

# *Academic Freedom International Study*

**BURMA**

**COLOMBIA**

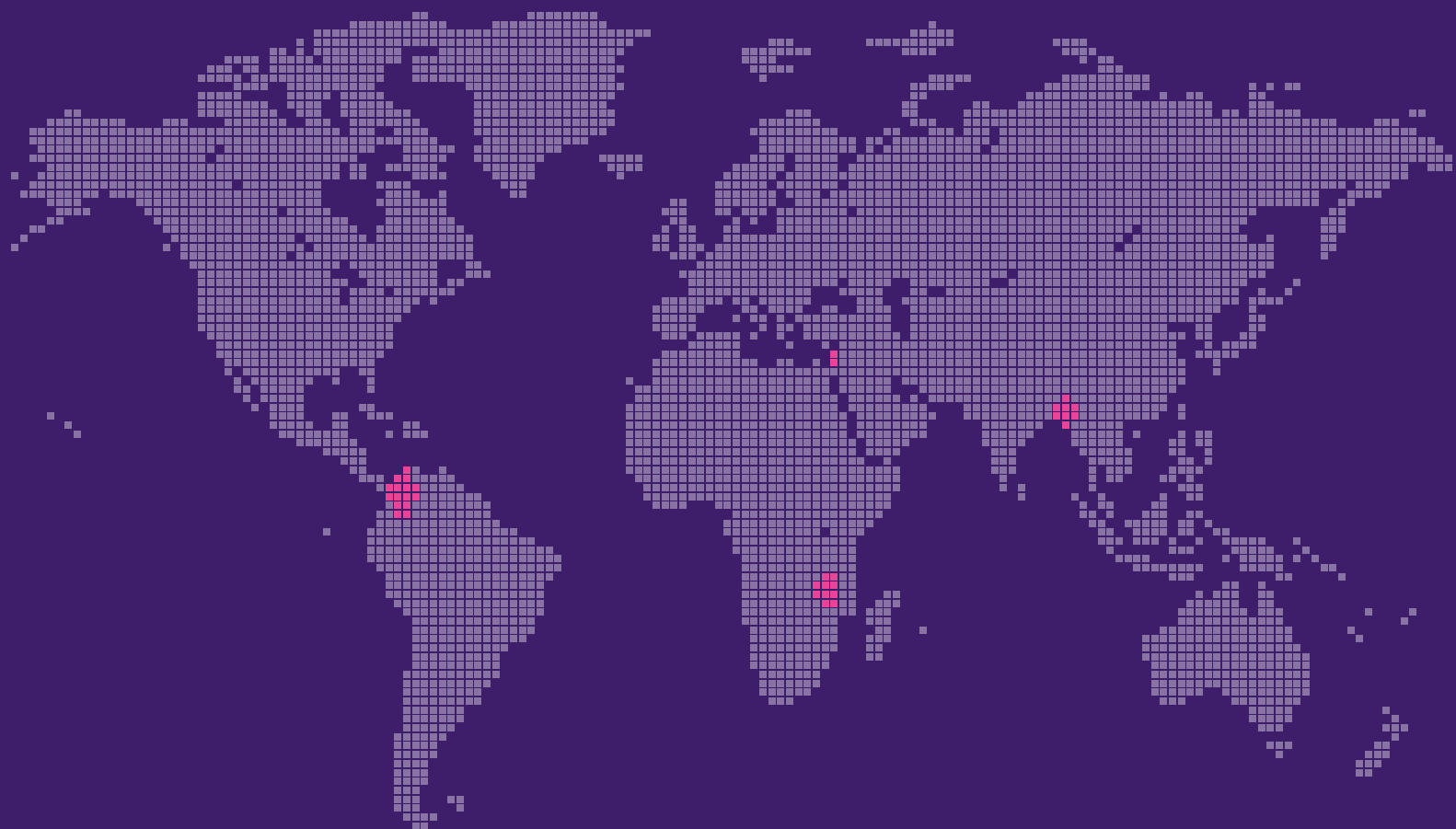
**ISRAEL**

**PALESTINE**

**ZIMBABWE**

James Cemmell

May 2009



**This report on academic freedom in five countries is also available on a country-by-country basis as separate chapters (covering **Burma, Colombia, Israel, Palestine and Zimbabwe**), for quicker downloading and easier reading. These can be downloaded from UCU's website at **[www.ucu.org.uk](http://www.ucu.org.uk)**.**

### **Author's biographical note**

**James Cemmell** ([jamespearl@hotmail.com](mailto:jamespearl@hotmail.com)) presently works as a regulatory consultant in London, UK. His longstanding interest in internationalism in the higher education sector was stimulated while a student at the University of Leeds. Upon graduation in 2000 he was elected as the sabbatical Education Officer at Leeds University Union and was subsequently elected as Convenor of West Yorks Area NUS. He completed a four year appointment at ESU/ESIB (European Student Union) to a committee concerned with emerging policy practices and regulatory frameworks in international education. Along the way he completed an MA in International Development at the University of Bradford and spent a year at the University of Bristol in the Graduate School of Education Centre for Globalisation, Education and Societies where he pursued diverse interests in the GATS, Bologna and higher education reform issues in Kosovo. When time, family and injuries permit, James pursues interests in Shotokan Karate.

*James Cemmell asserts his moral right to be identified as the author of this study.*

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## Foreword

Academic freedom is a core value of higher education, one which provides the basis for the integrity of university teaching and research. The trade unions in the sector give a high priority to the defence of academic freedom. We welcome this report by James Cemmell, which sets out the range of threats to academic freedom in some of the most difficult environments in the world, where to be an academic or a trade unionist may be literally to put your life on the line.

The report has its origins in the interest taken by the University and College Union in the United Kingdom, in academic freedom in five of those countries, expressed in motions to the UCU Congress in 2008. UCU has commissioned this piece of independent research from Education International, and James Cemmell was employed to carry out the research and prepare the report. The report will be used to inform and carry forward UCU policy, and will be presented to UCU annual Congress at the end of May, and we hope that it will also underpin EI's global work on academic freedom. We wish to pay tribute to the work James has done to produce a thorough and authoritative report against a very tight time deadline. We hope it will be widely read and used by colleagues in the higher education sector in the United Kingdom and elsewhere.

### Sally Hunt

*General secretary, UCU*

## Preface

Academic freedom is a long-standing principle in higher education, which for centuries has put the responsibility on higher education teaching personnel to exercise their intellectual judgment and to explore avenues of scientific and philosophical discovery for the benefit of their discipline, their institutions, their immediate society and the international community.

As advocated by the 1997 UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel, *academic freedom lies at the very heart of higher education and provides the strongest guarantee of the accuracy and objectivity of scholarship and research.*

The 1997 recommendation expresses concern regarding the vulnerability of the academic community to untoward political pressures which could undermine academic freedom. This study demonstrates that regretfully, such pressure remains a reality in a number of countries. Throughout the past decade, there has also been an increasing trend towards the commercialisation of education, which has posed itself as a further threat to academic freedom.

Education International has worked tirelessly on this issue. It is a matter of extreme importance to higher education staff and unions worldwide. EI publishes reports on the implementation of the academic rights enshrined in the 1997 Recommendation on a three-year basis. These reports are presented to CEART (the Joint UNESCO/ILO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel) and are used for CEART's report on the application of the mentioned recommendation.

EI welcomed the approach by the University and College Union to commission research on academic freedom in five countries in which academic freedom faces particularly severe challenges. This comprehensive study will be used as input for EI's next report to CEART, which is due in the coming months. EI would like to thank UCU for taking this initiative and for their collaboration on this project and James Cemmell for the extensive work that he has done.

### Fred van Leeuwen

*General secretary, Education International*

**...there is strong evidence that economic and political freedoms help to reinforce one another... Similarly, social opportunities of education and health care, which may require public action, complement individual opportunities of economic and political participation and also help to foster our own initiatives in overcoming our respective deprivations.\***

*Amartya Sen, 1998 Nobel Laureate*

This study was written over five weeks in Spring 2009 and highlights key constraints on the availability of academic freedom in five countries: Burma, Colombia, Israel, Palestine<sup>†</sup> and Zimbabwe. The choice of countries to be profiled was purposeful—each provides, due to the specifics of the national situation, a clear illustration of the interplay between society and the academy’s ability to operate properly and free from unwarranted interference.

The forces exerted on the higher education (HE) sector vary with each national setting. In each country study, demonstrable acts of resistance by the university sector to maintain and uphold academic freedoms can be seen. Unfortunately it is also possible to provide evidence in each national setting of severe restrictions on academic freedoms whereby resistance has either not been effective or is not in evidence. Extreme examples include the use of paramilitary organisations as strike breakers in Colombia, the forcible re-education of university teachers in Burma, the conduct of party political violence on campus in Palestine, the absence of job security for many junior faculty in Israel and the summary detention of student activists in Zimbabwe.

### Interdependence of freedoms

The country profiles consider that freedoms within a society are mutually reinforcing. As a consequence, the availability of economic, political, social and cultural freedoms have a bearing on pedagogical and academic freedoms. The profiles consider the national political and social situation in order that the debates concerning academic freedom can be considered in an appropriate context; as a result, each profile differs in structure. However, the basic outline is to consider the national situation, the trade union situation and then the higher education sector. The cases profiled demonstrate key polarizing elements of the national situation—such as the presence of armed movements in Colombia and the restrictions on movement in and between the West Bank and Gaza caused by Israeli actions.

Trade unions, as key social actors, operate in a position of contest within societies. As a consequence, much can be understood about the availability of academic freedoms by considering the situation in which trade unions operate in

within the country. It is significant that in countries where there are severe restrictions on academic and political freedoms—such as in Zimbabwe, and Colombia, national resistance has formulated around trade union actors. Similarly, student and academic movements have formed the vanguard of resistance in countries considered in this study, such as Burma, but also in other countries outside of the present study such as Serbia, South Africa and China.

### The role of UNESCO

The 1997 UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel provides an important regulatory instrument for assuring free and fair conduct of academic livelihoods. Appended to the Recommendation are fifty international conventions and other legislative instruments which, if implemented, ensure that the academy can operate in a responsible and autonomous manner.

The status of the Recommendation is reviewed jointly with the ILO through the Committee of Experts on the Application of the Recommendation concerning the Status of Teachers (CEART) which meets every three years—the next session will be held this year. CEART is an influential mechanism that provides for national cases to be referred for additional study and has previously considered representations made with respect to countries such as Ethiopia and Japan.

Recognising the global nature of HE, there are incremental benefits to all academics from the redress of restrictions on academic freedoms in any individual country. It should also be noted that the availability of academic freedoms requires a balance to be maintained within politics the economy and society. As such, academic freedoms are permanently under threat: even in enabling and more just societies. Surveillance of the status of academic freedoms for consideration by the CEART takes on an important function in the nurturing of democratic practices in different societies that has impact beyond the livelihoods of higher education personnel.

### Process

The review was carried out over a five week period in Spring 2009 and considered available data without the benefit of a dedicated country visit. As a consequence of the time

restrictions, the profiles should not be considered as exhaustive reviews—it has not been possible to explore all possible data sources and I have had to make sometimes difficult decisions to include or omit certain illustrative cases in the country profiles.

I would like to thank the following for helpful discussion and direction with regard to specific countries: for Burma, Martin Gemzell and Susanna Lif, formerly of the Olof Palme International Centre; for Israel, Yaniv Ronen, a researcher at the Knesset and Bar-Ilan University; and for Zimbabwe, Simon Chase of ACTSA. The above mentioned provided valuable input on a personal basis and are not responsible for any errors, omissions or inaccuracies in the text which remain my sole responsibility.

In addition, the teams from Education International (EI) and the University and College Union (UCU) provided clear direction while demonstrating sensitivity to the time constraints of the project: at UCU, Paul Bennett and Paul Cottrell; at EI, Monique Fouilhoux and Nina Gustafsson.

Bastian Baumann, Secretary-General of the Magna Charta Observatory, Almira Zejnilagic of GPW Ltd and Chris Weavers, generously made themselves available for helpful discussion.

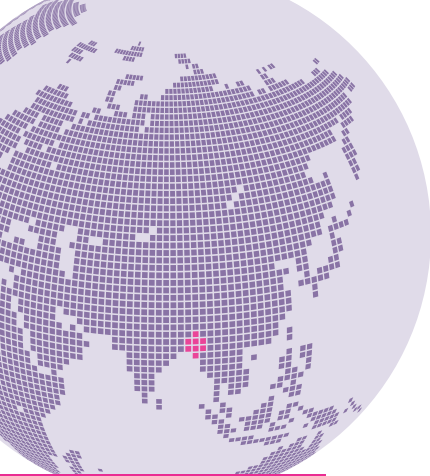
\* Extract from Amartya Sen, 'Development as Freedom', OUP 1999.

† Palestine is the name listed in the UN lists of Missions: <http://www.un.int/protocol/documents/HeadsofMissions.pdf>. Other UN agencies, such as UNDP and UNICEF have used the common term 'Occupied Palestinian Territories': see <http://www.undp.ps/en/aboutundp/aboutpapp.html>, <http://www.unicef.org/infobycountry/oPt.html>

# MATRIX OF ACADEMIC FREEDOM COMPONENTS

## Examples of autonomy/freedom issues by category

	HEIs/Teachers	Students
Political	Statutory enabling provisions for the protection of academics ● Participation in governance and legislative structures ● Formal status of representative bodies ● Appointment / dismissal process ● Freedom to pursue research ● Restrictions or mandatory syllabus that must/ forbade to be taught ● Protest/association rights	Access to decisionmaking structures ● Position in decisionmaking structures (limitations on representation/ grievances adhered to) ● Protest/association rights
Economic	Freedom of the institution to enter into contracts ● Freedom to fundraise / set fees ● Living wage ● Collective bargaining ● Properly resourced to do research ● Fixed/ permanent contracts ● Participation in budget process	Access free of economic constraints (fees, books, accommodation, ICT) ● Resources provided (study space, facilities, journals) ● Advice/counselling available ● Scholarships available (for who) ● Parity with private sector
Cultural	Teaching in native language ● Minorities included in the institution ● Local content (eg history, local text books) provided/required/restricted?	Access to instruction in local language ● Local language textbooks/content available ● Minorities treated fairly/ encouraged ● Refugees catered for ● Religious restrictions/requirements eg Catholic HEI
Social	Disabled staff enabled ● Gender balance ● Racial minorities protected/subject to specific programmes	Age to attend ● Demographics ● Gender dimension addressed ● Disabled students enabled ● Minorities protected
Pedagogic	Access to ongoing training ● Access to pertinent academic networks ● Standards upheld by proportionate and effective means	Exams conducted fair/transparent ● Burdensome/ disproportionate assessment procedure ● Transparent assessment and completion process



## BURMA

**Burma has been governed by martial law for the past four decades. The ruling junta has**

**proven resilient to protest and has successfully managed to transfer power through three successive government formations to the present incarnation, the SPDC. The junta has violated a number of international agreements including those that protect human rights, including labour rights, and enabling rights of academic freedoms for which they have been sanctioned by both the UN and the ILO. Following protests in 1988 ('8888 Uprising') and 2007 ('Saffron Revolution'), the general human rights situation in the country worsened with particularly strong measures enacted against students, teachers and student groups. The junta operates an overtly oppressive regime that has a particular impact on already disadvantaged minority groups such as the Rohingya Muslims.**

**Due to the severe restrictions on academic freedom and freedom of association, active groups organise mainly in exile. These groups carry out awareness raising activities with the international community, undertake capacity building initiatives to enable government to function should a democracy be attained and aid the dissemination of information within the country. However, due to the severe penalties that exist for organised activity within the country, union activities cannot be conducted on a scale comparable with that evidenced in more democratic countries.**

**Elections are planned for 2010 and are not expected to be either free or fair. This is evidenced by the junta's conduct during the constitutional review process and its ongoing refusal to cede power to the NLD party, lead by Aung San Suu Kyi, who won the 1990 election with 80% of the seats. An annex of recent human rights violations visited on student and other activists is included in an annex to this chapter; limited examples are provided within the main text.**

### Government structure

The Union of Burma (named 'Myanmar' by the military regime) is a military junta with totalitarian rule discharged by a military dictatorship. Senior General Than Shwe has lead the junta's governing arm, the State Peace and Development Council (SPDC) since 23 April 1992. SPDC has full formal control over the executive and exercises de facto influence over the judiciary; the 485 seat legislature has not convened following elections held 27 May 1990. The elections returned the National League for Democracy (NLD) with 392 seats, the Shan Nationalities League for Democracy (SNLD) with 23, the pro-junta National Unity Party (NUP) with 10, and 60 other. Burma has a significant proportion of ethnic minorities with Burman accounting for 68%, Shan 9%, Karen 7%, Rakhine 4%, Chinese 3%, Indian 2%, Mon 2%, other 5% (CIA 2009<sup>4</sup>).

### From independence to military rule

Burma gained independence from Britain in 1948 before which it was administrated as an Indian province, an act which endowed Burma with a minor ethnic Indian population. Military rule has been enforced since 1962 when General Ne Win first came to power leading the Burma Socialist Programme Party (BSPP). Following popular uprisings and a coup in 1988 known as the 8888 uprising, a new junta was installed, SLORC (State Law and Order Restoration Council) lead by Than Shwe. National elections were held in 1990 in which the junta expected to be returned. Following NLD's gaining 81% of the allocated seats, SLORC refused to cede power. The election was reclassified as pertaining to a committee to determine the scope of the new constitution and Aung San Suu Kyi (the leader of NLD) was subjected to house arrest—she was subsequently awarded the Nobel Peace Prize in 1991. Announcement 1/90 by SLORC was made two weeks after the elections and provided a public justification for the action.

