesses to political violence. It also showed 89 cases where violence occurred at schools, involving violence against teachers, violence taking place at schools, or schools being used as “bases”, and 254 cases where violent attacks took place at citizens’ homes, where the implication is that children may have been involved, but children are not mentioned specifically.

Teachers tried to prevent the abuse of schools, children and teachers during the 2018 elections. The teachers' unions approached the Zimbabwe Human Rights Commission, who issued a comprehensive report and recommendations, but these were ignored. Veritas then took a case on behalf of ARTUZ against political parties commandeering school premises and other property, e.g. buses, furniture (chairs and tables etc.) for their campaigning. The court application also asked that coercing school children and teachers to attend or participate in rallies, wearing party regalia or performing at political rallies and coercing teachers to contribute in cash or in kind towards rallies, must be stopped. The case resulted in an interdict on political parties doing so. The case came to the attention of the UN which commended the outcome. Unfortunately ZANU-PF appealed to the Supreme Court presided over by the Chief Justice, who overturned the interdict. It is now important that the use of school properties and the abuse of children and teachers in political campaigns should be outlawed in the new Education Amendment Bill.

When reports came in that teachers were once again being targeted, this time for participating in industrial action, the Safe Learning Institutions Initiative (SLII) decided that it was important to document what was happening.

Two methods were used. The first was an SMS-based reporting system, using a simple binary code, and 366 teachers responded using this system. The second method was interviews with individual teachers, using a prepared and tested questionnaire, and this generated 634 completed questionnaires. The data was compiled, analysed and forms the basis for this report. The SMS data was used as the basis for validating the questionnaire data.

## **Findings**

The sample was composed of mature persons who might be expected to be making reasoned decisions about their conditions, most were qualified teachers and very few were either student teachers or temporary teachers. These were teachers with lengthy experience in their jobs: 51% had been teaching for more than eight years. Nearly 40% had been at their present post for more than seven years, and over 70% had been there more than four years.

### ***Teachers' personal experiences***

The majority of the teachers reported mostly intimidation (71%), humiliation (42%) and threats (60%), but there were some very serious violations alleged that have been independently followed up. As regards the perpetrators, and in the context of an industrial dispute, the frequencies of Ministry officials (25%), members of School Development Committees (15%) and traditional leaders (11%) are a very worrying sign. Furthermore, it is even more distressing that 66% reported that the violations were witnessed by children, either at school or at home. Of those that reported witnessing a violation, the majority (58%) reported that this happened at school. This collaboration of community members apparently ganging up on their own teachers can do very little for community cohesion, and even less for children having trust in their teachers.

We also inquired about past experiences, and for many this was not the first time that they had experienced political violence. Teachers are significantly more likely to experience a human rights violation in an election year than in any other year, and 81% had had a violation during an election year. 2008 was far and away the worst year for teachers, and 48% of the sample reported being the victim of political violence during that election. They also reported similar experiences in 2013 (19%) and 2018 (18%).

In summary then, there are very high rates of alleged intimidation, humiliation and threats, both directly experienced and witnessed. The main alleged perpetrators are ZANU-PF supporters, Ministry officials, members of the school development committees (SDC) and traditional leaders. In the context of an industrial dispute, it is evident that the only parties to the dispute are the teachers engaged in dispute and their employer, the Ministry of Primary and Secondary Education. Thus, traditional leaders and members of the SDC have no business getting involved, and none of the above-mentioned parties – ZANU-PF, Ministry officials, SDCs and traditional leaders – have any business intimidating, humiliating or threatening teachers on strike.

### ***Examination of the serious cases***

Thirty-two (32) reports were deemed as “serious cases” and were referred to the Counselling Services Unit (CSU) and the Legal Unit of the Zimbabwe Human Rights NGO Forum.

- Total number of teachers treated was 29 (19 males and 10 females);
- Total number reporting assaults was 17, with the others suffering intimidation, discrimination and threats because of their affiliation;
- One (1) rape victim was seen.

The major violations reported were:

- Victimization, by school Heads and Education officials District Office, for participating in the Union’s Industrial action in 2018 and 2019;
- Harassment and Intimidation from the surrounding communities;
- Assaults from members of community and security agencies

Twenty-four (24 legal) counseling sessions were provided, and twenty-five (25) required medical assistance, mostly for soft tissue injuries and fractures. These latter clients were provided with antibiotics, analgesics and anti-inflammatory drugs. Initial psychiatric screening of all clients indicated that 60% had scores signifying high psychological trauma levels warranting counselling and medical interventions. As a result, 29 clients (19 males and 10 females) received individual counselling sessions and are being followed up.

### ***Effects on the teachers***

Only 25% reported being injured, and only 17% sought any form of medical assistance for the injury. It was clear that the large majority did not report overt violence, but violations, especially if not reported and no help given, can lead to psychological disorder. The literature on trauma strongly points out that the most common short and long-term consequences of organised violence and torture is psychological disorder, with fear of recurrence, usually anxiety, being a major feature of many psychological disorders, and particularly Post-Traumatic Stress Disorders (PTSD). This will obviously be exacerbated if the cause of the fear lies close at hand, and (69%) answered that they live in the same community where they know and see perpetrators of violence. This is obvious in light of the identity of the perpetrators mentioned above.

Virtually no-one reported to the police, with 88% stating that they feared reprisal if they did so, and anyhow the majority thought that the government and ZANU-PF were behind the violations.

More important is what teachers will do, both with the dilemma over employment and livelihoods, and with their ill-treatment. Thirty-seven percent (37%) of the respondents knew of a significant number of teachers that left a school because of political pressure, as well as quarter (25%) knowing of teachers that left for the diaspora. In the current situation, 46% think about leaving *very often* or *often*, and overall 84% have thought about leaving their current station because of threats. Nearly half (49%) of these teachers would merely wish to shift to a more secure position, and most of these

to an urban school, where, presumably, they would be safe from intimidation, threats and worse. However, over half (51%) would leave the country, a pattern that has been seen repeatedly. Bear in mind here that these are experienced teachers, and the country can scarcely afford such a loss of skilled manpower.

## **Conclusions**

One might wonder why poor communities with struggling teachers and schools would want to jeopardise the lives of their children by ill-treating their teachers. Qualified and committed teachers are a precious resource, and there can be little doubt in the minds of any Zimbabwean that teachers (and doctors, nurses and plethora of state workers) are struggling with severe adversity.

Teachers, and other essential workers, carry an important responsibility for other Zimbabweans, and not merely their families. The future depends on the young, and Zimbabwe is a young country. Our development in the future will depend in great measure on the quality of our children's education, and the quality of the education will determine to a great extent the skill set of the future population and the solutions to the many problems the country will face. Thus, there can be no advantage in jeopardising a precious resource by ill-treating teachers in addition to the burdens that they must face as ordinary citizens in times of severe hardship.