*'...a political organization does not automatically obtain the three sovereign powers of legislative, administrative and judicial powers by the emergence of a People's Assembly. These powers can only be obtained based on a constitution. ... the representatives elected by the people*



*are responsible for drafting a constitution for the future democratic state. Drafting an interim constitution to obtain state power and to form a government will not be accepted in any way, and if it is done, effective action will be taken according to the law.'* (SLORC quoted by Pedersen 2007<sup>2</sup>)

SLORC extended Aung San Suu Kyi's detention in 1995 once she became eligible for release. Her convoy was attacked on May 2003 in an assumed assassination attempt (ASEAN Interparliamentary Myanmar Caucus<sup>3</sup>) where a number of leading NLD figures were arrested. The junta justified the offensive as required due to NLD's involvement in planned treasonous acts. In 1997, SLORC was reformed as SPDC, Than Shwe remained the head of state, and Burma was granted entry to ASEAN.

### Recent history

In 2007, government fuel subsidies were removed with a resultant increase in fuel prices—gas prices increased up to 500% (Democratic Voice of Burma 2007<sup>4</sup>). Mass demonstrations, known in some media as the 'Saffron Revolution' due to the colouring of the monk's robes, were harshly repressed by the SPDC with several thousand protesters arrested.

In May 2008, Cyclone Nargis hit the Irawaddy delta leaving an estimated 130,000 dead or missing (Medicine Sans Frontiers 2008<sup>5</sup>). The SPDC initially refused access to the World Food Programme and other international relief organisations in a move that was condemned by a number of sovereign parliaments (for example European Parliament resolution of 23 October 2008 on Burma<sup>6</sup>).

On 24 May 2008, in the midst of relief efforts, a referendum was held on a proposed constitution. The constitution was passed with 92.48% positive turnout—despite opposition by a number of groups at the timing so soon after the cyclone and the conduct of the referendum—new elections will be held in 2010. The new constitution requires that 25% of parliamentary seats and six cabinet seats be reserved for the military, that the head of state be familiar with military affairs and that they have resided in Burma for the previous 20 years (Ministry of Information 2008<sup>7</sup>). This

last measure would disbar Aung San Suu Kyi from holding office. Moreover, many observers of Burma do not believe that the forthcoming elections will be either free or fair. Human Rights Watch have commented that:

*'There is no reason to believe or even hope that the vote in 2010 will be free and fair. The point of the election is to put a civilian face on a military regime by handpicking the winners. This is likely to be the USDA or a similar group.'* (HRW 2008<sup>8</sup>)

### Political groupings and exile political activity

Due to the severe constraints on political mobilisation within Burma, a number of political groupings exist outside of the country, the majority with a base in Thailand. Example groupings include the National Coalition Government of the Union of Burma (NCGUB) who maintain a shadow government with appointed ministers. The Ethnic Nationalities Council (ENC) and the Federation of Trade Unions Burma (FTUB) maintain presences in Thailand. The Forum for Democracy in Burma (FDB) represents an umbrella grouping of critical, predominantly student bodies such as the All Burma Federation of Student Unions (ABFSU) and the YCOWA union. DPNS, Democratic Party for a New Society is also included under the auspices of FDB. DPNS functions as a political party of the left wing and was formed by student activists. DPNS is a significant actor within Burma and comprise the second largest pro-democracy party after the NLD with a claimed membership of 250,000 (DPNS 2009<sup>9</sup>).

The Karen National Union, Karenni National People's Party and Kachin Independence Organisation all represent various ethnic interests. It should be recognised that the situation between SPDC and Karen groups such as the Karen National Liberation Army (KNLA), a militarised Karen political group, is an active, violent conflict that has run since 1949.

Student groupings have been particularly active among the opposition to the Junta. As well as the aforementioned ABFSU<sup>10</sup>, the Students' and Youth Congress of Burma (SYCB<sup>11</sup>) is active in organising student and youth groups as an umbrella body. Membership is diverse and represents different Burmese national groupings.

### Condemnation by the United Nations

The junta in its various incarnations (BSPP, SLORC, SPDC), has attracted significant criticism from international bodies. The UN General Assembly has debated violations of international agreements made by Burma on a number of occasions. On 17 December 1991, the General Assembly by A/RES/46/132 welcomed the recent granting of the Nobel Peace Prize to Aung San Suu Kyi and urged *'the Government of Myanmar to allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights'* (UN GA 1992<sup>12</sup>).

Resolution A/RES/60/233 was adopted by the General Assembly on 23 March 2006 and indicated that little had changed in the intervening 15 years. The Resolution reviewed a number of concerns ranging from the ill treatment of displaced persons, use of sexual violence against women, refusal to engage with the international community and the refusal to grant the standard compliment of political rights. The Resolution affirmed

*'that the will of the people is the basis of the authority of government and that the will of the people of Myanmar was clearly expressed in the elections held in 1990,'*

and welcomed:

*'(d) The release by the Government of Myanmar of two hundred and forty- nine political prisoners on 6 July 2005, while noting that over one thousand, one hundred political prisoners remain incarcerated,'* (UN 2006<sup>13</sup>)

and expressed 'grave concern' regarding a catalogue of breeches of foundational principles of a number of UN bodies. The Resolution noted that the military junta had violated the human rights of the citizens of Burma both as citizens and as minorities with impunity. A Resolution of this clarity and breadth is nearly unparalleled within the UN system:

*(a) The ongoing systematic violation of the human rights, including civil, political, economic, social and cultural rights, of the people of Myanmar, including violations of the right to an adequate standard of living, discrimination and violations suffered by persons belonging to*

*ethnic nationalities, women and children, especially in non-ceasefire areas, including but not limited to extra-judicial killings, rape and other forms of sexual violence persistently carried out by members of the armed forces, continuing use of torture, deaths in custody, political arrests and continuing imprisonment and other detentions; forced relocation; forced labour, including child labour; trafficking in persons; denial of freedom of assembly, association, expression and movement; wide disrespect for the rule of law, continuing recruitment and use of child soldiers, use of landmines, and the confiscation of arable land, crops, livestock and other possessions; (UN GA 2006<sup>14</sup>)*

The SPDC remains contemptuous of UN structures and international law. Altsean reported a recent example in February 2009:

*A court in Insein prison sentences NLD elected MPs Nyi Pu and Tin Min Htut to 15 years in prison for writing an open letter to the UN* (reported in an Altsean compendium Feb 2009<sup>15</sup>).

### ASEAN membership

Burma joined the ASEAN grouping in 1997, following increasing moves towards a deeper regionalisation arrangement by ASEAN members. ASEAN membership had taken on an increased relevance due to developing trade flows and the liberalising of trade mechanisms between participating countries (IDEA 2001<sup>16</sup>). Further, Burma's ASEAN membership had taken on a regional importance due to significant pre-existing trade ties with Singapore–Burma's membership of the WTO as of 1997 indicates that commitments to a liberalised trade regime has formed a long standing policy of the junta that remains enshrined in the 2008 constitution.

Democracy activists, including Aung San Suu Kyi, have called on ASEAN to coerce Burma to deliver democratic practices and to implement human rights treaties. Aung San Suu Kyi has also called on ASEAN to recognise that a socially liberal Burma is a productive Burma and to pressure the junta to undertake liberal social reforms.

ASEAN members have traditionally been reticent to address human rights concerns to existing members, though in 2003 Dr Mahathir, the Malaysian leader, agreed that remedial measures may have to be adopted against Burma. He indicated that discussions had already taken place: *'We have already informed them that we are very disappointed with the turn of events and we hope that Aung San Suu Kyi will be released as soon as possible,'* (quoted on BBC 2003<sup>17</sup>). More recently ASEAN passed a Charter of Human Rights which entered into force December 2008; its utility is yet to be tested. However, ASEAN nations have traditionally regarded human rights issues as sovereign concerns. This can be evidenced in a 2008 ASEAN Chairman's statement made with reference to the human rights situation in Burma—specifically with regard to the initial junta's denial of entry rights to international aid agencies following Cyclone Nargis:

*'Prime Minister Thein Sein made clear that the situation in Myanmar was a domestic Myanmar affair and that Myanmar was fully capable of handling the situation by itself..*

*The ASEAN Leaders agreed that ASEAN would respect Myanmar's wishes and make way for Myanmar to deal directly with the UN and the international community on its own. ASEAN stands ready to play a role whenever Myanmar wants it to do so...*

*the Leaders reiterated that the Myanmar Government should continue to work with the UN in order to:*

- a. Open up a meaningful dialogue with Daw Aung San Suu Kyi and the National League for Democracy (NLD);*
- b. Make full use of the good offices of the UN Secretary-General and Professor Gambari in this process;*
- c. Lift restrictions on Daw Aung San Suu Kyi and release all political detainees;*
- d. Work towards a peaceful transition to democracy; and*
- e. Address the economic difficulties faced by the people of Myanmar.*

*The Leaders emphasised that they will strive to prevent the Myanmar issue from obstructing ASEAN's integration efforts, especially the ASEAN Charter and the*

*establishment of the ASEAN Community.'* (ASEAN 2008<sup>18</sup>).

As can be seen from the above ASEAN statement, autonomy is a primary tenet of the regional relationships. This has led many bodies to be sceptical about any potential influence that the ASEAN human rights charter can bring to bear on Burma.

### Trade unions

**Legal framework and extrajudicial treatment** The trade union environment in Burma is characterised by the same restrictions on rights that affect non union bodies and individuals. As a consequence, functioning trade unions—such as those found in most ILO member states and protected by the Conventions on Rights to Organise and Freedom of Association—are not permitted to operate in Burma. The legislative framework provides for severe sanctions to be brought to bear for violations of codes relating to the publication and distribution of illegal material. Article 19 outlined that after the 8888 uprising, the SLORC further restricted freedoms:

*'From the time of the September 1988 coup until September 1992, the entire country was placed under martial law. Those accused of breaching martial law provisions were tried by military tribunals, set up in July 1989, with powers to pass down only three penalties: life imprisonment, death or a minimum of three years' hard labour.'* (Article 19 1995<sup>19</sup>)

In concert with legislated restrictions, the judicial process is subject to corruption and influence from the junta. A number of case studies have been documented by groups such as Amnesty International, Article 19 and Human Rights Watch whereby activists have been subjected to extrajudicial treatment following arrest for protest actions. One such case concerned members arrested during a May Day protest in 2007:

*'Out of 33 persons originally arrested, six were held and charged. They were brought before a special tribunal inside a prison on 7 September, found guilty of sedition and illegal organising, and sentenced to between 20 and*

*28 years imprisonment. As the lawyers for the six had already resigned due to constant harassment by the prison officials, it is not clear whether or how the six might lodge appeals against their sentences.’ (Amnesty 2007<sup>20</sup>)*

**International Labour Organisation (ILO)** ILO has a long and turbulent history in Burma—the junta remains distrustful of intergovernmental organisations and has previously refused cooperation with UN agencies. This distrust has extended as far as the harassment of those accused of referring complaints to the ILO Liaison Officer for consideration (ILO 2009<sup>21</sup>). Burma has acceded to two of the five fundamental ILO Conventions, C29 concerning Forced Labour and C87 concerning Freedom of Association—both ratifications were made in 1955. Burma ratified neither C105 nor C98, additional conventions dealing respectively with Forced Labour and Freedom of Association. Burma does not enjoy normal relations by the ILO and has previously been sanctioned in December 2000 by ILO. The sanctioning process invited countries dealing with Burma to review their associations in order to ensure that they would not be complicit in violations of forced labour codes (ILO 2001<sup>22</sup>).

Resolutions of the UN General Assembly have specifically referenced violations of ILO Conventions and restrictions on political activity committed by the Myanmar military. The UN Resolution in 2006 detailed the concerns of the international community:

*‘(h) The fact that the Government of Myanmar, as noted by the 2005 International Labour Conference, has still not implemented the recommendations of the International Labour Organization Commission of Inquiry, has yet to demonstrate its stated determination to eliminate forced labour and take the necessary measures to comply with the International Labour Organization Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29), and has yet to demonstrate commitment at the highest level to a substantive policy’ (UN 2006<sup>23</sup>)*

Following a number of years of investigations into breaches of the Convention Protecting Freedom of Association, and in

light of a complaint brought by the ITUC, the ILO concluded that Burma is among the most consistent violator of the Convention globally:

*‘The Conference Committee has regularly mentioned (the last occasion of which was at the 93rd Session (June 2005) of the International Labour Conference) the application of the Convention by Myanmar in a special paragraph of its general report, thereby underlining the seriousness of the matter. These comments go to the very heart of the Convention and draw attention to the total absence of a legislative framework and climate sufficient to enable trade unions to exist in Myanmar.’ (ILO 2008<sup>24</sup>)*

**Free Trade Union of Burma (FTUB)** A restrictive legislative framework is in place which proscribes lengthy prison sentences for those involved in trade union activity or anti-governmental activities. This has forced a number of activists and trade unionists to leave the country in order to pursue their activities. Organising from exile brings many problems with both legitimacy and impact difficult to determine. The Free Trade Union of Burma (FTUB) is an exiled grouping that has been the focus of ILO demands for the junta to grant it formal recognition and rights. FTUB carries out activities such as the dissemination of information between different Burmese regions, trainings and liaison with the international media (ITUC interview with Maung Maung 2008<sup>25</sup>). Its information dissemination activities have proven unpopular with SPDC. The Director-General of the Myanmar Police Force, Brig-Gen Khin Yi, stated in a press conference in 2005:

*‘FTUB collected news on peasants, workers and others from Myanmar as much as possible and submitted these matters to ILO and trade unions in western countries for obtaining financial assistance. With these funds, the group has mobilized and utilized some Myanmar citizens in a neighbouring country and stealthily committing destructive acts and UG programmes to create unrest. With a view to launching more terrorist destructive acts within the country and obtaining more financial assistance from abroad.’ (SPDC 2005<sup>26</sup>)*

The union positions itself as an umbrella body representing the interests of nine different categories of workers through



their respective affiliated sectoral interests (FTUB 2009<sup>27</sup>). It is unclear how FTUB manages its consultation processes with the various sectoral interests and how its officers are elected/appointed – various actors have voiced concern that FTUB operates in an opaque manner. Maung Maung is general secretary of FTUB and has strong links into various opposition movements through his father who is a member of the national executive of the NLD. FTUB is an important figurehead and has been the focus of union recognition demands from ITUC and subsequently ILO.

### Higher education in Burma

Comprehensive statistics for Burma's HE sector are not included within the UNESCO Global Education Digest 2008. Moreover, accurate statistics on the higher education sector in Burma are generally held to be in sparse supply as many of the universities were closed for long periods of time following the 1988 uprising (Burma, the State of Myanmar Steinberg 2002; NEAR International 2003).

Approximately 3000 students study abroad each year in: U.S.A. (673), Japan (627), Malaysia (533), Australia (278), Thailand (255) (UNESCO 2008<sup>28</sup>). Presently the Ministry of Education lists details of 44 university and degree colleges. However, the higher education law has also constituted specialised centres of higher education to be governed by other ministries such that the total number of institutions has been recently given as 156 (Han Tin 2008<sup>29</sup>). IAU and local data is provided in annexes 2,3 and 4.

**University governance legislative framework** Higher education is governed by the 1973 University Education law. Numerous amendments have been made to the law to establish specific education facilities, 'The State Peace and Development Council Law No. 4/98', March 1998, amended the law and determined governance arrangements for universities in Burma. The law does not provide for significant autonomy of institutions. Section 9 of the law was amended to constitute a body to supervise all aspects of the university sector covering both content and process.

*'9 (a) The Government shall form the Council of University Academic Bodies in order to supervise all*

*matters relating to standard of university education, syllabus, examination and education'* (SPDC 4/98<sup>30</sup>)

The active role of the junta in the higher education sector can be evidenced in the law constituting 'The University for the Development of the National Races of the Union' (SLORC No. 9/91 1991). Chapter 3, Section f defines one of the aims to:

*'(f) to produce good educational personnel who are free from party politics and who are of good moral character'* (SLORC 9/91<sup>31</sup>)

The above protocols illustrate that the autonomy of the higher education sector is limited by legislation. The 1991 law has severe implications for academic freedoms by pre-defining that the university is responsible for producing non-partisan education personnel. However, many of the restrictions on academic freedoms in Burma can be attributed to the totalitarian formation of the junta and do not have a base in the 1973 University Law (see examples provided in annex 1).

**Restrictions on student unions in higher education** Political activity is strongly discouraged within the university sector, due to a number of the more active opposition groups, including many involved in the 1988 and 2007 uprisings, being comprised of students from the University of Yangon. It has been posited that an important driver for the proliferation of institutions and the increase in distance learning provision was to decentralise the student base and so reduce the incidence of anti-government activity (Steinberg 2002<sup>32</sup>).

Students have been targeted extensively by the junta. Student unions are generally not permitted and ILO Freedom of Association provisions are not respected. Amnesty International reported one such restriction on student union activity:

*'Amnesty International and Reporters Without Borders are calling for the release of 7 law students and a journalist detained since June 2003. Sports editor Zaw Thet Htwe and the students are believed to have been arrested because they set up a student sports union in their university without official permission'* (Amnesty 2004<sup>33</sup>).

The junta has previously taken severe action against the

university sector by undertaking measures such as closing universities, arresting students and sending lecturers for compulsory patriotic re-education. In 2006, Amnesty International reported one such case:

*‘Thet Win Aung, a 34 year old student leader and one of Amnesty International’s Prisoner of Conscience, died in Mandalay Prison on 16 October 2006. He was in prison since 1998 for taking part in organizing peaceful small-scale student demonstrations which called for improvements to the educational system and the release of political prisoners’ (Amnesty 2006<sup>34</sup>).*

A study into educational freedoms in 1992 found that students have generally been at the forefront of both opposition activity and subsequent junta suppression measures. Article 19, a global human rights NGO, has reported that:

*‘Undoubtedly the harshest treatment, however, is reserved for the students. Since 1988 thousands of young people have been arrested under the SLORC’s tough martial law restrictions and many have been brutally tortured. With the constant closure of the colleges, for four years now few students have been able to either enter or graduate from university. The SLORC appears determined to prevent any resurgence of political activity in schools or on the college campuses. Right across the country virtually every democratic right of association, publishing and communication has been banned’.* (Article 19 1992<sup>35</sup>)

**Restrictions on university teachers** University teachers have faced heavy discrimination by the junta. Article 19 documented the severe repression measures that were enacted after the 1988 uprising, these included forced re-education, mass dismissals, political restrictions and significant changes in their terms of employment:

*When the universities and colleges finally reopened in September 1992, academics found they had a new set of duties. Each lecturer was given surveillance duties and made responsible for the actions of the students in their class. On many campuses, corridors and staircases have been divided into “security divisions” under the command of department heads. “It’s just another form of*

*control,” a foreign diplomat told Reuters. “The government is trying to keep the lid on the students by making their teachers responsible for them, so whatever they do, the teachers take the rap. It’s very clever.”...* (Article 19 1992<sup>36</sup>)

*‘For many academics, the appearance in military uniform of the SLORC Health and Education Minister, Pe Thein, the only civilian in the SLORC cabinet, symbolizes the status of education in Burma today. A medical doctor and former Rector of Mandalay Institute of Medicine, since his appointment by the SLORC in 1988 he had started wearing a uniform and pistol with the military rank of colonel’.* (Article 19 *ibid*)

### The economic dimension

In addition, economic factors impact on the availability of academic freedoms. Burma had previously been awarded prizes for literacy by UNESCO in 1983 and 1971 (UNESCO 1998<sup>37</sup>), however, in line with a weakening in the economy, leaving Burma classified as a Least Developed Country (LDC), many institutions are poorly funded and suffer from a lack of resource. It has been reported that institutions under the defence, forestry, agriculture and irrigation ministries generally fare better—though resource gaps remain evident (Han Tin 2008<sup>38</sup>).

## Annex 1

### Recent human rights violations compiled by Altsean<sup>39</sup> during March 2009

(higher education cases in bold)

#### Arrests

- **2 March** SPDC authorities in Taungoo, Pegu Division, arrested Thein Lwin, a Thaketa Township NLD organizing committee member.

*Mizzima News (16 March 2009) Ailing NLD party worker arrested*

- **3 March** SPDC authorities in Twante Township, Rangoon Division, arrested NLD sympathizer Khin Zaw along with seven NLD supporters after they collected signatures for the release of political prisoners.

*DVB (09 March 2009) Eight people arrested after signature campaign*

- **6 March** SPDC authorities in Rangoon's Sanchaung Township arrested NLD member Sein Hlaing. He was involved in the NLD's program to support political prisoners.

*DVB (10 March 2009) Two NLD members in unspecified arrest*

- **7 March** SPDC authorities in Rangoon's Hlaing Township arrested NLD member Shwe Gyoe.

*Mizzima News (08 March 2009) Former political prisoner detained*

- **10 March** Special Branch police in Akyab, Arakan State, arrested four NLD youth members and a monk from Tawra Monastery for praying for the release of Daw Aung San Suu Kyi at the Lawkanandar pagoda.

*Kaladan News (12 March 2009) Authorities arrest NLD youth in Akyab*

- **13 March** SPDC authorities in Rangoon's Ahlone Township arrested NLD member and social worker Myint Myint San aka Ma Cho. She had been providing support to political prisoners with the NLD's Social Supporting Committee.

*AP (18 March 2009) Myanmar arrests 5 members of pro-democracy party; Irrawaddy (16 March 2009) Four NLD members arrested*

- **15 March** SPDC authorities in Rangoon arrested NLD member Kyi Lwin, 53.

*AP (18 March 2009) Myanmar arrests 5 members of pro-democracy party; Mizzima News (16 March 2009) Ailing NLD party worker arrested*

- **20 March** It was reported that SPDC Military Intelligence at a checkpoint on the Maungdaw-Buthidaung road in Arakan State detained 60-year-old retired police official Mrat Tun for providing information to a Burmese media group in Bangladesh.

*Narinjara News (26 March 2009) Retired police official arrested for connections with exiled media*

- **27 March** Police in Twante Township, Rangoon Division, arrested private tutor Aung Phe after he stood outside the Township NLD office for over five hours.

*Mizzima News (27 March 2009) Lone protestor detained*

#### Prison sentences

- **5 March** A court in Rangoon's Insein prison sentenced 88 Generation Students Win Maw, Zaw Zaw Min aka Baung Baung, and Aung Zaw Oo to an additional ten years in prison for sending news about the Saffron Revolution through the internet. They will now serve a total of 17, 12, and 22 years in prison respectively.

*DVB (06 March 2009) Pop star imprisoned for further 10 years; UPI (19 March 2009) Cyber-thought crime in Bangkok and Rangoon*

- **11 March** A court in Insein prison sentenced relief worker Min Thein Tun aka Thiha to 17 years in jail for helping coordinate Cyclone Nargis relief efforts through the internet.

*DVB (18 March 2009) Prisoners living in dire conditions hundreds of miles from families*

- **12 March** Rangoon's North Dagon Township court sentenced six relatives of monk leader U Gambira, including his brother Aung Ko Ko Lwin, to five years in prison with hard labor.

*DVB (13 March 2009) Brother-in-law of ABMA leader sentenced to five years' hard labour; Irrawaddy (13 March 2009) Monk's family members sentenced in reprisal*

- **17 March** A court in Magwe Division sentenced lawyer Pho Phyu to four years in prison. Pho Phyu defended farmers whose land had been forcibly seized by the SPDC Army in Natmauk Township.

*AP (20 March 2009) Myanmar imprisons activist lawyer for 4 years; DVB (18 March 2009) Farmers' lawyer sentenced to four years in prison*

- **23 March** A court in Insein prison sentenced former student activists Yin Yin Waing, Tin Tin Cho, Myat Thu, and Ni Moe Hlaing to three years in prison. They volunteered as relief workers in the Irrawaddy delta and collected donations from friends and relatives following Cyclone Nargis.

*Irrawaddy* (24 March 2009) *Insein court sentences 13 more political activists*; *Mizzima News* (24 March 2009) *NLD requests meeting with party leaders*

- **23 March** A court in Insein prison sentenced NLD members Htet Htet Oo Wai, Win Myint Maung, and Tun Tun Win to five years in prison for calling for the release of Daw Aung San Suu Kyi in front of the People's Assembly building in Rangoon on 30 December 2008.

*Irrawaddy* (24 March 2009) *Insein court sentences 13 more political activists*; *Mizzima News* (24 March 2009) *NLD requests meeting with party leaders*

- **23 March** A Maungdaw district court sentenced local businessman Nyunt Maung, 45, to one year in prison for sending information to a Burmese media group in Bangladesh.

*Narinjara News* (28 March 2009) *Businessman sentenced to one year in prison for sharing information*

- **23 March** A court in Insein prison sentenced activists Aung Kyaw Oo, Zeya Oo, Htin Aung, Than Tun Zin, Tin Tun, and Myo Thant to prison terms ranging from two to seven years for distributing political leaflets in Rangoon on behalf of the 88 Generation Students on 7 August 2008.

*Mizzima News* (24 March 2009) *NLD requests meeting with party leaders*

- **24 March** A court in Twante Township, Rangoon Division, sentenced NLD sympathizer Khin Zaw and three NLD supporters to seven days in prison. [See above Arrests]

*Mizzima News* (25 March 2009) *Three NLD members framed and jailed for exposing corruption*

- **30 March** A court in Rangoon's Thingangyun Township sentenced six NLD members to five years in prison and extended the eight-year sentence of NLD member Ye Zaw Htike by an additional 10 years.

*Irrawaddy* (31 March 2009) *More NLD members receive lengthy prison sentences*

## Annex 2

### IAU overview of the higher education sector in Burma 2005<sup>40</sup>

#### *Institution types and credentials*

##### Types of higher education institutions

- Tekkatho (University)
- College
- Technical Institute

##### School leaving and higher education credentials

- Basic Education Standard Examination (Matriculation)
- Diploma
- Bachelor of Education
- Bachelor's Degree
- Bachelor's Degree (Honours)
- Postgraduate Diploma
- Master's Degree
- Doctorate

Higher education is provided by universities and specialised institutions (teacher training schools and colleges, technical and professional institutes and an Institute for Foreign Languages). They are all state institutions. Most of them are under the control of the Departments of Higher Education (one for lower Myanmar in Yangon and one for upper Myanmar in Mandalay) of the Ministry of Education. They are independent units. Each university has an academic and an administrative board. National policies are established by the Universities' Central Council and the Council of University Academic Bodies which are chaired by the Minister of Education. All universities and colleges are state-financed. A nominal fee is charged for studies.

##### Main laws/decrees governing higher education

- *Decree* University Education Law (1973)
- *Decree* University Education Law (1964)  
*Concerns Universities*

**Academic year** Classes from September to August

**Languages of instruction** Burmese, English



### Stages of studies

**Non-university level post-secondary studies (technical/vocational type)** Higher vocational and technical education is provided by government Technical Institutes offering three-year courses in Building Construction, Railway Construction, Highway and Municipal Technology; Machine-tool Design Technology; Diesel Power and Heavy Equipment; Electric Power; Electronics and Mining. Entry is at post-matriculation level and is subject to success in the entrance examination. The Agricultural Institute at Pyinmana offers post-secondary training for agricultural extension workers and teachers of vocational agriculture in high schools. Entrants must hold the Matriculation and Regional College final examinations or be junior assistant teachers. The Institute of Nursing in Yangon offers a four-year BSc course in Nursing. Two-year Diploma courses in Physiotherapy, Pharmacy, Radiography and Medical Technology are offered by the Institute of Paramedical Sciences.

**University level first stage: Bachelor's degree** The Bachelor (pass degree) is obtained on successful completion of a three-year course (four in law) and the Bachelor (honours) degree after an additional year. The Bachelor's degrees in Engineering, Architecture and Forestry require five to six years' study. In Dentistry, Medicine and Veterinary Sciences studies last for six to six-and-a-half years. In Law, the Bachelor's degree is obtained after two years' study following a Bachelor's degree in Arts, Science or Social Science, which is a prerequisite.

**University level second stage: Master's degree, Postgraduate Diploma** Master's degrees (MA, MSc, MEd, MDSc, MAgrSc, MPhil etc.) are conferred after two years' study beyond the Bachelor's degree. Postgraduate Diplomas are also offered in some institutions following one or two years' study.

**University level third stage: Doctorate** A PhD is conferred by certain universities after at least four years' further study and research.

**Non-traditional studies: distance higher education** Yangon University of Distance Education and Mandalay University of Distance Education provide distance education at e-learning centres located all over the country.

**Other forms of non-formal higher education** Non-formal studies are offered by regional colleges, which provide courses for the first two years of tertiary education. An examination is taken to obtain a leaving qualification and yet another for entrance to university. Those with the best marks proceed to the final part of their degree course. There is also a Workers' College which is affiliated to the University of Yangon. Evening classes are offered by the University of Mandalay.

### Admissions to higher education

#### Admission to non university higher education studies

- *Name of secondary school credential required* Basic Education Standard Examination (Matriculation)
- *Entrance exams required* Entrance examination

#### Admission to university-level studies

- *Name of secondary school credential required* Basic Education Standard Examination (Matriculation)
- *Other admission requirements* Entrance examination at some universities

#### Foreign students admission

- *Entry regulations* Foreign students are admitted to Myanmar higher educational institutions only under officially sponsored programmes.
- *Language requirements* A good knowledge of Burmese is essential.

### Grading system

#### Main grading system used by higher education institutions

- *Full description* 0-100%
- *Highest on scale* 100%
- *Pass/fail level* 50% for major subjects, 40% for minor ones.
- *Lowest on scale* 0%

#### Data for academic year 2004-2005

### Annex 3

#### Description of the higher education sector from Yangon City Municipality<sup>41</sup>

Due to the major changes in higher education with the enactment of the University Education Law 1964 and 1973 respectively the existing unitary system of higher education the form of the University of Rangoon (Yangon) and the University of Mandalay ceased to exist and numerous University level institutes came into existence. In order to administer and the work of these institutions, the Office of Universities Administration was formed. In 1972 it was renamed the Department of Higher Education. The Department is thus the executive branch of the Ministry of Education with the responsibility for administration and coordination of higher education institutions. Academic and administrative policy matters relating to higher education are managed by the two Councils chaired by the Minister of Education. These are: the Universities' Central Council; and the Council of Universities Academic Bodies.

The Universities' Central Council is mainly responsible for the forming of broad policy and coordination of the work of universities and Colleges while the responsibility of the Council of University Academic Board lies in the adoption of all academic regulations and coordination of all academic work.

#### Tertiary education institutions

There are 58 Tertiary Education Institutions under the Ministry of Education. They are as follows:

<i>Institute of Economics</i>	2
<i>Institute of Education</i>	2
<i>Art and Science Universities</i>	16
<i>Arts and Science Degree Colleges (4 Years)</i>	9
<i>Arts and Science Colleges (2 Years)</i>	10
<i>Education Colleges</i>	19
<b>Total</b>	<b>58</b>

There are also 47 Tertiary Education Institutions under other Ministries and the Public Service Selection and training Board. For instance, The Ministry of Health is responsible for medical education and other health-related educations. The

Ministry of Agriculture and Irrigation is responsible for the Institute and the Ministry of Livestock breeding and fisheries are responsible for their respective institutions. The Ministry of Forestry, the university of the Development of National Races is administered by the Public Services Selection and Training Board, the Dragon Colleges of Nationalities Youth Resource Development are administered by the Ministry of Progress of Border Areas and national Races Development Affairs. Since 1994, new cooperation colleges and regional cooperative college have been opened by the Ministry of Cooperative.

The Ministry of Defense established the Defense Services Institute of Medicine and in 1993, the Defense Services Institute of engineering were further established.

### Annex 4

#### Breakdown of higher education institutions by sector (Han, 2008)<sup>42</sup>

Myanmar education: challenges, prospects and options (2008) Tin, Han Chapter 7 of *Dictatorship, Disorder and Decline in Myanmar* (ANU 2008)

#### Number of higher-education institutions in Myanmar (2008)

1	<i>Education</i>	64
2	<i>Health</i>	14
3	<i>Science and technology</i>	56
4	<i>Defence</i>	5
5	<i>Culture</i>	2
6	<i>Forestry</i>	1
7	<i>Agriculture and irrigation</i>	1
8	<i>Livestock, breeding and fisheries</i>	1
9	<i>Cooperatives</i>	5
10	<i>Civil Service Selection and Training Board</i>	1
11	<i>Religious affairs</i>	2
12	<i>Progress of border areas and national races and development affairs</i>	1
13	<i>Transport</i>	3
	<b>Total</b>	<b>156</b>

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## COLOMBIA

**Academic freedoms in Colombia are maintained by national legislation**

**and international commitments entered into with UNESCO and the ILO. The domestic situation is problematic—the system is heavily commodified and the financial situation in public institutions restricts the ability of academics to fully engage in world class research. In addition, women are significantly under-represented in the academy and the requirement for national level exams prior to graduation undermines the independence of the university curriculum.**

**However, academic freedoms are severely curtailed by the presence of violent, non-state, armed movement actors who often maintain a visible presence on campus. The longevity and pervasiveness of armed groupings has placed a number of restrictions on the allocation of public funds, further contributing towards a higher education funding shortfall. The severe human rights abuses committed by these bodies has caused Colombia to evidence the second highest number of internal refugees and to account for over 50% of the murdered trade unionists globally. The presence of armed groupings at all levels of the political process impacts significantly on Colombian higher education reform processes and represents a severe restriction on the availability of academic freedom and related political freedoms.**

### Government

The Republic of Colombia is governed by a constitution adopted 5 July 1991. The executive branch is lead by President Alvaro Uribe Velez (President Uribe) who functions as both head of state and head of government. Since coming to power on 7 August 2002, President Uribe has been re-elected (in May 2006) with 62% of the vote—his mandate will expire in May 2010 (CIA 2009<sup>43</sup>).

Despite significant violence during the election campaigns, Organisation of American States (OAS) election monitors concluded that the May 2006 election day itself was largely free from violence and that the election result represents a legitimate mandate—despite an abstention rate of 55%. Santiago Murray, the head of the OAS mission concluded that:

*‘While it is known that Colombia is undergoing a difficult situation in terms of public order, which includes assassinations, intimidation and kidnappings by groups operating outside the law, this electoral process demonstrated improved conditions for campaigning, which in contrast to previous elections, allowed the different candidates to carry out some public activities’* (OAS 2006<sup>44</sup>)

President Uribe’s present cabinet is plural and contains representation from three of the major political parties (PSUN, PC, CR), in addition, a number of independents are also represented. The executive branch of the government is dominant over a bicameral Congress (CIA 2009<sup>45</sup>).

PDI (Independent Democratic Pole) was formed and backed by substantial trade union support, including the largest education trade union, FECODE (The Colombian Federation of Educators), along with ASPU (Association of University Professors) and Sintraunicol (National University Workers Union of Colombia), key representative unions of the HE sector. PDI contested the 2006 election in concert with AD (Democratic Alternative) as PDA. The PDA candidate, Carlos Gaviria, placed second to Uribe with 22.04% of the vote.

### Armed movements

A peculiarity of Colombian politics is the presence of pressure groups with significant military capacity. Armed activity has

been a constant feature of Colombian politics for the previous four decades. The conflict has been fuelled by a number of factors including extreme economic inequality—among the highest in the world with a Gini coefficient of 0.538 - a varied and rich endowment of natural resources (including fossil fuels, mineral deposits and prime agricultural land) and ongoing narcotics wars related to the sizable cocaine and heroin industries.

Groups include left wing guerrillas such as the FARC (Revolutionary Armed Forces of Colombia—founded 1964) and the ELN (National Liberation Army—founded 1966) and right wing paramilitaries such as the AUC (United Self-Defense Forces of Colombia—founded 1997). The organisations have considerable resources at their disposal. For example, the umbrella AUC organisation, prior to its official disbandment in 2006, was estimated to have access to over 31,000 members (US Department of State 2008<sup>46</sup>).

A long-running violent conflict between the government and the organisations developed in its modern form in the 1960s (Justice for Colombia 2009<sup>47</sup>). The establishment of FARC as the military wing of the Colombian Communist Party in 1964 signified the initiation of the wide-scale violence still in evidence today (Global Security 2009<sup>48</sup>).