Teachers are too frequently targets in times of political conflict, and this small survey suggests that this does not change: the reasons might change, but it seems that teachers will remain a target. We would thus contend that the Safe Schools Declaration has applicability even to Zimbabwe, and that allegations of intimidation, humiliation and threats against teachers do not create safe schools, and are inimical to the best interests of schooling and children. It is further disappointing that there is no provision in the proposed new Education Act for any making schools safe, and not merely to protect teachers from intimidation and threat (and worse), but also to protect children from witnessing political violence, being forced to rallies, and being caught in the middle of the political disagreements between the parents in their communities.

This small report cannot be definitive, but the allegations made by these 634 teachers cannot be brushed aside. Industrial disputes are not *prima facie* political acts, but part of normal democratic practice, and protected under the Constitution in Section 65 (Labour Rights) and Section 67 (Political Rights).

## **Recommendations**

We offer the following recommendations:

- That the Zimbabwe Human Rights Commission should immediately undertake a full and comprehensive investigation of these allegations, ascertain their veracity, and make recommendations to the Government for appropriate action;
- That the Ministry of Primary and Secondary Education should issue an immediate instruction to all its officers that any industrial dispute should be managed solely in terms of the Labour Act and government regulations;
- That the Government of Zimbabwe should make an immediate statement that all persons and groups, not party to the industrial dispute (political party supporters, traditional leaders, members of School Development Committees, etc.) should desist from any independent and unlawful involvement in the dispute;
- Finally, the Government of Zimbabwe should establish its good intentions in respect of the above by endorsing the Safe Schools Declaration and implementing the Safe Schools Guidelines.

## **Background:**

Zimbabwe has an enviable record in Africa for the quality of its educated population. The enormous investment in education from the beginning of Independence in 1980, has drawn favourable comment in Africa and around the world. Good quality education depends of course on investment by the government, but it also depends upon its human resources, teachers and administrators. In the early years of Independence, it also depended upon the determination of families to get their children educated, and here the huge efforts by communities, and especially rural communities, to not only rehabilitate schools damaged during the Liberation War, but also to construct new schools.

It is thus deeply disturbing that schools have become sites of repression and teachers targets for repression. Children have been forced to attend political rallies,<sup>1</sup> schools have become places where partisan political meetings take place, and teachers have become the targets of intimidation and violence. There have been times in the recent past when the whole education system has been completely disrupted. The effects for the well-being of children are serious and this has led to the mounting of an international campaign to protect children and the education system, and the problem is not peculiar to Zimbabwe, but seen in many countries around the world, especially where war and civil conflict is present.

This present report describes the current situation in Zimbabwe and the situation of teachers in industrial dispute over salaries and conditions in education...

### ***Previous violations against teachers:***

In many under-developed countries, and especially in rural areas, teachers hold an important position in their communities, being amongst the most educated individuals in a community. However, in times of political conflict, this importance can work against them. This was the case during the long anti-colonial struggle in former Rhodesia. Many of the leaders in this struggle were teachers, teaching being one of the few areas for personal improvement in the racist state. Many were detained in the early struggles, but the situation became even more difficult once the resistance had moved into armed struggle. For those that taught in the rural areas it was not only difficult, but downright dangerous.<sup>2</sup> Teachers were at risk from both sides to the conflict: from the Rhodesian security forces that saw them as the most likely supporters of the freedom fighters as well as being at risk from the freedom fighters for being possible sell-outs. It was thus understandable that so many teachers left the rural areas (and especially the hardships in the “keeps”), and hence tens of thousands of children suffered from the absence of teachers and the closure of schools.<sup>3</sup> By the end of the war, 1,600 schools had been destroyed and nearly half a million (483,000) pupils had been deprived of education.

This was remedied in remarkable fashion by the new government of Zimbabwe, and the following two decades saw both peace (except for some five years in the southern half of the country) and steady growth in education. However, from 2000 onwards, teaching once again became a risky profession. The Zimbabwe Human Rights NGO Forum documented 283 cases of human rights violations against teachers in the period from January 2001 to June 2002.<sup>4</sup> The violations were not

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<sup>1</sup> “Students ordered to cut short holiday for ED visit”, News Day, 12 April 2019. [<https://www.newsday.co.zw/2019/04/students-ordered-to-cut-short-holiday-for-ed-visit/>]

<sup>2</sup> Mushonga, M (2003), *Curfew and the ‘Man in the Middle’ in Zimbabwe’s War of Liberation with Special Reference to the Eastern Areas of Zimbabwe, 1977–1980*, Southern Africa Sub-Regional Conference, 18-19 October, 2003, Gaborone, Botswana, CODESRIA.

<sup>3</sup> Zvobgo, C.J. M (1981), *African Education in Zimbabwe: The Colonial Inheritance of the New State, 1899-1979*. Issue: A Journal of Opinion, Vol. 11, No. 3/4, The Re-Creation of Zimbabwe: Prospects for Education and Rural Reconstruction (Autumn - Winter, 1981), pp. 13-16.

<sup>4</sup> ZHRNGOF (2002), *Teaching them a lesson: A report on the attack on Zimbabwean teachers*. September 2002. Harare: Zimbabwe Human Rights NGO Forum.

trivial: assaults, torture, abductions and intimidation were all reported, and 30 schools were reported to have been closed. Even more serious was the blatant use of schools as places (“bases”) where gross human rights violations were perpetrated. In 2002, 41% of the “bases” identified were at schools.<sup>5</sup>

This all paled into insignificance with the 2008 elections, and the mass violence that followed the defeat of Robert Mugabe and ZANU-PF in the April poll. The reports produced by the Progressive Teachers Union of Zimbabwe (PTUZ) detailed the seriousness of the attacks on teachers.<sup>6</sup> In a nationwide survey, involving 1,086 teachers, the teachers reported the following violations:

- 79% reported having been forced to attend political meetings;
- 77% reported threats;
- 41% reported some form of extortion;
- 33% reported being assaulted;
- 31% reported being tortured;
- 30% reported having been disqualified from voting;
- 24% reported having been forcibly displaced from their work station and community.

The teachers were clear about the reasons for their ill-treatment:

- 56% stated that the attacks they witnessed were because teachers were suspected to be members or sympathised with the opposition parties;
- 4% stated that the attacks they witnessed were because teachers are deemed influential in society and accused of influencing people to vote for the opposition political parties, especially during the March 2008 Elections;
- The remainder stated that the attacks they witnessed were because teachers were not actively supporting ZANU PF [8%], or because the teacher was a member of PTUZ [4%].