### Paramilitary organisations and the state

Over the previous four decades, the Colombian state has maintained a complex and changing relationship with the armed groups. At various times the relationship has taken the form of active cooperation between the state and the right wing paramilitary groups, working as an extension of policing/military capacity, while at other times the state and armed groups have been engaged in open conflict with each other (Reliefweb 2008<sup>49</sup>).

This relationship is particularly evidenced with reference to AUC whereby AUC paramilitary and government military forces have been known to engage in joint operations and to operate under unitary command structures (Justice for Colombia<sup>50</sup>). A case brought before ILO accused the Vice-Chancellor of the University of Córdoba of engaging UAC to attempt to break a collective agreement upheld by the local union (ILO 2006<sup>51</sup>).

The ubiquitous presence of armed organisations complicates private and public activities; however, it also impacts on private sector investment arrangements. For example, in 2007, Chiquita Brands International, a global food company, was required to pay a fine of \$25m by the US Department of Justice for making \$1.7m of protection payments to AUC leader Carlos Castaño for ‘security services’ (US Department of Justice 2007<sup>52</sup>). The ever present role of armed and criminal organisations is required to be considered whenever political or commercial initiatives are undertaken in Colombia.

### Demobilisation initiative

‘Demobilisation’ is a key and controversial manifesto commitment of President Uribe’s designed to reduce the prominence of the armed groups. Scaling back the conflict had taken on a priority importance following a marked escalation of the conflict during the 1990s. His policy of ‘demobilisation’, whereby right wing paramilitary leaders were encouraged to renounce violence in return for immunity from prosecution and extradition to the US, has so far incorporated over 30,000 paramilitaries. Uribe’s presidency has declared success due to the marked decrease in the number of deaths associated with the conflict, a decrease that the government has attributed to the demobilisation programme.

However, demobilisation initiatives are seen as controversial due to the leading cadres of paramilitary groups such as the AUC remaining free to benefit from their former criminal activities while enjoying immunity from sanctions. Trade unions and other critics have argued that the programme not only rewards war criminals but has also made a limited impact on the conflict by displacing former AUC leaders into newly formed, alternative criminal organisations (HRW 2009<sup>53</sup>).

The complexity of the situation alludes a simple discussion. Researchers at the Harvard Weatherhead Center for International Affairs have posited the requirement for additional conflict resolution measures. These include the requirement of the state to fill the void left by the demobilised groups and the need for the international community to encourage FARC and the other left wing militarised groupings to similarly engage in a meaningful peace process (Theidon 2006<sup>54</sup>).



### Persecution of trade unionists

The conflict remains severe with Amnesty International estimating that 305,000 people have been displaced and 1,400 people have been killed in 2007 alone; in addition, over 2000 trade unionists have been murdered since the mid-1980s (Amnesty 2008<sup>55</sup>). These are most likely underestimates due to the reluctance of victims' families to report crimes due to the fear of reprisals (Novelli 2009<sup>56</sup>). It should be noted that members of education unions comprise the majority of trade union victims (EI 2007<sup>57</sup>).

A key criticism levelled at the Colombian institutions by advocacy groups such as Amnesty is the impunity with which violations are committed with murders significantly outweighing convictions. It has been estimated by the CCJ (and subsequently referenced by HRW) that there is an impunity rate of 96.7%. In context, the ITUC (2008 annual study of violations<sup>58</sup>) has estimated that over 50% of murders of trade unionists globally were committed in Colombia.

During one particularly brazen act, AUC publicly threatened to murder Antonio Flores, Milena Cobos, Ariel Diaz, Carlos Gonzalez, Eduardo Camacho and Alvaro Villamizar of the Sintraunicol leadership. AUC's letter reasoned that: *'we must eliminate the communist threat against our educational establishments. We will have to take armed action against this threat because we receive no assistance from the legal authorities who we have informed of your activities.'* (AUC 2004<sup>59</sup>)

Trade unions are under particular pressure from paramilitaries due to a clash of both ideological and economic interests. The paramilitary organisations have profited through the operation of protection rackets in relation to foreign investors initiatives in Colombia. To this end, the organisations have encouraged the development of a liberal trading regime with a limited role for trade unions. The former head of AUC, Carlos Castano (now deceased), outlined his organisation's policy vis a vis violence with specific regard to trade unionists thus:

When asked in 2001 about their apparent willingness to blindly attack civilians, Carlos Castaño, who was then the head of the AUC paramilitary coalition, responded: *'Blind attacks? Us? Never! There's always a reason. The trade unionists, for*

*example. They keep people from working! That's why we kill them.'* (Human Rights Watch Testimony to the US House of Representatives 2007<sup>60</sup>)

### Higher education trade union activity

The trade union sector in Colombia has a long tradition of activism and is well established within national political frameworks. CUT (Central Union of Workers in Colombia) is active on the national stage and pursues cross sector policies such as minimum wage rights, rights for collective bargaining and the guarantee of human rights for trade unionists, among other initiatives (CUT 2009<sup>61</sup>).

**ASPU** ASPU (Association of University Professors) is constituted to represent all university professors to ensure that international labour standards, such as those entered into by the state with the ILO are met. Specifically the union is mandated to:

*'a) study the characteristics of the profession and the salaries, allowances, fees, safety and accident prevention and other economic, academic, social and working on their members to seek improvement and defense.'* (ASPU Constitution retrieved 2009<sup>62</sup>).

and to subsequently undertake representations on behalf of members to university and other appropriate authorities. ASPU is presently active in campaigns to protest against the casualisation of the labour force and has been actively involved in debates concerning national salary levels and pension arrangements.

**Anti-privatisation initiatives** ASPU has a statutory responsibility to strengthen the state education system (ASPU statutes *ibid*). As has been recognised by numerous national and international unions, the reforms undertaken in Colombia in the field of HE represent radical moves to privatise the sector and to stimulate private sector competition. ASPU has taken action to resist privatisation measures. A CAUT liaison with ASPU noted that opposition to governmental privatisation agendas was a mainstay of their representative activities:

*'Colombia is one of the countries in the Americas which*

*has been most ruthless in the execution of neoliberal policies on a continent where this is common practice. 'These policies condemn more than half of the country's population to living in poverty. In a document published in October 2001, ASPU states that 23 million of Colombia's 40 million inhabitants cannot satisfy their basic needs and 7.5 million live in conditions of extreme poverty. Average per person income has fallen from \$2,716 U.S. in 1997 to \$1,986 U.S. in 2000. Since new legislation affecting them was passed in 1993, social security and publicly funded health care have deteriorated rapidly... 'Colombia is very complex, because practices of surveillance and of intimidation by terror, of ownership concentration (of the media, of land, of large enterprises) and of the relentless erosion of social support provided by the state, as well as the growing importance of the military, police and intelligence services, can all occur while maintaining a quasi-democratic political system with regular presidential and congressional elections.'* (Misgeld/CAUT 2009<sup>63</sup>)

ASPU has been active in alliance building with other sectoral interests such as student associations via the Asociación Colombiana de Estudiantes Universitarios (ACEU). An ASPU submission to government on the topic of pension reform outlines the shared interests of the various actors in opposing the governmental privatization programme:

*'The crucial moment of crisis and aggression against the Colombian Public University by the privatization policy of the national government and the financial situation of suffocation and a budget which has been submitted, it requires more than ever the unity of all university the leadership of their managers, and building strategic alliances with other institutions, especially the National University of Colombia, to address in a single society, formulate proposals for a time of imagination and challenges, and thus defend and keep open the main body of knowledge.'* (ASPU 2005<sup>64</sup>)

**ASPU and ACEU oppression by armed factions** Both ASPU and ACEU have been affected by and have in turn protested against the activities of armed militias on campus. Student

members of ACEU have been targeted by the right-wing paramilitary groups who have accused them of membership of and/or sympathy with the left wing guerrilla movements such as FARC. A recent release from ACEU protested the receipt of death threats delivered to the union membership by demobilised paramilitaries. One of the death threats read:

*'We are an organization of former combatants of the AUC, and we believe that we must liberate our universities, suburbs and country of people like this...the death threat is against all the students of Manizales and its organizations...Particularly against the political and student organizations: Student Federation of the University of Caldas-FEUC-Colombian Association of University Students ACEU-Communist-Youth-JUCO-Shirts Rojas.'* (ACEU 2009<sup>65</sup>)

ASPU have similarly suffered threats and murders—and have taken action in concert with Sintraunicol to highlight the breeches of human rights to the Inter-American Court of Human Rights (IACHR). In 2004, the court granted precautionary measures in favour of Board Directors of the unions. The court accepted the following evidence:

*'Available information indicates, inter alia, that on November 14, 2003, the AUC sent to the headquarters of the National Board Directors of SINTRAUNICOL a communiqué declaring that 15 directors of the trade union are military targets, including the Chair of the University Section of Córdoba and the national directorate from this university. Risk Report No. 006 of the Office of the National Human Rights Ombudsman on February 6, 2004 confirms that the professors, workers, and retired staff who have reported the influence exerted by self-defense groups in the University have been declared allies of the insurgents and therefore are liable to threats. In addition, on May 5, 2004, a public debate was held in Congress, with support from the officers of SINTRAUNICOL and ASPU, on crimes perpetrated by the AUC in the Department of Córdoba, which has increased the risk for the leaders threatened by the Commander of the AUC-ACCU, Salvatore Mancuso.'* (OAS 2004<sup>66</sup>)

**Sintraunicol** Sintraunicol (University Workers Union of Colombia) is focused on the higher education sector. It represents employees and workers of post-secondary education institutions including a number of teachers (Sintraunicol statute<sup>67</sup>).

Sintraunicol has attracted significant violence from paramilitary organisations due to its active opposition to privatisation and national austerity measures undertaken in recent decades in Colombia. The violations of rights committed against Sintraunicol members have ranged from murder (denial of right to life), arbitrary detention (denial of freedom of movement) to breaches of UNESCO and ILO codes designed to protect rights of freedom of association and rights to livelihood.

Case No. 2489 examined by the Committee on Freedom of Association of ILO investigated claims that the Vice-Chancellor of the University of Cordoba had worked jointly with AUC (United Self-Defence Forces of Colombia) to force Sintraunicol by threat of violence against its members to renegotiate a collective agreement. Following the appointment of the new Vice-Chancellor, the union held a meeting at the university which was deemed by the new authorities as an unwarranted strike—a position subsequently upheld by the government in representations to ILO.

In December 2005, and subsequently (last occasion was November 2008, G.B.303/9/1<sup>68</sup>), ILO requested the government of Colombia to invalidate their decision which categorised the work stop-page as illegal. ILO also called for the urgent investigation of the claims relating to AUC involvement in the dispute.

**FECODE** FECODE was formed in 1962 and is the largest education focused trade union in Colombia with over 250,000 members from the primary and secondary sector. It is the national Colombian Education International (EI) member. The union is influential within CUT and maintains a high level of activity in national politics through the opposition PDA grouping. Due to their presence on the national stage and level of access to the Ministry of Education, FECODE have attracted occasional criticism from commentators who have levied accusations of conservatism with regard to

government proposals to reform the higher education sector in the 1990s, specifically with regard to the 1994 decentralisation law (Wilson Center/Lowden 2004<sup>69</sup>). However, it should be recognised that the proposals provided for a decentralisation of education governance and an increased role for the private sector. Both of these policies would harm the capacity of FECODE to maintain its influence over national education policy and to ensure high levels of union representation.

### Human rights violations suffered by university trade union members

FECODE has sought to respond to the violations of human rights committed against its members by launching an initiative in conjunction with the Colombian Ministry of Education to support at-risk teachers—the programme was initiated under Decree 3222. The programme provides relocation assistance for teachers at all levels under threat of harm from military organisations. Education International has highlighted the importance of this approach, most recently with reference made to the murders of two teachers in 2008 (EI 2008<sup>70</sup>).

Violations of trade unionist rights in Colombia have been thoroughly documented in many studies. Following the summary detention of FECODE members Raquel Castro and Samuel Morales, Education International (EI) passed the following policy:

*Congress is outraged over the sentencing to six years' imprisonment (following two years in prison on remand) without fair trial or due process of two FECODE activist (Samuel Morales and Raquel Castro) on specious charges of rebellion.*

*Congress believes that Samuel and Raquel are being held because they witnessed the murder by Colombian Government forces of regional trades union leaders engaged in a human rights campaign. (EI policy 2007<sup>71</sup>)*

### UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel

In Colombia, academic freedom and trade union rights are ensured by national, pan-American (OAS) and international



(UN, ILO, related agencies) legal instruments. The UNESCO Recommendation Concerning the Status of Higher-Education Teaching Personnel 1997 is the most targeted UN instrument for ensuring the rights of teachers in higher education. Its drafting contains clear reference to the specificities of the profession such as considerations relating to tenure, institutional governance and freedom of research.

The Recommendation builds upon a rich tradition within international law, specifically with reference to the Recommendation Concerning the Status of Teachers, 1966 (UNESCO). The Recommendation itself contains, within an annex, details of other relevant international instruments which together form a regime within which the rights of teachers can be secured globally.

Contained within the annex are a range of ILO instruments relating to rights of freedom of association (1948) and rights relating to collective bargaining (1949)—Colombia has ratified both of these ILO Conventions and has an obligation to uphold them.

### Enforcing the UNESCO Recommendation in Colombia

UNESCO Recommendations are normative in nature; a moral obligation is conferred onto UNESCO member states to respect the aims and intent of the instruments. As a consequence, enforcement is not as readily manageable as for legal instruments such as GATS which contain methods of enforcement integral to the agreement.

A number of commentators have drawn attention to the difficulty of ensuring compliance with UNESCO Recommendations. Assefa and Page<sup>72</sup> (both 2007) have both illustrated breeches of the convention and Page has posited that states should be required to adopt specific enabling legislation. Within Colombia, a partnership lead by ASPU, ACEU and FECODE would be a natural lead for such an effort due to their recognised status as the representatives of the education community.

UNESCO monitors the status of Recommendations and has the power to publicise breeches of the various codes. The Recommendation concerning the status of Higher-Education Teaching Personnel is monitored by The Joint ILO/UNESCO Committee of Experts on the Application of the

Recommendation concerning the Status of Teachers (CEART). A 2005 briefing note prepared for CEART (2005 WP.229) examined issues surrounding Colombian education policy reform and concluded that with reference to social dialogue between FECODE and the government:

*‘According to Lowden (ND), Colombia has had to learn the hard way. Textually, he states that given the forces in play and national political history, culture and context, that may well have been the only way possible. Put in other words, perhaps the very perverseness of the situation which evolved by 2001 may prove to be the best stimulus for achieving better educational results in the future (Lowden, N.: n/d). The climate of political instability and high levels of violence, including against teacher unionists, has not helped the situation’ (ILO 2005<sup>73</sup>)*

### ILO activity: academic freedom and trade union violations (case study)

Colombia has ratified ILO Conventions C87 and C98: Freedom of Association and Protection of the Right to Organise Convention, 1948; and Right to Organise and Collective Bargaining Convention, 1949 (ILO<sup>74</sup>). The Conventions require that signatories undertake to ensure that their domestic laws do not impair rights to organise and undertake collective bargaining arrangements.

ILO Conventions are monitored by a ‘Committee of Experts’ who produce an annual report, ‘Report of the Committee of Experts on the Application of Conventions and Recommendations’. The 2009 report strongly criticised the government of Colombia for failing to uphold the conventions to which it is a signatory, despite ILO having made repeated requests for compliance.

Specifically, the report outlined long standing concerns with Colombian government provisions to restrict the legality of strikes, require pre-authorisation for the establishment of trade unions, require compulsory arbitration and define the conditions under which a union may be established. FECODE have previously made representation against all of these complaints.

ILO further noted that 2008 had seen an increase in the number of murders committed against trade unionists and considered that the government was generally dismissive of the rights of trade unionists. The report concluded:

*‘Observing that it has been making comments for many years, the Committee expresses the firm hope that the Government will take the necessary measures without delay to amend the legislative provisions commented upon and bring them into conformity with the Convention. The Committee requests the Government to provide information on any measures adopted in this respect.’ (ILO 2009<sup>75</sup>)*

In addition, an ILO report in 2008 ‘Freedom of association in practice: Lessons learned’ (ILO 2008), further outlined that:

*‘In the case of Colombia, the supervisory bodies have noted with concern the considerable increase in complaints concerning the use of cooperatives, subcontracting arrangements, and the use of commercial and civil law contracts to disguise employment relationships and prevent unionisation. They have also noted collective ‘accords’ with non-unionised workers and their impact on unions and collective bargaining in that country.’ (ILO 2008<sup>76</sup>)*

Deunionisation measures such as those described above are commonplace within the Colombian private education sector.

Due to longstanding concerns regarding breaches of ILO Conventions and norms, a permanent office was established by ILO in Colombia. The opening of the office was widely welcomed by trade unions. The Colombian government has previously proven responsive to external pressure and there are hopes that the office will act as an important catalyst for a meaningful reform of the basis for social dialogue in the country. The office was established to:

*‘Under the “Tripartite Agreement on Freedom of Association and Democracy”, the Government of Colombia undertook to enter into an agreement with the ILO, supported by the social partners, on a renewed presence of the Organization through a representation for promoting decent work, and for promoting and defending*

*the fundamental rights of workers, their trade union leaders and their organizations, specifically as regards their physical integrity, trade union freedoms, freedom of association and of speech and collective bargaining, as well as free enterprise for employers.’ (ILO 2007<sup>77</sup>).*

### Academic freedom in the University of Pedagogy and Technology

Case No. 2356 before the ILO was classified as a ‘Freedom of Association Case’ (ILO 2006<sup>78</sup>). The case was a class action brought by a number of trade unions against the government of Colombia alleging breaches of ILO conventions. One of the participating trade unions, the Academic Trade Union Association of Lecturers of the University of Pedagogy and Technology of Colombia (ASOPROFE-UPTC) alleged that two trade union leaders were illegally dismissed as they were covered by trade union immunity at the time of dismissal.

One of the elements of the case concerned action taken by the university to initiate proceedings against Luis Bernardo Diaz Gamboa, chairperson of the union. Mr Diaz Gamboa had represented a trade union member who had brought a grievance for unfair dismissal against the university. The university had alleged that Mr Diaz Gamboa, a trained lawyer, though a full-time university lecturer since 2003, had acted improperly in making representations.

As a public servant under Article 39 Decree No.196 of 1971, he was forbidden from practicing as a lawyer and specifically from litigating against the nation or other public bodies. He had countered that his representations were made in his capacity as a trade unionist and not as a lawyer.

ILO upheld his complaint on the grounds that there was a requirement to fully guarantee Mr Diaz Gamboa’s right to carry out his trade union activities and that his actions had been undertaken as a trade unionist, not a lawyer.

This case presents a clear and representative example of the restrictions on academic freedom that persist in Colombia, which has a generally robust legal framework and an equally capable and well managed union tradition. However, the significant distrust with which workers and management engage—against a backdrop of prevalent political violence—weakens the legislated protections of teacher trade unionists.

A social dialogue built on foundations of mutual respect and trust is a key precondition to ensuring that academic freedom and the rights of HE staff can be upheld in Colombia.

**Higher education sector description:  
data from UNESCO 2008 Global Education Digest  
(published 2009)**

*Statistics relate to 2006 data<sup>79</sup>; an IAU Overview of the sector is included as Annex 1<sup>80</sup>.*

1,373,000 students are enrolled in tertiary institutions, for a Gross Enrolment ratio of 32%. 16,290 students study abroad, mainly in the USA. (7,078), France (2,028), Venezuela (1,206), Germany (1,074), Spain (929). Colombia's public expenditure per student in US\$ PPP for ISCED levels 5-6 is significantly lower than the leading spending countries in the region (Mexico, Brazil, Costa Rica, Venezuela) at 1,882. Colombian higher education has undergone significant growth in enrolment with a 300% growth in student number between 1990 and 2005. In order to support the increase, the government has looked to the private sector to fill the gap in provision.

**Restrictions on academic freedom in higher education** The Education International barometer country study of Colombia has recognised that the Colombian system, and the society in which it operates, indirectly restricts academic freedom: *'Academic freedom is not legally restricted, but paramilitary groups and guerrillas maintain a presence on university campuses. National tests and standards are reported as obstacles to academic freedom. Control of private universities is also seen as a deterrent to academic freedom. Educators and their students at all levels have been victimised by all sides in the conflict. Guerrillas murder, threaten and kidnap academics and their family members for financial and political reasons'* (EI 2007<sup>81</sup>).

Sintraunicol have drawn attention to the problems encountered by the university in modernity. National policies to massify the sector, increase the role played by private provision and develop national testing and quality assurance mechanisms have contributed towards a loss of status of academics. Sintraunicol made representations at a public hearing of the Senate on 3 April 2008. J Gonzalo Arango

represented concerns, shared across the trade union sector that the modernisation of the sector was weakening institutional autonomy, adversely affecting the working conditions of university employees with subsequent implications on quality.

The latter reference was qualified with an estimate that 75% of teachers are now on temporary contracts with a commensurate increase in working hours. Sintraunicol have often had a turbulent relationship with the government, during his representation to the Senate, he argued that:

*'What is the quality of teaching provided by teachers who lack the time necessary for preparation of lessons, care of students, qualification tests, plus the essential training and update?...the need to retain students to obtain favourable coverage indicators has lead to the relaxation of regulations...and show us a picture close to the fateful 'automatic promotion'...It is necessary that the whole country take notice and deal with civil resistance and decisiveness...' (Sintraunicol 2008<sup>82</sup>).*

**Rights of women in higher education** There is an insignificant gender imbalance among students when total enrolment is considered with a gender parity index of 1.09 in favour of women—this represents among the most evenly balanced ratio in Latin America and the Caribbean. However, despite females representing 52% of the cohort at ISCED level 5 (undergraduate level), representation at ISCED level 6 (advanced research degrees) drops significantly to 38%. As a consequence, the percentage of female teaching staff is low compared to both the region and global standards at 35%.

Education International, in the barometer study (EI 2007<sup>83</sup>), indicated that gender inequality is pervasive in Colombia and that women face disproportionate hardship in many diverse areas of life. The pervasive sexual inequality found in Colombia may account for the gender difference found in the population of academics.

Women have featured heavily in persecution statistics. A report in *Times Higher Education Supplement* in 2003, outlined a case of gender specific persecution against women students:

*'In Cúcuta, paramilitaries imposed a 10.30pm curfew on young people, and female students were banned from wearing tight tops and jeans. The delegation heard that those unfortunate enough to attract the attentions of the paramilitary groups were punished with acid attacks' (THES 2003<sup>84</sup>).*

**Rights of indigenous people in higher education** The Inter-American Commission on Human Rights (an entity of the OAS) holds policy on 'The Rights of Indigenous People in Colombia'. OEA/Ser.L/V/II.84 Doc.39rev.14 October 1993 recognises that:

*'According to official figures, there are nearly 600,000 indigenous people whom the Colombian State regards as an invaluable part of the nation and a cultural and social treasure. They are organized into 81 groups, speak 75 different languages and inhabit 25% of the national territory' (OAS 1993<sup>85</sup>).*

Chapter XI, Section D requires that the National University of Colombia sets aside places:

*'Some 2% of the slots available in the National University of Colombia are reserved for students of indigenous origin and the "Alvaro Ulcué" Scholarship Fund has been set up to assist them financially with their pre-university studies and undergraduate studies. By law, indigenous persons are exempt from military service' (OAS 1993<sup>86</sup>).*

**Rights of refugees in higher education** UNHCR has recognised that Colombia has among the highest number of internally displaced people (IDP) in the world with more than 200,000 registered in 2006 alone, from a population of 42,000,000 (UNHCR 2008<sup>87</sup>). When cumulative studies are undertaken, IDPs account for 5.4% of the national population and 21.8% of rural inhabitants (Ibanez 2008<sup>88</sup>). Significant migration flows occurred during the surge in paramilitary activity in the 1990s. Despite numerous government measures undertaken to promote the absorption of refugees, the higher education sector has not always been able to respond.

THES reported that:

*'Gloria Hernandez (not her real name) was forced to flee*

*to Bogotá from Barranquilla on the Caribbean coast. She had been teaching linguistics at the Universidad del Atlántico. She was a member of the ASPU trade union, and had been receiving death threats from paramilitary groups since 1998.*

*'She was among staff and students pressing the local authorities to provide protection for those at risk of violence. When no assistance materialised, she was advised by the authorities to go to Bogotá. On arrival in the capital, she was afforded no help whatsoever, neither with finding another job nor with her eligibility for social security' (THES 2003 ibid<sup>89</sup>).*

Amnesty International have released numerous studies which illustrate that due to the violent situation on campus, researchers have undertaken self-censorship and many trade unionists have been forced to leave their homes as internal refugees—further impacting their economic rights—the latter forms the basis of ongoing work by the International Organisation for Migration (IOM).

### Political dimension

Colombian universities are tied to the state through quality assurance and accreditation mechanisms. Ivan Pacheco, a former Ministry of Education quality assurance expert, addressed the issues in the context of university autonomy—specifically with reference to the standard requirements for students to undergo two public examinations while members of a university—one before they enter the system and a second before they graduate (ECAES exam). He described the requirements as necessary for the purposes of accountability. With reference to autonomy, he argued that the tests are independent of university protocols; however, he recognised that universities may set a minimum level to be obtained before graduation is permitted (International Higher Education 2007<sup>90</sup>).

Within the same journal, Consuelo Uribe argued that as 70% of students attend private higher education institutions, the institutions themselves—both public and private—benefit from strong accreditation and quality assurance processes. However, he also recognises that a mixed system restricts the

options of students who do not have access to funds to attend private institutions (International Higher Education 2006<sup>91</sup>).

### Economic dimension

Private education is used by the government to extend the provision of education facilities without making additional public expenditures. However, the growth in the private education sector has impacted on the demography of the public university sector. In 1998, a note on the secondary and university education system in Colombia suggested that private institutions were contributing towards a crowding out of students from poorer economic backgrounds from public universities:

Various studies of the education system in Colombia have demonstrated its highly stratified character. A disproportionate number of secondary-school students came from upper-income brackets, and HE further amplified this socio-economic bias, even though all public universities and many private ones had adopted admission requirements based solely on academic performance (US Library of Congress 1988<sup>92</sup>).

Trade unions are less prevalent in the private sector institutions—one aspect of privatising the sector has been to create a trend of casualised employment contracts for academics. This runs counter to Article IX of the 1997 UNESCO Recommendation on the Status of Higher Education Teaching Personnel, ‘Terms and conditions of employment’, specifically the requirement to promote ‘Security of employment’. *THES* reported that:

*Private companies are being brought into the education sector under government policies to privatise higher education. In 1990, about 90 per cent of university workers were on permanent contracts. In 2003, that figure had fallen to about 10 per cent (THES 2003<sup>93</sup>).*

Financial hardship is prevalent in the sector and affects both staff and students. In 1988 it was recognised that lecturers were often working in several institutions simultaneously (US Library *ibid*) with a subsequent deleterious effect on their performance. More recently, a 2008 World Bank briefing note concluded that students suffer significant financial hardship to the extent that higher

education may not be an affordable option when reference is made to: GDP, the high level of fees in the private sector and the low level of student assistance available. The study referenced that:

*‘student assistance—loans and scholarships—amounted to four percent of GDP per capita, divided into two percent for loans and two percent for grants. This compares to nine percent for high-income countries (and 22 percent for Anglo-Saxon countries and 15 percent for Northern Europe’ (World Bank 2008<sup>94</sup>).*

### Trade and deunionisation

In 2006, following a review of Colombia’s international trade commitments (Trade Policy Review) made through the World Trade Organisation (WTO), the Chairman of the committee urged Colombia to further expand commitments made under the General Agreement on Trade in Services (GATS):

*‘Members praised Colombia for undertaking reforms to modernize its services sector, noting its relatively large size. They also pointed out that Colombia had reaped numerous benefits from past liberalization efforts, and encouraged it to continue along this path, including by expanding its GATS commitments. Colombia indicated that its Doha revised services offer included additional commitments in many sectors that are currently unbound or only partially bound’ (WTO 2006, Colombia TPR<sup>95</sup>)*

GATS commitments are intended to encourage the entry of foreign private entities into the Colombian market via a process of progressive liberalisation (GATS Article XIX<sup>96</sup>). The entering into of further commitments via GATS mechanisms would therefore be intended to encourage the further privatisation of the education sector. It should be recognised that the private education sector in Colombia is largely non-unionised and any further liberalisation undertaken by Colombia either through international organisations such as WTO, bilaterally or unilaterally would impact the standing of unions in the country.



## Annex 1

### IAU sector description

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#### *Institution types and credentials*

##### Types of higher education institutions

- Universidad (University)
- Institución Universitaria (University Institution)
- Institución Técnica Profesional (Professional Technical Institution)
- Institución Tecnológica/Escuela Tecnológica (Technological Institution/School)

Higher education is provided by university institutions, institutes of technology and technical professional institutions. These three institution types include both public and private institutions. In university institutions, each faculty is divided into departments. Distance education is provided by universities and regional centres. Higher education comes under the responsibility of the Ministry of National Education. The Instituto Colombiano para el Fomento de la Educación Superior (ICFES) is in charge of the evaluation of the education system. The Consejo Nacional de Educación Superior (CESU) proposes policies for the development of HE.

##### Main laws/decrees governing higher education

- **Decree** Decree No. 2230 (2003)  
Concerns Ministry of National Education
- **Decree** Decree No. 272 (1998)  
Concerns Higher Education Programmes
- **Decree** Law No. 30 (1992)  
Concerns Higher education

#### *University level studies*

**University level first stage: Licenciatura** This is characterised by a high level of knowledge and practical experience of the subject and lasts for four or five years. It leads to the Licenciatura or to a professional qualification (Título Profesional). A thesis or monograph and/or preliminary work in the main subjects are sometimes compulsory for the award of the professional qualification. Course work is measured in

Unidades de Labor Académica (ULA). A minimum of 3,200 ULAs is required for a Licenciatura.

**University level second stage: Especialización, Magister** The entry requirement for Specialist (Especialista) and Magister programmes is the title of Licenciado and, usually, an entrance examination. A Magister is conferred after two years of study and is usually required for entry to doctoral programmes. Specialist programmes are usually offered in practical or applied disciplines and vary in length from one to four years.

**University level third stage: Doctorado** The Doctorado is awarded after two years' postgraduate specialization study in the same subject as the Magister and the defence of a thesis. It requires a complete mastery of the specialization and an effective contribution to the advancement of knowledge through extensive research.

#### *Non-traditional studies*

**Distance higher education** Institutes of higher education offer distance education programmes. They are also offered by regional centres (CREADS).

**Non-Lifelong higher education** YPost-secondary institutions offer specialization and upgrading courses in the framework of lifelong education. Some receive support from firms. Courses take place during and outside working hours.

**Other forms of non-formal higher education** Short courses are offered by companies or vocational schools which are generally controlled by local authorities. The duration varies from one institution to another and depends on the particular course. The Servicio Nacional de Aprendizaje (SENA) offers special courses for technicians and office staff who are not associated with industry or firms. A Diploma is awarded to students who successfully complete the course.

#### *National bodies*

##### Responsible authorities

- Ministerio de Educación Nacional (Ministry of National Education)
- Instituto Colombiano para el Fomento de la Educación Superior - ICFES (Colombian Institute for the

## Development of Higher Education)

- Consejo Nacional de Acreditación - CNA (National Accreditation Council)
- Asociación Colombiana de Universidades - ASCUN (Association of Colombian Universities)

## Data for academic year 2005-2006

*Source IAU from Ministry of National Education, Colombia, 2006*

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# ISRAEL

**This chapter outlines the social situation in which Israeli universities and trade unions operate.**

**It is intended to provide a review of some of the key restrictions on academic freedoms experienced by members of the higher education community in Israel. Political discourse in Israel cannot be fully understood without reference to the conflict with Palestine, the details of which are discussed in the Palestine chapter and which should be read together with this one.**

**Higher education features prominently in Israeli society, formulating comment on the numerous social and security issues that dominate Israeli politics and assuring the underpinnings of the successful ICT sector. However, the privileged role of the academy in Israel attracts considerable attention from politicians and special interest groups. A number of proposals have been popularised that would require the academy to restrict its actions for political reasons and to succumb to privatisation measures that necessarily impact on access. The sector has demonstrated resilience against a number of high profile attempts to restrict academic freedoms; however, this has required the use of long strikes disruptive to both the student experience and the conduct of research. The full inclusion of minorities within the academy remains an unresolved restriction. Arab Israelis and Mizrahim Jews can provide significant evidence of under representation and direct discrimination in all areas of society—including the higher education sector. Numerous governmental policies exist to redress the social imbalance but the issues of discrimination have endured.**

## Political system

Israel was established on 14 May 1948 and is governed via a parliamentary democracy with a 120 member unicameral body, the Knesset. A constitution has been part drafted, a series of 'Basic Laws' comprises the interim legislative base—a Knesset Constitutional Committee continues longstanding work to finalise a full constitution (ILO 2006<sup>97</sup>). The head of state is President Shimon Peres; the Presidential role is a largely ceremonial position and is elected for a seven year term. The present head of government is Prime Minister Benjamin Netanyahu, appointed 31 March 2009 (also served as Prime Minister 1996-1999). His Education Minister is Gideon Sa'ar, a former lawyer. Since 1948, Israel has been governed by 32 different governments for an average tenure of 23 months each (Prime Minister's Office 2009<sup>98</sup>), a system of proportional representation which returns coalition governments accounts for the frequent change in mandate.

The Israeli population is estimated at 7.4 million (Central Bureau of Statistics 2009<sup>99</sup>). Israeli Ministry of Foreign Affairs data estimates that 24% of the population is non-Jewish with 1 million predominantly Sunni Muslim Arabs, 170,000 Bedouin Muslims, 117,000 Druze, 117,000 Christian Arabs and 3,000 Sunni Muslim Circassians (MFA 2009<sup>100</sup>).

## Israel pre-1948

The Balfour Declaration was issued by the United Kingdom on 2 November 1917 and provided for the establishment of a Jewish national home in Palestine (see Annex 1). In 1947, the UN General Assembly issued Resolution 181, 'Future Government of Palestine', which identified two states, with Jerusalem to be shared between a Jewish and an Arab entity (UNGA 1947<sup>101</sup>). The boundaries of the states were described in Part 2 of the resolution; both states were required to guarantee '*to all persons equal and non-discriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly and association*' (UNGA 1947<sup>102</sup>). The Histadrut trade union, (General Federation of Laborers in the Land of Israel), already established in 1920, took on a key role in the delivery of welfare provision for Jewish emigrants to Palestine—a role it



continued to fulfil in the years after independence (The Israeli Institute for Economic and Social Research 1999<sup>103</sup>).

### Independence and conflict

On 14 May 1948, pursuant to the terms of the UN Resolution, the ‘Declaration of the Establishment of the State of Israel’ was approved by the People’s Council at Tel Aviv Museum (Israel Ministry of Foreign Affairs 2009<sup>104</sup>). The War of Independence escalated on 15 May 1948 and was followed by a series of wars with regional Arab countries. The conflicts resulted in a departure from the defined borders of the two states specified in UN Resolution 181. In January 2006, Hamas was elected to lead the Palestinian Legislative Council and Israel halted relations with the Palestinian Authority (PA). The then Israeli Prime Minister Ehud Olmert reinitiated contact with the PA in 2007 following Hamas gaining control of the Gaza Strip (CIA 2009<sup>105</sup>).