Most distressing of all was the finding that 25% of the violations against teachers had taken place at school and during working hours. Given that the majority of rural schools are primary schools, this suggests that these violations could well have been witnessed by young children. The effects for education and the children of Zimbabwe were massive.<sup>7</sup> One report claimed that 94% of rural schools had closed between April and June, which meant that huge numbers of children’s education was disrupted. More seriously, very large numbers of teachers left the country, and not only because the violence in 2008 (economic factors also played a role), but of the teachers interviewed in 2010, and the aftermath of the 2008 violence, 57% were considering leaving the country.

In all the focus on teachers it is well not to forget the effects on young children. In general there has been very little specific reporting since 2000 about the consequences of all the political violence on children.

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<sup>5</sup> CSVr (2009), *Subliminal Terror? Human rights violations and torture in Zimbabwe during 2008*. Report produced for the Centre for Violence and Reconciliation by Tony Reeler. June 2009. Johannesburg: CSVr

<sup>6</sup> PTUZ (2012), *Every School has a Story. A Preliminary Report on Teachers Experiences of Elections in Zimbabwe*. Report produced by PTUZ and RAU. February 2012. Harare: Progressive Teachers Union of Zimbabwe; PTUZ (2012), *Political Violence and Intimidation of Zimbabwean Teachers*. May 2012. Report prepared for the Progressive Teachers Union of Zimbabwe [PTUZ] by the Research and Advocacy Unit [RAU]. Harare: Progressive Teachers Union of Zimbabwe.

<sup>7</sup> Pswarayi, L, & Reeler, A.P (2012), *‘Fragility’ and education in Zimbabwe: Assessing the impact of violence on education*. December 2012, Harare: Research & Advocacy Unit.

One report, using the publicly available information, pointed out that this was not an insignificant problem.<sup>8</sup> The data indicated three areas in which children have been victims of political violence since 2000:

- Those where children were specifically identified as being victims of or direct witnesses to political violence (103 cases);
- Those cases where violence occurred at schools, involving violence against teachers, violence taking place at schools, or schools being used as “bases” (89 cases);
- Those cases where violent attacks took place at citizens’ homes, where the implication is that children may have been involved, but children are not mentioned specifically (254 cases).

This is, of course, not definitive or indicative of the total number of cases, but does demonstrate the need for concern, and concern about the short and long-term consequences of all the political violence since 2000 has been raised by mental health professionals.<sup>9</sup> Against all this information, it is thus extremely disturbing that once again there are reports of human rights violations against teachers, with the probability that these will be witnessed by children. This is the context for this report, the alleged violations against teachers for engaging in industrial action in 2019.

### ***The Safe Schools Declaration and Guidelines<sup>10</sup>***

Since the promulgation of UN Security Council resolutions 1998 (2011), and 2143 (2014), on children and armed conflict, a number of international organisations came together in an effort to focus more closely on schools and children. This culminated in the Oslo Conference on Safe Schools where the Safe Schools Declaration was opened for endorsement by the states of the world. This has now been endorsed by 86 countries, 22 African countries amongst these. Zimbabwe has yet to endorse the Declaration.

Together with the Safe Schools Declaration, countries are encouraged to make use of the Safe Schools Guidelines, and the key measures that countries are requested to undertake are the following:

- collect reliable data on attacks and military use of schools and universities;
- provide assistance to victims of attacks;
- investigate allegations of violations of national and international law and prosecute perpetrators where appropriate;
- develop and promote "conflict sensitive" approaches to education;
- seek and support efforts to continue education during armed conflict;
- support the UN's work on the children and armed conflict agenda; and
- Use the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*, and bring them into domestic policy and operational frameworks as far as possible and appropriate.

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<sup>8</sup>Reeler, A. P (2013), *Organised Violence and Torture and its Effects on Children*. July 2013. Harare: Research & Advocacy Unit.

<sup>9</sup> Parsons, R., Reeler, A., Fisher, J., & Mpande, E (2011), *Trauma and Mental Health in Zimbabwe*, November 2011, Harare: Research & Advocacy Unit

<sup>10</sup>The *Safe Schools Declaration* and the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* can both be found on the website of the Global Coalition to Protect Education under Attack (GCPEA). [[Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict](#)]



Now we are not suggesting that Zimbabwe in the throes of military conflict, but we do argue that there is a lower threshold for invoking the Safe Schools Declaration, as indicated by the evidence from previous decades. There is a consistent trend over four decades that, when political conflict emerges, then schools, teachers and pupils are drawn into the conflict, and this is inconsistent with the intentions of the UN Security Council Resolutions on children and armed conflict. It may be a matter of degree, but the available evidence on Zimbabwe (and Rhodesia before) is that there are grounds for insisting that the definition of “armed conflict” is a wide one that should include the kinds of problems that political conflict brings to education in Zimbabwe.

### ***Safe Schools in Zimbabwe***

Using this broader definition, and particularly with the experience of 2008, The Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ), supported by other teachers unions, approached the Zimbabwe Human Rights Commission (ZHRC) for a decision about whether it was lawful to force children to attend political rallies and for school property to be used for this political purpose. ZHRC concluded in its recommendations that children should not be forced to attend rallies and that school property should not be abused for this purpose.<sup>11</sup>

Teachers tried to prevent the abuse of schools, children and teachers during the 2018 elections. The teachers’ unions approached the Zimbabwe Human Rights Commission, who issued a comprehensive report and recommendations, but these were ignored. Veritas then took a case on behalf of ARTUZ against political parties commandeering school premises and other property, e.g. buses, furniture (chairs and tables etc.) for their campaigning. The court application also asked that coercing school children and teachers to attend or participate in rallies, wearing party regalia or performing at political rallies and coercing teachers to contribute in cash or in kind towards rallies, must be stopped. The case resulted in an interdict on political parties doing so.

The case came to the attention of the UN which commended the outcome. ZANU-PF appealed to the Supreme Court presided over by the Chief Justice, who overturned the interdict. It is now important that the use of school properties and the abuse of children and teachers in political campaigns should be outlawed in the new Education Amendment Bill.

Actually, government and government agents seem oblivious to the issue as the case of the District Administrator for Masvingo ordering children to attend a rally recently illustrated.<sup>12</sup> It is now important that the use of school properties and the abuse of children and teachers in political campaigns should be outlawed in the new Education Amendment Bill.

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<sup>11</sup> Teachers Unions of Zimbabwe v. Ministry of Primary and Secondary Education & Zimbabwe African National Union, Patriotic Front, (ZHRC/CI/0069/17)

<sup>12</sup> “*Students ordered to cut short holiday for ED visit*”, Op.Cit.

## Methods:

We used two methods for obtaining the data. The first was a very simple, binary coded reporting system using SMS. We developed a simple numerical code for reporting that could easily be sent via SMS or WhatsApp. These allowed respondents to provide digits corresponding to the field provided as follows:

- Province [1 to 10]
- Place of violation [1 to 3]
- Gender [ 1 or 2]
- Violation [1 to 10]
- Witnesses -1 to 3]
- Perpetrators [1 to 7]

The responses were captured, entered on an Excel spreadsheet, and frequencies calculated. This method was used in order to have a check on the questionnaire data. The SMS system was circulated to ARTUZ members, and we finally received 366 responses.

The second was a questionnaire-based interview. The instrument was designed and evaluated by the team. The instrument was then given to the facilitators, either members of ARTUZ or SCMZ, who were in charge of identifying and training the enumerators, and this process revealed a number of potential problems with the instrument. These were corrected, and the eight facilitators were then deployed to their respective Provinces. Eight of the ten Zimbabwean Provinces were chosen, excluding Bulawayo and Harare.

The facilitators then had to identify and train five enumerators each, and each enumerator had to interview 20 teachers on one single day. This would have given an overall sample of 800 teachers of 100 responses from the eight provinces, but due to various logistic problems we had a poor response rate from the two Matabeleland provinces, and the final tally was 634 completed questionnaires. These were then compiled in Excel and entered into SPSS (20).

## Demographic features of teacher sample:

There was an even spread of returns from all the provinces excepting the two Matabeleland provinces. This was very similar to the distribution obtained from the SMS reporting. It is probable that many teachers completed both, as, because of anonymity, we have no way of determining this. However, we can have some confidence in the responding as the two data sets are not discrepant (see also Figure 1 below).

**Table 1: Distribution of responses**

Province	%
Manicaland	15%
Mashonaland Cent	15%
Mashonaland East	16%
Mashonaland West	15%
Masvingo	15%
Matabeleland North	6%
Matabeleland South	3%
Midlands	16%

There was an even split between females (45%) and males (55%), with an average age of 38 years (s.dev. 8 years). Most (70%) were married, with small families (3 children on average). The next largest group was single (17%), and few were divorced (7%), separated (3%) or widowed (3%).

## Teachers' Professional Experience:

It was important to establish the professional status of the teacher sample in the light of the industrial dispute as the basis for the dispute, poor working conditions and remuneration, need to be seen in context. The sample was composed of mature persons who might be expected to be making reasoned decisions about their conditions, as was the case with the health workers.

**Table 2: Current teaching position**

<b>Teaching position:</b>	<b>%</b>
Student	9%
Temporary	2%
Primary	51%
Secondary	42%
Tertiary	4%

Given that this was a relatively mature population with children, we would expect that these were experienced teachers. As can be seen from Table 2, most were qualified teachers and very few were either student teachers or temporary teachers.

It can also be seen from Table 2 that the sample was composed of teachers with lengthy experience in their jobs: 51% had been teaching for more than eight years. Very few had limited experience (0 to 3 years).

**Table 3: Length of teaching experience**

<b>Experience</b>	<b>%</b>
0 to 3 yrs.	15%
4 to 7 yrs.	32%
8 to 11 yrs.	23%
12 to 15 yrs.	15%
16 yrs. or more	13%

**Table 4: Years in current teaching position**

<b>Years in present post</b>	
0 to 3 yrs.	26%
4 to 6 yrs.	32%
7 to 9 yrs.	19%
10 to 15 yrs.	15%
16 yrs. or more	4%

More importantly, the teachers had generally been at their current post for relatively lengthy periods. Nearly 40% had been at their present post for more than seven years, and over 70% had been there more than four years. This implies a group that seems committed to their current school and its community.

A number of points are worth summarising here as they have a strong bearing on how the subsequent data on the experiences of these teachers is interpreted. Firstly, this is a mature and qualified group, and not a very youthful and possibly fractious group which is important to consider in the context of an industrial action. Secondly, they seem to show commitment both to their profession through the number of years that they have remained teachers as well as to their school and its community, again by the number of years that they have remained at their present school. One might conclude, therefore, that these are people valued by their community.

## Reported experience of political violation:

This section deals with the experiences reported by the respondents to the survey. These were all teachers as described above who may or may not have been participating in the industrial action mounted by the Amalgamated Rural Teachers Union (ARTUZ), the Progressive Teachers Union of Zimbabwe (PTUZ), and the Zimbabwe Teachers Association (ZIMTA). It was instructive that ZIMTA, probably mindful of the events of 2008, warned the Zimbabwe government against

intimidation of striking teachers.<sup>13</sup> However, it appears that this warning went unheeded as the data that follows demonstrates.

In answer to the question about whether the respondents felt that teachers were being specifically targeted, and the violations were not random, it can be seen in Table 5 that 75% felt that they were being specifically targeted.

**Table 5: Views on teachers being specifically targeted**

<b>Targeted</b>	<b>%</b>
Very much	49%
Somewhat	26%
Not much	9%
Not at all	3%
Don't know	14%

**Table 5: Frequency of reports violations**

<b>Violations:</b>	<b>%</b>
Torture	13%
Assault	22%
Intimidation	71%
Humiliation	42%
Threat	60%
Rape	2%
Abduction	3%
Displacement	5%
Theft	2%
Extortion	4%

As seen in Table 5, the majority of the teachers reported mostly intimidation, humiliation and threats, but there were some very serious violations alleged – torture, assaults and rape. In the light of the very difficult political environment, these serious cases were referred for verification and assistance, and these cases are described separately below.

**Table 6: Frequency of alleged perpetrators and violations [%].**

<b>Violations:</b>	<b>ZNA</b>	<b>ZRP</b>	<b>ZANU-PF</b>	<b>Traditional leader</b>	<b>SDC</b>	<b>Ministry official</b>	<b>Other</b>
<b>Intimidation</b>	<b>6.3</b>	<b>4.3</b>	<b>34.6</b>	<b>14.7</b>	<b>20.7</b>	<b>33.0</b>	<b>6.6</b>
<b>Humiliation</b>	<b>3.8</b>	<b>2.8</b>	<b>20.4</b>	<b>7.1</b>	<b>10.4</b>	<b>16.9</b>	<b>6.3</b>
<b>Threat</b>	<b>3.9</b>	<b>3.5</b>	<b>29.1</b>	<b>10.1</b>	<b>14.1</b>	<b>26.2</b>	<b>6.2</b>
Abduction	0.9	0.8	0.9	0.2	0.5	0.3	0.3
Displacement	0.6	0.3	1.9	1.7	1.9	3.2	0.2
Theft	0.0	0.2	0.8	0.2	0.5	0.3	0.5
Extortion	0.3	0.0	1.9	0.5	0.3	1.3	0.0

It is evident that the alleged perpetrators are different to other previous human rights reports. For example, in 2008, the most frequently mentioned perpetrators were ZANU-PF Youth (36%), ZANU-PF supporters (27%), the Zimbabwe National Army (24%), and the Zimbabwe Republic

<sup>13</sup> "ZIMTA warns govt against intimidation of striking teachers", New Zimbabwe, 6 February 2019. [<https://www.newzimbabwe.com/zimta-warns-govt-against-intimidation-of-striking-teachers/>]

Police (15%).<sup>14</sup> In this survey, neither the army nor the police are mentioned with the same frequency as in 2008, but ZANU-PF supporters (undifferentiated) are alleged again to be the most frequently mentioned perpetrators (Table 7).