Most recently, in 2008/09, Israel undertook a military operation (Cast Lead) in Gaza following a degeneration of the security and political situation. The operation was preceded by an increase in Hamas rocket attacks on Israeli settlements and increasing violations of Palestinian rights by the Israeli military (UNHCR 2009<sup>106</sup>). The conflict was the subject of UN Resolution 1860 with both parties’ actions criticised by human rights groups and the international community. The EU Council of Ministers called for ‘renewed and urgent efforts by the Israeli and Palestinian parties as well as the international community to establish an independent, democratic, contiguous and viable Palestinian state in the West Bank and Gaza, living side by side with Israel in peace and security.’ (European Council 2009<sup>107</sup>).

### Inter-Jewish inequality

The Jewish population does not comprise a unified ethnic grouping. The Ashkenazim attain higher salaries than the Sephardim and the Mizrahim—a situation described as ‘cultural hegemony’ (Rebhun, Waxman 2004<sup>108</sup>). The Ashkenazim originated in the main from Europe and the United States, the Sephardim from Africa, Asia and South Europe while the Mizrahim predominantly from the Middle East and Africa—in Israel, the Mizrahim may also colloquially be referred to as Sephardim despite their different origins.

Notwithstanding the eastern origins of the Mizrahim, the Ashkenazi dominance remains reflected in the Israeli national anthem, ‘The Hatikvah’: ‘A Jewish soul still yearns, And onward, towards the ends of the east’ (Levy 2000<sup>109</sup>).

### Mizrahim and Arab inequality

The Adva Centre publishes extensively on equality issues that affect Mizrahim and Arabs in Israel. In 2008, ‘Israel, A Social Report’, reviewed decade long trends and determined that ‘*The years between 1998 and 2007 were characterized by a diminishing of equality and social justice in Israel...Time-honored goals like full employment, decent pay, social security, public education and public housing assistance were sidelined.*’ (Adva 2008<sup>110</sup>).

Arab and Palestinian minorities within Israel are subject to exemptions to national legislation requiring universal conscription. The exemptions from military service are described by the Israeli Ministry of Foreign Affairs as an exemption from *civic duty* as opposed to a different endowment of rights (MFA 2001). The Ministry further clarifies that exemption is granted for reasons of compassion as opposed to security concerns:

*‘This exemption was made out of consideration for their family, religious and cultural affiliations with the Palestinians and the rest of the Arab world, given the on-going conflict. Still, volunteer military service is encouraged and IDF service was made mandatory for Druze and Circassian men at the request of their community leaders’* (MFA 2001<sup>111</sup>).

However, in part as a consequence of exclusion from one of the major social institutions in Israel, the IDF, a two tier society has developed whereby non-conscripts such as Israeli Arabs are not able to advantage the important social connections and training available to serving conscripts. As a result of this and of pervasive discrimination within society—and despite a wide ranging array of governmental social programmes targeted at improving the inclusivity of Israeli society to Arabs—Arabs remain disadvantaged on the labour market.

While wage inequalities between Jewish groups had narrowed, the Ashkenazim remained dominant with the Arab population evidencing severe economic disadvantage. Arab wages were estimated at 71% of a baseline, Mizrahim wages

were estimated at 106% and Ashkenazi at 137% with a commensurate increase in the rate of Arab poverty (Palestinian residents from East Jerusalem were not included in the study) (Adva 2008<sup>112</sup>). The study identified multiple causes of Arab disenfranchisement including ‘the absence of capital investment in Arab localities in Israel, the low workplace participation of ultra-orthodox men, the large percentage of new jobs that were part-time rather than full-time, and the growth of indirect hiring through temp agencies and similar organisations.’

Arab groups have also argued that the national union, the Histadrut, does not take account of specific labour concerns that affect the domestic Arab population. A competitor trade union, Sawt el-Amel, was formed to provide redress. In a recent discussion paper, the secretary general, Wehbe Badarne, criticised an agreement entered into by the Histadrut on behalf of all Israeli workers that de facto excludes Israeli Arab youth:

*‘The Pensions Funds Agreement, which was concluded in July 2007 between the Histadrut and the Associations of Israeli Industrialists and Employers, and that came into force in early 2008, affords workers the right to pension benefits nine months after the commencement of work for the employer. The new pension law entitles male workers from the age of 21 and female workers from the age of 20 to pension benefits. What, then, is the problem?’*

*‘The problem lies in the fact that the agreement excludes young workers aged between 18 and 20, who are left without pension fund rights or guarantees, or even a minimum level of workers’ basic human rights. As for Jewish young people between 18 and 21 (20 in case of women), they perform military service and enjoy the benefit of many kinds of financial assistance, grants and governmental loans for completing this service.’ (Sawt el-Amel 2008<sup>113</sup>)*

### Israel and Palestine restrictions

Significant inequalities in the provision of human rights exist in Israel, particularly with regard to Israel’s interactions with the sovereign Palestinian territories of the West Bank and Gaza Strip. The UNHCR has been critical of the escalating Israeli interventions in Gaza since Hamas came to power. Briefing notes for a UNHCR spokesman noted that ‘this is the

only conflict in the world in which people are not even allowed to flee’ (UNHCR 2009<sup>114</sup>).

The Israeli blockade has prevented regular movement to and from the Palestinian areas with the result that Palestinians have been further excluded from Israeli institutions—including universities. A widely quoted letter from Israeli academics and university heads in 2007 stated that: ‘Blocking access to higher education for Palestinian students from Gaza who choose to study in the West Bank casts a dark shadow over Israel’s image as a state which respects and supports the principle of academic freedom and the right to education’ (Gisha 2007<sup>115</sup>). However, the situation has further deteriorated since then due to the conflict in December 2008/January 2009.

Israeli human rights NGO, B’Tselem, has carried out numerous independent studies into human rights violations committed both by and against Israel. With regard to the recent conflict in Gaza, they have outlined the requirement for a full independent inquiry be undertaken. They have voiced scepticism concerning the independence of the official Israeli military version of events:

*‘Israeli military and government officials declare with confidence that the military acted according to International Humanitarian Law and that responsibility for the harm to the civilian population rests exclusively with Hamas. B’Tselem’s initial survey of the military operation calls these statements into question.’ (B’Tselem 2009<sup>116</sup>)*

### The Israeli trade union sector

**Histadrut** In 1920, prior to the establishment of the State of Israel in 1948, the Histadrut (General Federation of Labour in Israel) was formed as a para-state institution delivering welfare services such as housing, agriculture and healthcare to the growing settler community. It first began to undertake trade union activities in 1944 (IILS 1999<sup>117</sup>). Following the establishment of the State of Israel, the Histadrut retained a central role in welfare provision operating the largest universal healthcare insurance scheme—a scheme it continued to benefit from in terms of membership until the 1995 National Health Insurance Law (ibid). In order to gain access to Histadrut healthcare provision, membership was required—in

effect making membership almost mandatory for many classes of workers. The loss of the healthcare monopoly in 1995 precipitated a fundamental change in the Histadrut's mandate and role. It rebranded as 'New Histadrut', with an overnight collapse in membership from 1.8 million to 650,000 (WAC 2004<sup>118</sup>). The rebranding effectively transformed the Histadrut into a modern trade union when before it had functioned as an integrated welfare service also providing union representation. However, the Histadrut remains the sole recognised trade union centre with the ITUC with a notified membership of 450,000 (ITUC 2009<sup>119</sup>).

Due to its legacy as a welfare centre, the Histadrut does not operate the standard affiliation model common among national trade union centres. Sectoral affiliates within the Histadrut provide representation for different worker communities: to this end, Histadrut is a powerful actor in Israeli politics and has strong links with senior political leaders from the left. However, the collective strength of the organisation requires that the interests of various sectoral bodies be balanced during national budget negotiations. In response to this, competitor union structures to the Histadrut emphasise a decentralised mode of collective organisation (IILS 1999<sup>120</sup>).

**Intervention in labour disputes** The Histadrut regularly intervenes on behalf of and via its sectoral interests to negotiate or arbitrate collective bargaining agreements. One recent agreement is a 1,200 member collective agreement signed with reference to Ben Gurion University and administrative staff (Histadrut 2009<sup>121</sup>). Despite the 1995 reforms and the collapse in membership, the Histadrut remains Israel's largest and most influential trade union with unparalleled influence within the Knesset through the Labour groupings.

The present Histadrut Chair, Ofer Eini, was re-elected in 2007 and has taken an active role in arbitrating high profile national pay disputes. Following the resolution of a 90 day strike of the Coordinating Council of Faculty Associations, the Histadrut was credited by the academic union Chair, Zvi HaCohen as having facilitated 'an excellent wage agreement the best that has been reached in the last decade' (Ha'aretz 2008<sup>122</sup>).

**Histadrut and Palestine** The Histadrut, with its legacy as a settler welfare state, has been accused of ignoring Palestinian

workers struggles. Many of whom cross the Israel Palestine border to work in Israel and hence are covered by the Histadrut. Ilan Pappé outlined his concerns that:

*'in areas directly or indirectly controlled by Israel, the Histadrut granted the settlers union rights while denying them to Palestinians; as for Palestinian workers in industrial plants within the border zones (areas inside the Palestinian Territories under direct Israeli control), it ignored their situation entirely despite their having no basic human or workers' rights.'* (London Review of Books 2005<sup>123</sup>)

The relationship between the Histadrut and PGFTU (Palestinian General Federation of Trade Unions) has improved in recent months following a protracted dispute over remitting Palestinian union dues. After Operation Cast Lead, the Histadrut announced that relations had been re-established with PGFTU and that a long standing financial dispute had been resolved. ICTU's Secretary General announced that:

*'This agreement is tremendously significant, at a time when the political authorities in Israel and Palestine and the international community are failing to find just and lasting solutions to the political impasse. It means that the PGFTU will be able to ensure much more effective representation for Palestinian workers, while those working for Israeli employers will also benefit'* (ITUC 2008<sup>124</sup>)

The Histadrut has taken political positions regarding Palestine. In 2005 in an interview with LabourStart, the then Chairman of Histadrut and subsequent Labour Party leader Amir Peretz outlined his view that peace between Israel and Palestine was a moral imperative:

*'I see the occupation as an immoral act, first of all. The occupation in my view is not a territorial question but one of morality. I want to end the occupation not because of international or Palestinian pressure, but because I see in it an Israeli interest.'*

*'Occupation has the quality, even if this is sometimes hidden, of influencing the occupier as well as the occupied. Our children are sent on an impossible mission -- to rule*

*over another people, and are asked to cope with impossible situations. Sometimes they return with their souls scarred, and that affects the whole society. I see the occupation as being one of the main reasons for the rise of violence in Israeli society, and the moral decline, the corruption. When a nation rules for 38 years over another people, moral norms become twisted.’ (LabourStart 2005<sup>125</sup>)*

**Emerging trade unions** Following the 1995 reforms, the trade union sector opened up and new unions were established. The new unions present a reaction to the Histadrut, representing the Histadrut as conservative and politically compromised. They have targeted workers with a more radical approach to labour organisation—an approach not compromised by legacy ties with ministers and governmental structures.

**Power to the Workers** ‘Power to the Workers - a democratic trade union’ (PtW) is an emerging union that has entered the higher education sector. Presently (April 2009), Open University junior faculty union staff members of PtW are engaged in an open-ended strike. The strike is a protest against casualisation of the workforce marked by temporary contracts which provide employment for only eight months of the year. The striking staff have noted that the Open University has 40,000 students while 1,300 of the lecturers are on temporary, semester long contracts (Ha’aretz 2009<sup>126</sup>). The local PtW representative characterised the strike as opposition to casualisation:

*‘It is unacceptable that throughout the entire semester, a lecturer at the university doesn’t know whether he will be employed the following semester...If we’re talking about a university, that calls itself, and is registered as, one of the country’s official universities, why wouldn’t they give their staff the same opportunities made available at other universities?’ (PtW quoted in Jerusalem Post 2009<sup>127</sup>)*

**Workers Advice Centre** The Workers Advice Centre (WAC) was founded in the 1990’s to capitalise on the exodus of Histadrut members—it has accused the Histadrut of failing to protect exploited immigrant labour:

*‘The Histadrut and its committees have not done enough to stop the importation of labor under conditions that*

*amount to slavery. The entry of unorganized, imported workers into the construction, agriculture and nursing sectors has mortally wounded the achievements of the labor struggle in Israel’ (WAC 2009<sup>128</sup>).*

WAC has clear policy to support demands from Palestinian workers from the West Bank, East Jerusalem and Gaza, for jobs and social rights. It has cooperated with Palestinian Trade Unions in opposing the Separation Wall and Israel’s policy of closure, and has a strong discourse of Arab and minority inclusivity. It has stated that:

*‘WAC believes that the founding of a new democratic, non-racist labor movement is an urgent need in Israel. It considers the establishment of a workers’ party, the Organization for Democratic Action (ODA or Da’am in Arabic), to be a positive step toward sparking that change. In the elections for the 17th Knesset (March 2006), some WAC leaders and worker activists, men and women, ran as ODA candidates’ (WAC 2009<sup>129</sup>).*

**Higher education faculty committees** Higher education trade union representation is divided into senior and junior faculty coordinating committees. Senior faculty are organised through the Coordinating Council of Faculty Associations, chaired by Zvi HaCohen; they have previously worked with the Histadrut to secure negotiated settlements.

Junior faculty are associated with the Coordinating Forum of Junior Academic Staff Associations in Israel, and have operated through alternate structures to the Histadrut such as the PtW structure, undertaking actions such as those described above.

Groups such as the Law and Welfare Clinic at the Tel-Aviv University Faculty of Law have also been active in many labour disputes involving academics. In a recent case, the clinic supported the organisation of workers at the Garden of Science against sustained opposition from the Weizmann and Davidson Institutes (Tel Aviv University 2008<sup>130</sup>).

The National Union of Israeli Students (NUIS) is organised on a federal basis with individual union members and approximately 200,000 members across the country—a smaller student union, the National Students’ Organisation



(NSO) is in negotiations to form a merged single student union with NUIS (ESU 2007<sup>131</sup>).

**Higher education trade union activism** HE unions are among the most active in Israel. Both faculty committees (senior and junior) and NUIS have recently undertaken strike action in protest at university financing and governance arrangements. Following the publication of the Shohat Committee report in 2007 (Shohat 2007<sup>132</sup>), the students struck in protest at significant tuition fee increases; meanwhile the senior faculty struck in protest at a long standing pay freeze. More recently the junior faculty have struck in protest at the increasing casualisation of the labour force. Traditionally the junior and senior faculty unions have pursued uncoordinated action directed at different concerns. However, in 2007, both acted in concert to oppose Finance Ministry proposals.

Nevertheless, against these circumstances and to prevent representation of workers from being tainted by institutional considerations, it was decided to transfer the representation of the workers of the Garden of Science to a private practitioner. This was done, among other reasons, in order to refocus the legal and public debate on the workers' right to unionise and to conduct collective negotiations about their rights.

The unions have enjoyed success in their campaigns. Senior Faculty secured agreement from the government that the Shohat recommendations would be implemented only after union consultations had completed (TCCFA 2007<sup>133</sup>) and eventually won a 24% increase in salary (Ha'aretz 2008<sup>134</sup>). Students struck for 41 days in 2007 before agreeing a negotiated settlement with the government (Ha'aretz 2007<sup>135</sup>).

More recently, the ongoing conflict with the Finance Ministry entered a new phase with the State Comptroller announcing publicly that universities were profligate with respect to salary payments. The Comptroller stated that:

*'after the universities paid their employees the unauthorized additional salary benefits, they were left with smaller amounts of money to use for their primary purpose - academic instruction and research'* (Israel NN 2009<sup>136</sup>)

Conflicts within Israel's HE sector are predominantly those of autonomy and financing. There is concern that the recent attack

by the Comptroller—while tackling issues of profligacy such as excessive spending on business class air travel etc - is a move to bring the sector more closely under the control of the Finance Ministry, with profound implications for academic freedom.

### Higher education in Israel overview

*An IAU Overview of the sector is included as Annex 2.*

In 2006 310,000 students were enrolled at ISCED levels 5 and 6 with a gender composition at entry of 62% female and 51% male. A gender balance remains when the levels are disaggregated, females comprise 55% of students at ISCED levels 5A,B and 52% at level 6. 12,149 students left Israel to study abroad with flows to the USA (3,540), Jordan (1,863), Germany (1,223), Italy (1,060), and the UK (937). The gross outbound enrolment ratio of 2.3% is near the median for the region (North America and Western Europe).

Public expenditure on education (all stages) is 6.3%, this compares with 7.0% for Norway, 5.3% for the US and 5.5% for the UK—in absolute figures, this amounts to \$6,347 PPP per student at the tertiary level. Staff salaries account for 58.2% of higher education spending. 48.7% of the spending on higher education is public with 51.3% comprising private investment—household spending accounts for 34.9% (UNESCO Global Education Digest 2008<sup>137</sup>).

The Israeli system is ranked at 23 in the QS SAFE National System Strength Rankings, losing points for access (a measure of places per assumed eligible student) (QS 2008<sup>138</sup>). The Hebrew University of Jerusalem is listed at number 93 in the World Top 500 University Rankings. Of the eight Israeli Nobel laureates, two were awarded each for economics and chemistry, one for literature and three for peace.

**Minority access to higher education** Debates regarding minority and Palestinian access to HE are prominent in Israeli academia with polarised and politicised debates from all poles of the political spectrum. Studies undertaken by ISEF, a Mizrahi rights group, have evidenced that social inequalities prevalent in society are also replicated in academia:

*'nearly 3 in 4 faculty members is an Ashkenazi man (73%); Ashkenazi women account for another 17*

*percent.. Prof. Yehuda Shenhav, who supervised the research, said it proved the ethnic gap still exists in Israel, despite claims to the contrary.’ (ISEF 2007<sup>139</sup>).*

In a paper submitted to the Knesset in 2006, Gisha—Legal Centre for Freedom of Movement described the limitations that the blockade on freedom of Palestinian movement into and out of the West Bank and Gaza Strip had placed on access to HE by Palestinians (Gisha 2006<sup>140</sup>). It found that restrictions placed on freedom of movement barred Palestinians from taking up places at Israeli universities, and noted that the restrictions were under protest from sections of the Israeli HE sector. The report annexed a statement from the Council of the Israel Academy of Sciences and Humanities that resolved:

*‘the Council of the Academy calls on the government of the State of Israel to refrain from instituting any policy that hinders any group of scientists or academics whether Palestinian or otherwise from properly discharging their academic responsibilities. Cases where security considerations are deemed to require placing restrictions on a person’s movements should be adjudicated as such, on an individual basis and with all due consideration for a person’s human rights’ (Gisha 2006 ibid).*

Dirasat (‘studies’ in Arabic) have outlined in a recent report (Dirasat 2009<sup>141</sup>) that an increasing number of Arab students are studying in Jordan—more so since the Jordan/Israel peace agreement. Arab students evidence discrimination in Israeli universities with only 3.5% of the Arab population entering university compared to 9.5% of the Jewish population (20-29 year range) (Dirasat 2008, quoting Central Bureau of Statistics Israel 2007<sup>142</sup>). In 1998, a UNESCO report referenced that Israel had enacted remedial measures to encourage the participation of Arabs in the academy, the report noted that:

*‘The Council for Higher Education has initiated a programme to accelerate the recruitment of Arab lecturers in universities. Twenty new Arab lecturers have been appointed in the last four years in the framework of this programme.’ (WCHE UNESCO 1998<sup>143</sup>)*

However, the report also noted that legacy peripheralisation of Arabs in the sector could not be redressed in the short term.

**Economic dimension and institutional autonomy** The economic dimension of academic freedom in Israel is contested at the institutional, faculty (both senior and junior) and student levels. The degree of institutional autonomy from the ministries of Finance and Education has been under review in a public process which has produced a number of reports—of particular relevance are the Maltz Report (2000) and the Shohat Report 2007. More recently, statements by the State Comptroller have been viewed as partly political and a further attack on institutional autonomy.

The Maltz Report proposals were adopted in 2001 and required that a non-academic executive committee comprise the supreme body of the university. A coalition of university academic senates (The Israeli Inter-Senate Committee (ISC) Of The Universities For The Protection Of Academic Independence) described their experience in a letter to the Australian Higher Education Review (ISC 2002):

*‘[ISC] rejected the Maltz Committee Report recommendations for a massive transfer of authority from the universities’ senates to extra-academic bodies. The ISC warned that these measures would jeopardize the academic independence and the freedom of research in the universities and would lead to lower research quality and lower teaching standards.’ (ISC 2002<sup>144</sup>)*

More recently, the Shohat Report presented a mixed set of proposals, proposals welcomed by the HE sector included a substantial increase in research funding to meet increases in other countries with significant research sectors such as the US and UK. However, proposals regarding academic salaries comprised a significant erosion of earnings when annual compound gains were accounted for. The contest between the academics and the Ministry of Finance lead to an 88 day strike by the Senior Faculty Coordinating Committee—finally arbitrated by the Histadrut and resulting in a 24% salary increase.

**Political pressure on academic freedoms** The salary erosion evidenced in Israel—more pronounced for the junior faculty than the senior faculty - has been linked to the status of academia in the media and public discourse. Israeli academia occupies a privileged space in Israeli society. It evidences a

high degree of autonomy and institutional resilience to state pressure—however, the price for this is continued public debate regarding the potential of such a system to conform to ivory tower stereotypes.

**Ministerial interventions** Minister Limor Livnat's actions as Education Minister from 2001 to 2006 represented perhaps the most direct examples of sustained attempts at state interference into academic freedoms and university autonomy in Israel. Her interventions attempted to dilute the influence of universities in the Council for Higher Education, censor critics of the Israeli government and establish universities without respect for the statutory role of the independent Council.

However, the response from university heads in Israel to her attempted interference evidences institutional resilience to external political threats. The present Minister, Gideon Sa'ar, is perceived as less activist in approach, however, it is early in his tenure and he has not engaged substantively in debates concerning academic freedoms.

**Minister Limor Livnat (2001–2006)** In 2002, university presidents had expressed concerns that proposals made by Minister Livnat to reduce the representation of universities on the Council for Higher Education comprised 'the greatest threat' to the independence of the sector (THES 2002<sup>145</sup>).

Subsequently, in 2004, following an article published in a Belgian newspaper, mass-media hysteria in Israel attacked Prof. Grinberg—with some quarters accusing him of treason for his views on the Israeli/Palestinian dispute. Minister Livnat subsequently entered the debate and pressured Ben-Gurion University (unsuccessfully) to revoke the position Professor Grinberg's position and threatened sanctions if compliance was not forthcoming—it was reported that:

*'She sent a strongly worded letter to Professor Avishai Braverman, president of Ben-Gurion University, saying, "In light of the university's decision to refrain from taking action against the grave incitement published by Grinberg, I cannot, in good conscience, stand alongside the directors of the university at such events - not so long as Ben-Gurion University continues to serve as the academic home of such a lecturer."' (Ha'aretz 2004<sup>146</sup>)*

However, with reference to a similar request made of the university, the President of the university was reported as responding that academic freedom should and cannot be restricted by university authorities:

*'the directors of an academic institution cannot control the statements made by all of its members, even if they exploit their rights to academic freedom.'* (Haaretz 2004)

Minister Livnat continued her activist politics in 2005 with regard to the accreditation of Ariel College as a university—see below.

The Minister's interventions were directed at short term issues and derogated from pre-existing statutory provisions. In addition, her public criticisms had the potential to discourage non-state investment into the sector which, due to the high level of private financing of the sector, would have further exacerbated the funding crisis. Research has identified that:

*'The substantial lack of support for university faculty in the public discourse—including a high level of media disdain—have contributed to a severe erosion in academic salaries versus many other public sectors.'* (CEPR Dan Ben-David 2008<sup>147</sup>)

The interventions by Minister Livnat during her tenure comprise a violation of the 1997 UNESCO/ILO Recommendation Concerning The Status of Higher Education Teaching Personnel provisions on 'Educational Objectives and Policies', which requires that the higher education sector be treated as a long term investment subject to effective public scrutiny.

*'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;*

*...(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.'* (UNESCO 1997<sup>148</sup>)

**Ariel College** The town of Ariel was founded in 1978 and settlers predominantly comprise Jews who have made Aliyah (migration to Israel) and who have then joined settler communities in the West Bank. Ariel College was founded in the West Bank in 1982 and hosts 8,500 science students—the institution is comprised of four faculties and also conducts high technology research (Ariel College 2009). The college represents a significant source of employment and local economy for the town (Ariel Municipality 2009<sup>149</sup>).

Newspaper reports in 2005 indicated that 300 Arab students study at the college; it was reported that a number of these commute significant distances to the college. The report also noted that Arab students generally face difficulties in gaining a place at any Israeli university and the choice to accept a place at Ariel may have been made without recourse to alternatives.' (*Jerusalem Post* 2005<sup>150</sup>)

Ariel College is a self-declared political project, described on its website as:

*'a demonstratively Zionist institution, the University Center has two key requirements: every student must study one course per semester on some aspect of Judaism, Jewish heritage or Land of Israel studies, and the Israeli flag must be displayed in every classroom, laboratory and auditorium on campus.'* (Ariel College 2009<sup>151</sup>)

Already a controversial institution in Israel, Ariel College's application for university status in 2005 polarised opinions in Israel and generated significant discussion on the impact of settler politics on Israeli universities. In 2005, Ariel College received support from the then pro-settler Israeli Cabinet for its request for university status—the then Prime Minister, Ariel Sharon, welcomed the extension of his settler policies:

*'The process mirrors the position of the government, whose objective is the strengthening of settlement blocs,'* (Ariel Sharon quoted in *Israel News* 2005<sup>152</sup>)

The recognition tasked the then Education Minister, Limor

Livnat, to work with the Council of Higher Education (CHE) to transit Ariel College to a university. This violated the independent regulatory structure in Israel which ascribed a role to CHE to manage the recognition of institutions. At the time CHE did not recognise that cabinet support required the conferring of university status and publicly opposed the political grant of university status to Ariel.

In 2006, Ariel College was granted recognition as a university centre by the Council for Higher Education - Judea and Samaria (CHE-JS) on the condition that the College initiate Masters and other research degree programmes (CHE-JS is a parallel regulatory body to CHE established to manage higher education regulatory actions carried out by Israel in the West Bank areas of Judea and Samaria).

**Withdrawal of status** CHE challenged the status change noting that an agreement had been reached to not create another university in the coming five years due to funding constraints. In 2008, the Justice Ministry intervened and found that IDF and Civil Administration was the body with constituted authority to decide on the question and it had not been consulted. Reports quoted the Justice Ministry spokesman:

*'if the college does not change its name [back to Ariel College], a suit to the Court for Procedural Matters will be considered, in accordance with the authority legally granted to the Attorney-General.'* (Israel National News 2008<sup>153</sup>)

Following the withdrawal of rights to use the name 'university centre', the Ariel College Chairman of the Board of Executive Directors, former Finance Minister, Yigal Cohen-Orgad, protested that the rebuke was a 'technicality'. The *Jerusalem Post* further reported Ariel College's spokesman:

*'A spokesman for Ariel hinted that the decision of the council, which is chaired by Education Minister Yuli Tamir, a founder of Peace Now, was politically motivated. "Under the government of Ariel Sharon, when Limor Livnat was education minister, the legislative groundwork was created to recognize an institution of higher learning beyond the Green Line as a university," the spokesman*



said. "However, all progress was halted after the government was changed."<sup>154</sup> (Jerusalem Post 2008<sup>154</sup>)

**Ariel College national debate** During the three year conflict, polarised opinions had transformed the College's request into a politicised debate concerning the role and independence of the higher education sector. Benjamin Netanyahu, the current Prime Minister, participated in a promotional video for Ariel College (Ariel College 2009<sup>155</sup>) and Prime Minister Ehud Olmert's spokesman was quoted in the *Jerusalem Post* endorsing the change of status:

*'was happy about the government decision [in 2005 to expand the college], and thinks the strengthening of the Ariel college strengthens both the settlement blocs and higher education in Israel.'* (Jerusalem Post 2007<sup>156</sup>)

The political relevance of legitimizing settler activity (or not) in the West Bank by the higher education community was widely discussed in both domestic and international media. *Ha'aretz*, a liberal publication, recognised that the polemical and political debate itself pressured university autonomy in a very direct way. Critical commentators, such as Shlomo Sand at the University of Tel-Aviv, lamented the settler movement's use of the academy to pursue violations of Palestinian territory:

*'Ariel's university must be considered an illegal outpost, because it is located in occupied territory that has not been annexed to Israel. The people who live in the area, who are not Jewish, have no civil rights and no elementary political rights, and they have not been asked whether they want a Jewish college in their environs.'* (Ha'aretz 2005<sup>157</sup>)

### Academic freedom case study of intra-Institutional pressure: Ilan Pappé

In addition to Minister Livnat's interventions, there have been a number of high profile allegations of intra-institutional violations of academic freedoms. Two of the most well publicised cases have been those relating to Professor Ilan Pappé; and Omar Barghouti, a doctoral candidate in ethics at Tel-Aviv University. Both are longstanding critics of Israel's treatment of the Palestinians. Pappé's case is reviewed below.

Ilan Pappé was based at the University of Haifa from 1984-

2007 during which time he was a constant critic in both the academic and political spheres of Israel's treatment and dominant discourse relating to Palestinians. Specifically, Professor Pappé had dedicated much of his work towards a public discussion of the Palestinian exodus in 1948—an exodus which he has described as an expulsion. In 1998, a research student, Theodore Katz, published a thesis on an alleged atrocity committed during the 1948 war by the 33rd IDF Battalion—the thesis was initially awarded a grade of 97%. Legal action was subsequently initiated by the battalion members and after a review of the thesis by a further committee at the University of Haifa, Katz was awarded a non-research degree due to alleged inaccuracies in the details and substance of the report.

Pappé protested and following a protracted dispute filed a public letter of protest with the American History Association condemning the process as political interference into legitimate academic inquiry (*Ha'aretz* 2002<sup>158</sup>). Subsequently, Haifa university authorities threatened remedial measures against Pappé and commenced an investigation into allegations that he had brought the university into disrepute. Due to Pappé's high profile in Israeli political, media and academic circles, the story quickly gained currency, *Ha'aretz* reported that:

*'This could become a quasi-political trial that arouses great interest and is well-publicized, centering around the question of how to be a non-Zionist Jewish historian in an Israeli university, political, opinionated, famous and not a little arrogant - without breaking the rules of the game. Pappé would gain worldwide publicity as a persecuted freedom-fighter and Haifa University would find itself on the list of international lepers.'* (Ha'aretz 2002<sup>159</sup>)

In 2007, Pappé left the University at Haifa following a number of years strained relations with the Rector and took up a post at the University of Exeter.

**Military interventions: course structuring** Israeli universities and academics have been faced with external pressure from military authorities. Earlier this year (2009), the military made sustained representations to the Hebrew University requesting that Shabak (intelligence services) employees be eligible for 16

month humanities degrees based on prior learning and the essential role of the service. It was reported in *Ha'aretz* that Haim Rabinowitz, the Rector of the University, had refused the request:

*'No one would dare suggest that the cleaning staff who sweep out the lecture halls receive special academic conditions—even though their work, too, is essential. The head of the Shin Bet is quick to mention the foiling of terrorist attacks as supporting evidence for getting an academic degree. What is the connection? A proposal is currently circulating in the Knesset for legislation that would offer academic points in return for reserve duty. Why academia, Rabinowitz asks, proposing instead that they get points with El Al or the Co-op supermarket chain' (Ha'aretz 2009<sup>160</sup>).*

**Bologna Process implications** The latter pressure placed on the university sector by the ministry would have required the Israeli university to substantially deviate from European degree structures which require an undergraduate degree to extend over a minimum of three years. Israel has previously made representations to the Bologna Process for membership—though its application has been declined on the basis that Israel is an observer to but is not a member of the European Cultural Convention (BFUG 2007<sup>161</sup>). The Bologna Follow Up Group examined Israel's request and concluded that:

*'Israel also was not a signatory of the European Cultural Convention. This suggested the application should be rejected, although there might be scope to increase engagement with Israel, through policy dialogues and observer status as conferences.'* (BFUG 2007<sup>162</sup>)

The resilience evidenced by the university should be understood, at least indirectly, as a response to the existence of respected European standards—and standards that Israel perceives as in its national interest to adhere to (CHE 2008<sup>163</sup>). To this end, the ambition of Israel to join the Bologna Process can be considered an indication that the sector has an interest in preserving academic freedom through autonomy from political interference from the state.

## Annex 1

### The Balfour Declaration<sup>164</sup>

*His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country*

(Balfour Declaration 1917)

## Annex 2

### IAU sector description (edited<sup>165</sup>)

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Higher education is provided by universities, non-university institutions offering instruction at Bachelor level in specific fields (e.g. Technology, Arts and Teacher Training, para-medical schools) and academic courses in regional colleges for which universities are academically responsible. Higher education comes under the direct jurisdiction of the Council for Higher Education which is responsible for the accreditation and authorization of higher education institutions to award degrees. Non-university level post-secondary institutions are usually only authorised to award a first-level (Bachelor's) degree. The programme usually lasts for 3 years, with some exceptions, and offers courses at lower, intermediate and upper levels. Each department structures its programme in a logical sequential pattern of introductory and theoretical coursework, followed by specialised, in-depth advanced study. Two programmes are available: single major and dual major. A Master's Degree programme generally extends over 2 years and, in the Humanities and Social Sciences, is offered as Track/Plan A, which involves coursework and a written thesis and gives access to further study at the doctoral level, and Track/Plan B which requires more coursework than Track A but no thesis and does not permit continuation to the doctoral level. The doctoral programme focuses on a scientific paper or dissertation which is expected to make an original and substantial contribution

to the advancement of knowledge. The Council for Higher Education has voted in favour of allowing all academic institutions - not just universities - to offer Master's Degree programmes.

### *University level studies*

**University level first stage: Bachelor's degree, 3-5 years** The first stage usually requires three years' study, with some exceptions, such as Architecture, Dentistry, Engineering, Law, Medicine, Nursing, Pharmacy, Physiotherapy, Veterinary Medicine. Each department structures its programme in a logical pattern of introductory and theoretical coursework, followed by specialised, advanced study. Much of the work in the second and third years can be considered as advanced upper level work in which pro-seminars and seminars are required. Single and dual major programmes are offered in many departments. Students usually register for approximately 10 annual hours in each department (approximately 40 semester hours). Degrees based on the dual major or single major programmes are viewed equally. Bachelor's degrees in Arts, Law, Science, Fine Art, Music and Education are awarded by the universities and colleges. Students studying for a Bachelor's degree at those universities that offer a Teacher's Certificate Programme may begin during their third year. On completing their additional year of Teaching Certificate studies, they will be awarded both a Bachelor's degree and a Teacher's Certificate, entitling them to teach from pre-primary school onwards..

**University level second stage: Master's degree, 2 years (as a rule)** The length and structure of Master's degree programmes vary according to the field of study, the department or the institution. Students admitted with course deficiencies are required to complete supplementary coursework which extends throughout the programme. This may include: lectures, seminars, laboratory work, theoretical or practical research, a thesis and a comprehensive final examination. Admission requirements are: A Bachelor's degree from a recognised university with a grade average of 75-80. Some departments may require more or less than the stated minimum grade average. Some may require entrance examinations or interviews. Two programmes are generally

offered: A-coursework and a thesis, which give access to further study at the doctoral level; or B-additional coursework and no thesis. B does not permit to continue at the doctoral level, but there are some mechanisms which allow students to change from one programme to another. A Master's degree in Arts, Social Sciences, Science, Engineering, Law, Public Health and Library Science is awarded by the universities and some academic colleges. A Diploma in Criminology and Librarianship is also awarded.

**University level third stage: Doctor of Philosophy - PhD, minimum 2 years** This stage represents the highest level of academic work and is only offered by universities. The doctoral programme extends over a minimum period of two years after the Master's degree. The doctoral thesis is expected to make a substantial and original contribution to the advancement of science. A Master's degree with a grade average of 80 and above and a grade of at least 90 on the Master's thesis are usually required. A direct doctoral programme for exceptional students with a Bachelor's degree and a grade of 90 or above in their major subject and of 80 in other course work is also offered. The first year of the Master's degree is accelerated and, if high achievement is maintained, the student may bypass the second year of the Master's degree and proceed directly to doctoral studies.