**Table 7: Overall frequency of alleged perpetrators**

	<b>No. of violations alleged<sup>15</sup></b>	<b>%</b>
ZNA	148	7%
ZRP	114	5%
ZANU-PF	673	30%
Traditional leader	237	11%
SDC	336	15%
Ministry official	546	25%
Other	162	7%

However, and in the context of an industrial dispute, the frequencies of Ministry officials (25%), members of School Development Committees (15%) and traditional leaders (11%) is a very worrying sign. This collaboration of community members apparently ganging up on their own teachers can do very little for community cohesion, and even less for children having trust in their teachers. Here see the following table for the possibility of pupils witnessing a violation.

It is evident that the majority of the alleged violations took place at school. This suggests that these could have been witnessed by children, either the pupils if it occurred at the school during working hours, and by the teachers' children if this took place at the teacher's home. Here it is worth remembering the 2008 reports where 25% of the teachers reported that the violations happened at school during working hours. Here the questionnaire did not ask for this detail, but the SMA data indicated that 60% of the violations were witnessed by both adults and children, and 9% by children alone. This latter figure suggests that these violations took place at the teacher's home.

**Table 8: Place where alleged violation took place.**

<b>Place of violation:</b>	<b>%</b>
At school	66%
At home	17%
At community meeting	11%
At militia base	1%
At police station	2%
Other	2%

It was also the case that teachers might have witnessed violations against other teachers, and the brief case reports indicated that there many occasions where a number of teachers were summoned together to a meeting at the school, and allegedly intimidated, etc. As can be seen from Table 9 (over), the frequency of witnessing was not as great as the frequency of direct experiencing.

<sup>14</sup> CSVR (2009), Subliminal Terror? Human rights violations and torture in Zimbabwe during 2008. June 2009. Johannesburg: CSVR

<sup>15</sup> This value is the number of times any given perpetrator is mentioned by the respondents.

**Table 9: Frequency of witnessing alleged violations**

<b>Witnessed Violations:</b>	<b>%</b>
Intimidation	52%
Humiliation	38%
Threat	42%
Abduction	2%
Displacement	4%
Theft	0
Extortion	3%

For example, 71% of the respondents reported being intimidated, but only 52% of the same group only witnessed another person being intimidated. It is obviously more frightening to the intimidated or threatened on one's own than in the company of others, and the data suggests that this was the case for many teachers.

As was the case for personally experiencing a violation, those that reported witnessing a violation reported in the majority (58%) that this happened at school, but a higher percentage (18%) reported that this happened at a community meeting than those who reported a direct personal experience (11%).

In summary then, the data suggests very high rates of alleged intimidation, humiliation and threats, both directly experienced and witnessed. The main alleged perpetrators are ZANU-PF supporters, Ministry officials, members of the school development committees (SDC) and traditional leaders. In the context of an industrial dispute, it is evident that the only parties to the dispute are the teachers engaged in dispute and their employer, the Ministry of Primary and Secondary Education. Thus, traditional leaders and members of the SDC have no business getting involved, and none of the above-mentioned parties – ZANU-PF, Ministry officials, SDCs and traditional leaders – have any business intimidating, humiliating or threatening teachers on strike.

### **Examination of the serious cases**

As indicated earlier, Thirty-two (32) reports were deemed as “serious cases” and were referred to the Counselling Services Unit (CSU) and the Legal Unit of the Zimbabwe Human Rights NGO Forum. These teachers were seen between 28<sup>th</sup> April and 3<sup>rd</sup> May. In summary, the following was described:

- Total number of teachers treated as 29 (19 males and 10 females);
- Total number reporting assaults was 17, with the others suffering intimidation, discrimination and threats because of their affiliation;
- One (1) rape victim was seen.

#### ***Challenges faced by teachers:***

Victimization, by school Heads and Education officials District Office, for participating in the Union's Industrial action in 2018 and 2019;

- Some heads wrote teachers as “absent without official leave” by their heads when they went to participate in the Industrial Action, resulting in their salaries being suspended;
- Threats of loss of jobs for misconduct – no job security; some teachers were transferred without notice or consent;
- Accused of being members of the opposition parties which are working against the government;
- Some Heads mobilizing School Development Committees and parents to threaten teachers who participated in the Union's Strike.

Harassment and Intimidation from the surrounding communities;

- Rural communities accused teachers of neglecting their children when they participated in Industrial Actions and are verbally abused and threatened.

Assaults from members of community and security agencies

- Some teachers were assaulted and verbally abused by villagers in front of school children;
- Some abducted and beaten up by members of ZRP and President's Offices and threatened with death.

### ***Medical and psychological services provided:***

Twenty-four (24 legal) counseling sessions were provided, and twenty-five (25) required medical assistance, mostly for soft tissue injuries and fractures. These latter clients were provided with antibiotics, analgesics and anti-inflammatory drugs. Initial psychiatric screening of all clients indicated that 60% had scores signifying high psychological trauma levels warranting counselling and medical interventions. As a result, 29 clients (19 males and 10 females) received individual counselling sessions and are being followed up.

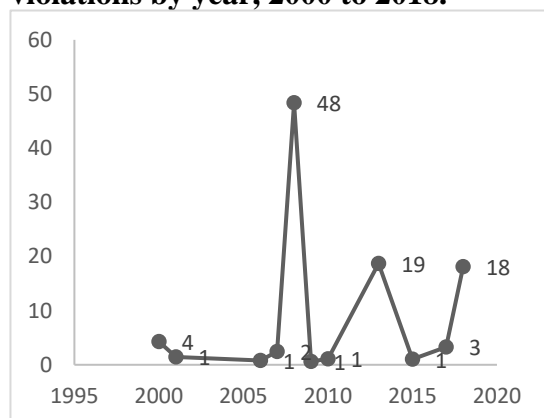
It is clear from these referrals that there were a number of serious abuses as indicated from the questionnaire responses. It is also clear that the verification by independent agencies supported the general findings on victimisation (intimidation, humiliation and threats). This gives us confidence that the general questionnaire findings are valid and reliable.

### **Present and Past Violations against teachers:**

As was pointed out earlier, there have been many occasions in the past when teachers have been the targets of political violence, and we thus explored whether these respondents had such experience. We asked the respondents whether they such experience in the past, which years this had occurred and what kind of violations they had.

There were no reports for a number of years: there were no reports for 2003, 2004, 2005, 2001, 2012, 2014 and 2016. As can be seen from Figure 1, the peaks correspond to years in which there were elections.

**Figure 2: Frequency (%) of previous violations by year, 2000 to 2018.**



**Table 10: Past violations: Election years compared to other years**

	No. of violations	%
Election	420	81%
Non-election	97	19%

Figure 9 suggests that the frequency of violations against teachers is tied to years in which there were elections, and this is given greater credence when the number of violations is examined against whether the year was an election year or not. As Table 10 (above) demonstrates, this is exactly the case: teachers are significantly more likely to experience a human rights violation in an election year than in any other year. 2008 was far and away the worst year for teachers, as documented in the reports by RAU and PTUZ.<sup>16</sup> This is not specific to teachers, however, and there is considerable evidence that this is the case for a wide variety of persons, essentially anyone that is not a visible supporter of the ruling party, ZANU-PF.<sup>17</sup>

## Effects of political violations:

It is now commonplace that organised violence and torture have serious and long-term effects on the well-being of those that experience this, and this has been documented for all the decades mentioned earlier.<sup>18</sup> The effects of the violence that has taken place since 2000 has also been the subject of analysis,<sup>19</sup> and thus it must always be a matter of concern when further human rights and violence take place. The effects of the alleged violations against the teachers was not examined directly in this study, but these can be inferred from both the kinds of violations reported above and what effects were canvassed in the study.

It was clear that the large majority did not report overt violence, but rather violations that can lead to psychological disorder. Only 25% reported being injured, and only 17% sought any form of medical assistance for the injury.

<b>Table 11. Sought medical help</b>	
Public hospital	28%
Private hospital	29%
Clinic	16%
Traditional healer	1%
Religious healer	1%
NGO	21%
Church	1%
Other	3%

Table 11 describes where the alleged injured went for medical assistance, most selecting formal medical care, hospitals, clinics and NGOs, presumably NGOs that offer such assistance. For those that did not seek help, 56% said that there was no serious injury, but others stated that there was no facility (10%), the facility was too expensive (17%), or the facility was too far (13%).

The literature on trauma strongly points out that the most common short and long-term consequences of organised violence and torture is psychological disorder, with fear of recurrence, usually anxiety, being a major feature of many psychological disorders, and particularly Post-Traumatic Stress Disorders (PTSD). This will obviously be exacerbated if the cause of the fear lies close at hand.

<sup>16</sup> PTUZ (2012), *Every School has a Story*. **Op.cit.**

<sup>17</sup> CSVR (2009), *Subliminal Terror*. **Op Cit**; see also RAU (2016), *Are former liberation movements inherently violent as governments?* February 2016. Harare: Research & Advocacy Unit.

<sup>18</sup> Amani (1997), *Survivors of Torture in Mount Darwin District, Mashonaland Central Province: Overview of Report and Recommendations*, LEGAL FORUM, 9, 49-60.

<sup>19</sup> Parsons, R., Reeler, A., Fisher, J., & Mpande, E (2011), *Trauma and Mental Health in Zimbabwe*, November 2011, Harare: Research & Advocacy Unit; ActionAid (2005), *An in-depth study on the impact of Operation Murambatsvina/Restore Order in Zimbabwe*. ActionAid International in collaboration with the Counselling Services Unit (CSU), Combined Harare Residents' Association (CHRA) and the Zimbabwe Peace Project (ZPP). November 2005.



As was seen in Table 7, the alleged perpetrators all seemed to be local – ZANU-PF supporters, SDC members, traditional leaders and ministry officials. Hence, it is not surprising that a majority (69%) answered in the positive to the question *Do you live in the same community where you know and see perpetrators of violence?*

**Table 12: Fears about presence of perpetrators**

<b>Perpetrators</b>	<b>%</b>
See your perpetrators	69%
Make you feel	1%
Safe	4%
Neither safe of unsafe	19%
Unsafe	49%
Very unsafe	27%

A further majority (76%) stated that this made them feel *unsafe* or *very unsafe*, and this suggests that the teachers may well be experiencing some psychological discomfort as a consequence of their ill-treatment. It seems obvious that intimidation, humiliation and threats are, at the least, inappropriate ways to deal with an industrial dispute, but, more, seriously these behaviours are human rights violations, if not crimes. One way to get safety would be to report the violation to the police, but virtually no-one did this.

**Table 13: Reasons for not reporting to the police.**

<b>Not reported</b>	<b>%</b>
Fear of reprisal	88%
Police also involved	9%
Too injured	1%
Other	2%

The reasons were straight forward: fears of reprisals or the police themselves were involved. Furthermore, the reports suggest a ganging up on the teachers by the community as a whole, and hence it is scarcely surprising that most teachers felt unsafe, and probably have considerable fears about their safety. In 2008, which was obviously much more violent, very large numbers of teachers just fled from their schools.

Given the previous history of “bases” being set up in communities in the past and the role of the security forces around these bases, we also asked about security personnel.

It is only mildly reassuring the majority (63%) indicated a minimal presence of security forces in their communities, which reinforces the point about the role of local community leaders (and the fracturing of community relationships).

**Table 14: What has been the level of security personnel presence in your community?**

<b>Presence of security personnel</b>	<b>%</b>
Have a base	16%
Nor involved	18%
Very minimum presence	42%
Not present	21%

## Dealing with the problems of political violence against teachers:

The final set of questions had to do with teachers' attitudes to the manner in which the industrial dispute was being dealt with, and how they themselves would deal with it. Here bear in mind again that these teachers allege not only violations in 2019, but many also violations in previous years, and most had been members of their community for many years. Furthermore, the effects of the economic decline of the past six years are notorious, have led to strikes and industrial action by other groups of government workers. It would be remarkable if the ill-treatment of the teachers did not rebound to cost of the education system and, importantly, to the cost of children's education.

**Table 15: In your opinion who is causing the threats to teachers' wellbeing?**

<b>Cause of problems</b>	<b>%</b>
Government	54%
Military	12%
ZANU-PF	57%
MDC Alliance	0.7%
NGOs	0.2%
Other	1%

The question summarised in Table 15 clearly needs unpacking in order to get more nuanced reasons, but this is not possible in such a survey. However, it is clear in a gross way who teachers feel is responsible for their problems, and it is obvious that the government must take responsibility for the welfare of its employees. In the context of a dispute over wages and conditions, it is not surprising therefore that the blame is put on the government and the political party in charge of the government.

More important is what teachers will do, both with the dilemma over employment and livelihoods, and with their ill-treatment.

Thirty-seven percent (37%) of the respondents knew of a significant number of teachers that left a school because of political pressure, as well as quarter (25%) knowing of teachers that left for the diaspora. In the current situation, 46% think about leaving *very often* or *often*, and overall 84% have thought about leaving their current station because of threats. This might be considered an over-reaction by some, but, against the overall picture drawn, above this suggests a massive loss of morale and possibly commitment in critical workers.

**Table 16: Teachers leaving<sup>20</sup>**

<b>Teachers left school</b>	<b>%</b>
Teachers left school	37%
Left for Diaspora	25%
<b>Considered leaving yourself:</b>	
Very often	28%
Often	18%
Sometimes	40%
Rarely	6%
Never	8%

The final questions tried to tap what teachers would do if they left, and, as seen in Table 17 (over), the pessimism that might be felt about so many wishing to leave their present school is not matched by a desire to leave teaching.

<sup>20</sup> This table summarises three separate questions: *Have any teachers from your school left the school because of political pressure against them?* *Have any teachers from your school left for the Diaspora because of political violence against them?* and *Have you ever seriously considered leaving your duty station because of violence against you?*

**Table 17: Where would you go if you left?**

<b>Leave for where</b>	<b>%</b>
Urban school	41%
Another rural school	8%
Botswana	8%
South Africa	32%
UK	11%
Other	1%

**Table 18: Why would you leave?**

<b>Why leave</b>	<b>%</b>
Security	43%
Better opportunities	32%
Family already abroad	2%
General economic situation	22%
Other	1%

As indicated in Table 17, nearly half (49%) of these teachers would merely wish to shift to a more secure position, and most of these to an urban school, where, presumably, they would be safe from intimidation, threats and worse. However, over half (51%) would leave the country, a pattern that has been seen repeatedly. Bear in mind here that these are experienced teachers, and the country can scarcely afford such a loss of skilled manpower.

The reasons for potentially leaving are mixed. Half (54%) would leave for perhaps material reasons or livelihood reasons: *better opportunities* (32%) and the *general economic situation* (22%). Another large group (43%) would leave for *security*.

## Conclusions:

Starting where we left off in the last section, one might wonder why poor communities with struggling teachers and schools; that have committed teachers, most of whom have been in their current school for more than four years (and some many more), and half of whom would want to stay teaching, but not in another rural school, would want to jeopardise the lives of their children by ill-treating their teachers? Qualified and committed teachers are a precious resource, and there can be little doubt in the minds of any Zimbabwean that teachers (and doctors, nurses and plethora of state workers) are struggling with severe adversity. This is, of course, true for the majority of Zimbabweans who are suffering adversity, and perhaps even worse than teachers.

However, teachers, and other essential workers, carry an important responsibility for other Zimbabweans, and not merely their families. The future depends on the young, and Zimbabwe is a young country. Our development in the future will depend in great measure on the quality of our children's education, and the quality of the education will determine to a great extent the skill set of the future population and the solutions to the many problems the country will face. Thus, there can be no advantage in jeopardising a precious resource by ill-treating teachers in addition to the burdens that they must face as ordinary citizens in times of severe hardship.

As we outlined in the beginning, teachers are too frequently target in times of political conflict, and this small survey suggests that this does not change: the reasons might change, but it seems that teachers will remain a target. This is why so many countries have endorsed the Safe Schools Declaration, and, even if Zimbabwe cannot be considered in a state of armed conflict, it certainly is in state of prolonged political conflict. We would thus contend that the Safe Schools Declaration has applicability even to Zimbabwe, and that allegations of intimidation, humiliation and threats against teachers do not create safe schools, and are inimical to the best interests of schooling and children.

It is further disappointing that there is no provision in the proposed new Education Act for any making schools safe, and not merely to protect teachers from intimidation and threat (and worse),

but also to protect children from witnessing political violence, being forced to rallies, and being caught in the middle of the political disagreements between the parents in their communities.<sup>21</sup>

This small report cannot be definitive, but the allegations made by these 634 teachers cannot be brushed aside. Industrial disputes are not *prima facie* political acts, but part of normal democratic practice, and protected under the Constitution in Section 65 (Labour Rights) and Section 67 (Political Rights). Thus, the alleged violations described in this report are, at face value, violations of the constitutional rights of these teachers, and should be fully investigated.

### **Recommendations:**

We offer the following recommendations:

- That the Zimbabwe Human Rights Commission should immediately undertake a full and comprehensive investigation of these allegations, ascertain their veracity, and make recommendations to the Government for appropriate action;
- That the Ministry of Primary and Secondary Education should issue an immediate instruction to all its officers that any industrial dispute should be managed solely in terms of the Labour Act and government regulations;
- That the Government of Zimbabwe should make an immediate statement that all persons and groups, not party to the industrial dispute (political party supporters, traditional leaders, members of School Development Committees, etc.) should desist from any independent and unlawful involvement in the dispute;
- Finally, the Government of Zimbabwe should establish its good intentions in respect of the above by endorsing the Safe Schools Declaration and implementing the Safe Schools Guidelines.

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<sup>21</sup> For an analysis of the Education Amendment Bill, see Veritas [<http://www.veritaszim.net/node/3490>].

## **Appendix 1: Safe Schools Declaration**

**The impact of armed conflict on education presents urgent humanitarian, development and wider social challenges. Worldwide, schools and universities have been bombed, shelled and burned, and children, students, teachers and academics have been killed, maimed, abducted or arbitrarily detained. Educational facilities have been used by parties to armed conflict as, inter alia, bases, barracks or detention centres. Such actions expose students and education personnel to harm, deny large numbers of children and students their right to education and so deprive communities of the foundations on which to build their future. In many countries, armed conflict continues to destroy not just school infrastructure, but the hopes and ambitions of a whole generation of children.**

Attacks on education include violence against educational facilities, students and education personnel. Attacks, and threats of attack, can cause severe and long lasting harm to individuals and societies. Access to education may be undermined; the functioning of educational facilities may be blocked, or education personnel and students may stay away, fearing for their safety.

Attacks on schools and universities have been used to promote intolerance and exclusion – to further gender discrimination, for example by preventing the education of girls, to perpetuate conflict between certain communities, to restrict cultural diversity, and to deny academic freedom or the right of association. Where educational facilities are used for military purposes it can increase the risk of the recruitment and use of children by armed actors or may leave children and youth vulnerable to sexual abuse or exploitation. In particular, it may increase the likelihood that education institutions are attacked.

By contrast, education can help to protect children and youth from death, injury and exploitation; it can alleviate the psychological impact of armed conflict by offering routine and stability and can provide links to other vital services. Education that is ‘conflict sensitive’ avoids contributing to conflict and pursues a contribution to peace. Education is fundamental to development and to the full enjoyment of human rights and freedoms. We will do our utmost to see that places of education are places of safety.

We welcome initiatives by individual States to promote and protect the right to education and to facilitate the continuation of education in situations of armed conflict. Continuation of education can provide life-saving health information as well as advice on specific risks in societies facing armed conflict.

We commend the work of the United Nations Security Council on children and armed conflict and acknowledge the importance of the monitoring and reporting mechanism for grave violations against children in armed conflict. We emphasize the importance of Security Council resolution 1998 (2011), and 2143 (2014) which, inter alia, urges all parties to armed conflict to refrain from actions that impede children’s access to education and encourages Member States to consider concrete measures to deter the use of schools by armed forces and armed non-State groups in contravention of applicable international law.

We welcome the development of the *Guidelines for protecting schools and universities from military use during armed conflict*. The Guidelines are non-legally binding, voluntary guidelines that do not affect existing international law. They draw on existing good practice and aim to provide guidance that will further reduce the impact of armed conflict on education. We welcome efforts to disseminate these guidelines and to promote their implementation among armed forces, armed groups and other relevant actors.

We stress the importance, in all circumstances, of full respect for applicable international law, including the need to comply with the relevant obligations to end impunity.

Recognizing the right to education and the role of education in promoting understanding, tolerance and friendship among all nations; determined progressively to strengthen in practice the protection of civilians in armed conflict, and of children and youth in particular; committed to working together towards safe schools for all; we endorse the *Guidelines for protecting schools and universities from military use during armed conflict*, and will:

- Use the *Guidelines*, and bring them into domestic policy and operational frameworks as far as possible and appropriate;
- Make every effort at a national level to collect reliable relevant data on attacks on educational facilities, on the victims of attacks, and on military use of schools and universities during armed conflict, including through existing monitoring and reporting mechanisms; to facilitate such data collection; and to provide assistance to victims, in a non-discriminatory manner;
- Investigate allegations of violations of applicable national and international law and, where appropriate, duly prosecute perpetrators;
- Develop, adopt and promote conflict-sensitive' approaches to education in international humanitarian and development programmes, and at a national level where relevant;
- Seek to ensure the continuation of education during armed conflict, support the re-establishment of educational facilities and, where in a position to do so, provide and facilitate international cooperation and assistance to programmes working to prevent or respond to attacks on education, including for the implementation of this declaration;
- Support the efforts of the UN Security Council on children and armed conflict, and of the Special Representative of the Secretary-General for Children and Armed Conflict and other relevant UN organs, entities and agencies; and
- Meet on a regular basis, inviting relevant international organisation and civil society, so as to review the implementation of this declaration and the use of the guidelines.

## **Appendix 2: Guidelines for Protecting Schools and Universities from Military use during Armed Conflict.**

**Parties to armed conflict are urged not to use schools and universities for any purpose in support of their military effort. While it is acknowledged that certain uses would not be contrary to the law of armed conflict, all parties should endeavour to avoid impinging on students' safety and education, using the following as a guide to responsible practice:**

**Guideline 1:** Functioning schools and universities should not be used by the fighting forces of parties to armed conflict in any way in support of the military effort.

- (a) This principle extends to schools and universities that are temporarily closed outside normal class hours, during weekends and holidays, and during vacation periods.
- (b) Parties to armed conflict should neither use force nor offer incentives to education administrators to evacuate schools and universities in order that they can be made available for use in support of the military effort.

**Guideline 2:** Schools and universities that have been abandoned or evacuated because of the dangers presented by armed conflict should not be used by the fighting forces of parties to armed conflict for any purpose in support of their military effort, except in extenuating circumstances when they are presented with no viable alternative, and only for as long as no choice is possible between such use of the school or university and another feasible method for obtaining a similar military advantage. Other buildings should be regarded as better options and used in preference to school and university buildings, even if they are not so conveniently placed or configured, except when such buildings are specially protected under International Humanitarian Law (e.g. hospitals), and keeping in mind that parties to armed conflict must always take all feasible precautions to protect all civilian objects from attack.

(a) Any such use of abandoned or evacuated schools and universities should be for the minimum time necessary.

(b) Abandoned or evacuated schools and universities that are used by the fighting forces of parties to armed conflict in support of the military effort should remain available to allow educational authorities to re-open them as soon as practicable after fighting forces have withdrawn from them, provided this would not risk endangering the security of students and staff.

(c) Any traces or indication of militarisation or fortification should be completely removed following the withdrawal of fighting forces, with every effort made to put right as soon as possible any damage caused to the infrastructure of the institution. In particular, all weapons, munitions and unexploded ordnance or remnants of war should be cleared from the site.

**Guideline 3:** Schools and universities must never be destroyed as a measure intended to deprive the opposing parties to the armed conflict of the ability to use them in the future. Schools and universities—be they in session, closed for the day or for holidays, evacuated or abandoned—are ordinarily civilian objects.

**Guideline 4:** While the use of a school or university by the fighting forces of parties to armed conflict in support of their military effort may, depending on the circumstances, have the effect of turning it into a military objective subject to attack, parties to armed conflict should consider all feasible alternative measures before attacking them, including, unless circumstances do not permit, warning the enemy in advance that an attack will be forthcoming unless it ceases its use.

(a) Prior to any attack on a school that has become a military objective, the parties to armed conflict should take into consideration the fact that children are entitled to special respect and protection. An additional important consideration is the potential long-term negative effect on a community's access to education posed by damage to or the destruction of a school.

(b) The use of a school or university by the fighting forces of one party to a conflict in support of the military effort should not serve as justification for an opposing party that captures it to continue to use it in support of the military effort. As soon as feasible, any evidence or indication of militarisation or fortification should be removed and the facility returned to civilian authorities for the purpose of its educational function.

**Guideline 5:** The fighting forces of parties to armed conflict should not be employed to provide security for schools and universities, except when alternative means of providing essential security are not available. If possible, appropriately trained civilian personnel should be used to provide

security for schools and universities. If necessary, consideration should also be given to evacuating children, students and staff to a safer location.

- (a) If fighting forces are engaged in security tasks related to schools and universities, their presence within the grounds or buildings should be avoided if at all possible in order to avoid compromising the establishment's civilian status and disrupting the learning environment.

**Guideline 6:** All parties to armed conflict should, as far as possible and as appropriate, incorporate these Guidelines into, for example, their doctrine, military manuals, rules of engagement, operational orders, and other means of dissemination, to encourage appropriate practice throughout the chain of command. Parties to armed conflict should determine the most appropriate method of doing this.



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