### *Data for academic year 2005-2006*

**Source** IAU from Ministry of National Education, Colombia, 2006

**Note on higher education institutions** The following institutions have received a permit to open and maintain an institution They are not accredited as institutions of higher education and they are not authorized to award academic degrees to graduates: Schechter Institute of Jewish Studies (<http://www.schechter.edu>), Ashkelon Academic College (<http://www.ash-college.ac.il>), Jordan Valley College (<http://www.yarden.ac.il>), Machon Lander and The College of Sakhnin for Teacher Education.

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## PALESTINE\*

**This chapter addresses the status of academic freedoms in the Occu-**

**pied Palestinian Territories (shortened to 'Palestine' for reasons of brevity). Recognising that HE operates within the context of society, it has been necessary to review the Palestine-Israel political and security situation both within the text and in annexes. This should be read together with the Israeli chapter as certain arguments and data apply to both but are listed only once. The Palestine chapter considers the experience of Palestinians resident in Palestine.**

**Severe restrictions on academic freedoms have been caused by the external conflict with Israel and internal conflict between Fatah and Hamas. Institutions have been illegally used as sites for political activity and so have been targeted in instances by Israeli military operations. Illegal political rallies on campus have increased tensions within the student and academic body with spillover effects on the security and freedom of women community members.**

**The many checkpoints and barriers in place within the West Bank and the inability to transit between the West Bank and Gaza have caused universities and communities to undergo forced localisation. Undoubtedly psychologically damaging for those unable to move, the restrictions fragment the community of scholars and prevent full and free participation with colleagues beyond the checkpoints—a clear breach of the 1997 UNESCO Recommendation on the Status of Teachers in Higher Education whereby Article 13:**

***'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.'* (UNESCO 1997<sup>166</sup>)**

### Political overview

Palestinian Territories (hereafter 'Palestine') consist of a single territory formed of non-contiguous areas known as the 'West Bank' and the 'Gaza Strip'. The total population of 4,013,126 is divided 1,551,859 in Gaza and 2,461,267 in the West Bank—in addition there are approximately 350,000 Israeli settlers in the West Bank (CIA 2009<sup>167</sup>). The principle state bodies are the Palestinian Legislative Council (PLC) (legislature) and the Palestinian National Authority (PA) (executive body). Palestine's 'Basic Law' provides for a democratic multi party political system with a President elected directly on a first past the post basis (CEC 2005<sup>168</sup>). An affirmative action measure requires that quotas be met for the inclusion of women and Christians on election lists; the quota for Christians varies by district. A review of the Palestinian state since 1948 and its relationship with Israel is included as supplemental information in Annex 1.

The conflict with Israel has caused significant upset and delay to national and international development efforts; projects due to commence in 2005 included a 2005-09 \$10m World Bank tertiary education initiative. A posting on the website jointly hosted by the World Bank and the Palestinian Ministry of Education and Higher Education states with reference to a cancelled workshop that: *'We regret to inform you that the planned workshop has been postponed due to the prevailing dramatic situation in Gaza'* (MoEHE 2009<sup>169</sup>).

### Presidential and PLC elections

2005 Presidential elections returned Mahmoud Abbas of the Fatah Movement with 62.52% of the vote. The Central Elections Committee, a permanent electoral body, noted in its report that Israeli forces had interfered with voter registration in Jerusalem and that 500 people had committed voter fraud; however, it does not indicate that electoral irregularities impacted on the outcome of the election (CEC 2005<sup>170</sup>). Hamas did not participate in the 2005 Presidential elections. The 2006 elections for PLC members returned the 'Change and Reform' List (Hamas) with 44.45% of the vote, 440,409 votes and 74 seats; the second-placed Fatah Movement

\* See the introductory reference (page 4) on the use of the term 'Palestine' to describe the territories in the West Bank and Gaza.



secured 41.43% of the vote, 410,554 votes and 45 seats (CEC 2006<sup>171</sup>). Fatah and Hamas have been involved in an intra-state violent conflict since June 2007. For an additional note on electoral law reform carried out in 2007 see Annex 2.

### Fatah/PLO

Fatah (Palestinian National Liberation Movement) joined PLO in 1968, and took control of the Chairmanship in 1969. Yassir Arafat served at the head of PLO on behalf of Fatah until his death in 2004 acting as the recognised representative of the Palestinian people.

PLO represented Palestine as the signatory of the Oslo Accords. In a related letter sent to Prime Minister Rabin on 9 September 1993, Yassir Arafat recognised Israel and committed to review former ‘*articles of the Palestinian Covenant which deny Israel’s right to exist*’. Prime Minister Rabin similarly confirmed that ‘*the Government of Israel has decided to recognize the PLO as the representative of the Palestinian people and commence negotiations with the PLO within the Middle East peace process*.’ (PLO-Israel Recognition 1993<sup>172</sup>).

Since the elections of Fatah (Mahmoud Abbas) to the Presidency in 2005 and Hamas as the dominant party in PLC in 2006, the parties have been involved in an intra-Palestinian violent conflict. The decree issued by President Abbas to extend his mandate for an additional year to 2010 was rejected by Hamas as unconstitutional and has further increased tensions. The consequence of the conflict has been to fragment the Palestinian voice, previously unified through PLO. The trade union centre, PGFTU (Palestinian General Federation of Trade Unions) has strong ties to Fatah and supported the PLO signing of the Oslo Accords. As a consequence, PGFTU has been affected directly by the violence and its ability to function as an independent trade union has been impaired.

### Islamic Resistance Movement (Hamas)

Hamas acts as a political, a military and a welfare organisation. The Charter was published in 1988 and self-defines as a wing of the Muslim Brotherhood Movement (MEMRI Hamas Charter 1988 translation 2006<sup>173</sup>). Politically, it operates as a reaction to popular disenchantment with Fatah. The Hamas

Charter rejects any involvement in negotiated peace settlements:

*‘Peaceful Solutions, Initiatives and International Conferences*

*Article Thirteen*

*The initiatives, the so-called peace solutions, and the international conferences for resolving the Palestinian problem stand in contradiction to the principles of the Islamic Resistance Movement, for to neglect any part of Palestine is to neglect part of the Islamic faith. The nationalism of the Islamic Resistance Movement is part of its [Islamic] faith. It is in the **light of this principle that its members are educated, and they wage jihad in order to raise the banner of Allah over the homeland.***

(Hamas Charter 1988<sup>174</sup>)

The consequence of Article 13 is to disregard the 1993 PLO mutual recognition of Israel and to require that the education system reflect the ‘nationalism of the Islamic Resistance Movement’—this has profound implications for academic freedom, however, when in government, Hamas has not made this a primary focus.

On 14 June 2007, President Abbas issued a contested decree dismissing the Hamas Prime Minister, Ismail Haniyeh. Hamas retain de facto control of Gaza with Fatah in charge of the West Bank areas. The conflict and irregular governance has caused upset throughout Palestine. One example is the gunpoint kidnapping of PGFTU leader Shaher Sa’ed—his abductors accused him of collaborating with Hamas before releasing him after 90 minutes (PCHR 2007<sup>175</sup>). The intra-Palestinian conflict has been documented in a major Human Rights Watch study of political violence committed by Hamas in Gaza, a study that Hamas declined to participate in. Human Rights Watch summarised that:

*‘During the chaos of Israel’s offensive, which killed approximately 1,350 Palestinian civilians and combatants and wounded about 5,000, Hamas security forces or masked gunmen believed to be with Hamas extra-judicially executed 18 people, mainly those accused of collaborating with Israel. Masked gunmen also beat and maimed by shooting dozens of Hamas’s political*

*opponents, especially members and supporters of its main political rival, Fatah.’ (HRW 2009<sup>176</sup>)*

### Israeli military operations

The international community has issued severe rebuke to Israel for military actions undertaken in Gaza (2008/2009). Actions include those taken under the auspices of Operation Cast Lead and also include previous military initiatives in the West Bank, such as 2002 Operation Defensive Shield prosecuted in Jenin. UN General Assembly Resolution RES/ES-10/10 issued a censure in response to the situation at Jenin, the UN: ‘condemns the attacks committed by the Israeli occupying forces against the Palestinian people in several Palestinian cities, particularly in the Jenin refugee camp’ (UN GA 2002<sup>177</sup>);

A report completed by the UN Secretary General after Jenin outlined that both sides had committed human rights violations:

*‘I called on Palestinians to stop all acts of terrorism and all suicide bombings, stating that such attacks were morally repugnant and caused harm to their cause. I called on Israelis to stop the bombing of civilian areas, the extrajudicial killings, the demolitions, and the daily humiliation of ordinary Palestinians. I asserted that such actions gravely eroded Israel’s international standing and fuelled the fires of hatred, despair and extremism among Palestinians. Finally, I urged the political leaders of both peoples - Prime Minister Sharon and Chairman Arafat - to lead their peoples away from disaster.’ (Report of the Secretary-General prepared pursuant to General Assembly resolution ES-10/10, 2003<sup>178</sup>)*

UN Security Council Resolution 1860 of 8 January 2009, similarly noted the impact of the 2008/09 violence on the welfare of Palestinians:

*‘Expressing grave concern at the escalation of violence and the deterioration of the situation, in particular the resulting heavy civilian casualties since the refusal to extend the period of calm; and emphasizing that the Palestinian and Israeli civilian populations must be protected,’ (UN SC 1860, 2009<sup>179</sup>)*

A trend analysis report completed by the Palestinian Monitoring Group in 2005 found that the cumulative effect of Israeli settler and military activity had impacted severely on all aspects of state provision. With respect to the education sector the report summarised that:

*‘During the past two academic years, the Palestinian Ministry of Education and Higher Education (MOE) reports that incursions and curfew imposition by the Israeli army caused the loss of some 1,525 schooling days for students in government schools in the West Bank and Gaza Strip. Combined these measures have adversely affected Palestinian students’ ability to concentrate.’ (PMG 2005<sup>180</sup>).*

### Gender inequality

Women remain significantly disenfranchised in Palestine in both the home and the workplace—a recent report of the UN Secretary General to the Economic and Social Council reported Palestinian statistics that ‘for the second quarter (April-June 2008), the labour participation rate of women was 16.0 per cent compared to 66.3 per cent for men.’ The report further outlined that women suffered violence as a consequence of the social and security situation: ‘UNFPA found that the majority of married (61.7 per cent) and unmarried (53.3 per cent) women were exposed to psychological violence. Poverty, low education levels, lack of decision-making power, violent childhoods, conflict in the community, drug abuse and lack of access to divorce were all viewed by refugee women as causes of domestic violence. A link was also made between little or no income in female-headed households and domestic and gender-based violence.’ (UN 2009<sup>181</sup>).

### Employment conditions

Labour conditions in the West Bank and Gaza are poor by international standards. ILO LABORSTA<sup>182</sup> data from 2007 recognises 183,689 unemployed in the West Bank and Gaza, a rate of 21.3%; total employment is given as 665,620. Wages for formal employment average at 83.9 New Shekels/day (\$20 2009 prices) with a gender imbalance leading to men earning 86.2 New Shekels/day and women 72.6 New Shekels/day (ILO

2009). A recent ILO report on the situation of working conditions in Palestine found that the economic situation, set against a backdrop of a poor security situation found that ‘working poverty is rising, genuine employment is declining, and frustration is growing...Over 80 per cent of the population in Gaza is now dependent on food aid as a result of the severe economic siege imposing a closing of all crossings save essential humanitarian supplies.’ (ILO 2008<sup>183</sup>)

### Trade union centres in Palestine

GUPW (General Union of Palestinian Workers) and PGFTU are the foremost trade union centres in Palestine. PGFTU, which maintains an active role with international institutions, is the national trade union centre affiliated to ITUC with a notified membership of 318,052 (ITUC 2008<sup>184</sup>). Due to the situation in Palestine, accurate statistics are difficult to obtain. In 2007, PGFTU’s Deputy Secretary General, Rasam al Bayari, estimated the demographic and composition: ‘15 unions are affiliated to the PGFTU, which has an overall membership of about 380,000, 10% of whom are women. 127,000 members live in Gaza, with the others in the West Bank.’ (ITUC 2007<sup>185</sup>). The union emerged in the 1920s as a railway workers body (PGFTU 2009<sup>186</sup>) and since 1948 has operated as the representative of the workers in Palestine via cooperation with other Arab countries (PGFTU 2009<sup>187</sup>). The present incarnation of PGFTU was formed by the reconciliation of two competing bodies in the early 1990s (Brown 2003<sup>188</sup>). Shaher Sa’ed is the longstanding General Secretary.

PGFTU has a standing with international institutions via participation in ITUC and ILO structures; however it has often been required to participate by proxy due to Israeli restrictions on movements outside and within Palestine. The Secretary-General of PGFTU, Shaher Sa’ed, has been a prominent voice internationally for Palestinian workers rights. For example, in 2004, the Secretary General of the ILO, in an address to the ICFTU World Congress, outlined ILO’s special interest in the Palestinian situation:

*‘As always I have a particular commitment to do what ever we can, within our mandate, to support the Palestinian workers in the Occupied Territories. I*

*welcome the presence of Shaher Saed, General Secretary of PGFTU, in these particularly critical moments.’ (ILO 2004<sup>189</sup>)*

**Relations with the Histadrut** The PGFTU has a conflictual relationship with the Histadrut (Israeli trade union centre). Numerous studies undertaken by organisations such as Gisha, B’tselem and MIFTAH have provided evidence of Palestinian disenfranchisement and discrimination in the Israeli workplace—these are reviewed within the Israel chapter.

PGFTU has been involved in a longstanding dispute with the Histadrut over the payment of dues to the Histadrut by non-Israeli Palestinian workers, working in Israel. Post Oslo, a mutual recognition agreement between Haim Haberfeld of the Histadrut and Saed Shahar on behalf of PGFTU was signed. The agreement, signed on 5 March 1995 at the end of the first intifada provided for the remittance of dues paid by Palestinians working in Israel from the Histadrut to PGFTU. This represented significant financing to PGFTU with which to endow its activities in Palestine. However, the agreement was halted in 2000 at which time the Histadrut ceased making payments following a decline in the security situation; in 2008, the payments were reinitiated in a move welcomed by PGFTU:

*‘PGFTU General Secretary Shaher Sae’d said “This removes a key obstacle to future cooperation and the full respect of the rights of Palestinian Workers. Decent work is a foundation stone for political and economic justice, and we will now be in a position to devote even more attention to tackling the appalling state of the Palestinian economy and playing a fuller part in the quest for justice, fairness and democratic rights in the building of a Palestinian state.” (ITUC 2008<sup>190</sup>)*

The delay in the implementation of the repayment agreement further exacerbated already strained relations marked by mistrust and bad faith. Mohammed Aruri, a former member of the PGFTU Executive Committee described the relationship with the Histadrut from the perspective of PGFTU:

*‘After the Oslo agreement, we signed our own agreement with Histadrut in 1995. It stated that Histadrut must return back half of membership dues taken from*

*Palestinian workers who were working in Israel....but Histadrut has not as of yet returned all of the money owed to us. With the dire economic situation now in Palestine, we especially need that money to continue to provide needed services to our members. During the intifada, we haven't heard Histadrut's voice against Israeli government policies that hurt our members. Many of our members have been killed and wounded by Israeli soldiers. To give an example, two months ago, Israeli soldiers killed six workers from a village near Hebron because they tried to reach their workplace...they (Histadrut) have said nothing' (Interview in D&S 2003<sup>191</sup>)*

### Unions and security

PGFTU officials have been subjected to security constraints associated with both the intra-Palestinian conflict and the ongoing Israeli blockade. PGFTU is associated with the Fatah group, as a consequence, Hamas have targeted PGFTU representatives and offices with sometimes violent action. Al-Jazeera, in an aptly titled report, 'Palestinian Union Hit on All Sides,' 2008, reported on the many difficulties that restrict the normal functioning of PGFTU. The report provides a succinct review of the issues that affect trade unions and the broader civil society movement in Palestine. Issues such as the intra-Palestinian conflict, Israeli military operations, high levels of unemployment and an irregular legal environment have all contributed to the difficulties faced by workers and their representatives in Palestine:

*'With 47 per cent of the potential Palestinian labour force unemployed and a per capita income 23 times less than that of Israel, the Palestinian General Federation of Trade Unions (PGFTU) has a difficult enough job... Saed said, three assassination attempts were made by Hamas on Rasem Al Bayari, the union's deputy general secretary, which included a rocket attack on his home in January and the bombing of his office in February... Israeli authorities denied that office equipment was damaged, but confirmed that the raid of the trade union building took place "in order to protect the citizens of Israel" ... One*

*week after the Israeli raid, Saed, leader of the PGFTU for 15 years, was forcibly taken from a Nablus restaurant by Fatah militiamen in masks... Abdullah Abdullah, a Fatah politician said: "It did happen ... But it was by mistake, they apologised. The ministry of the interior has dealt with this case.' (Al-Jazeera 2008<sup>192</sup>)*

### Criticism and alternative structures

The political linkages between PGFTU and Fatah have been cited as factors that reduce the autonomy of the union and consequently its ability to effectively represent Palestinian workers. It has been claimed that: *'the PGFTU has failed to influence the two avenues open by Oslo—the enactment of a progressive labour law in the Palesinian Legislative Council (PLC) and the protection of Palestinian workers in Israel via an agreement with the Histadrut. The union's failure in these areas will have serious ramifications for the Palestinian working class'* (Sovich 2003<sup>193</sup>)

A keynote presentation delivered by Professor Nathan Brown at the International Political Science Association Annual Meeting in 2003 further profiled the difficulties associated with maintaining links to Fatah while constituted as an independent union:

*'The most prominent strikes in the short history of the PNA—the teachers' strikes of 1997 and 2000--were carried out by "coordinating committees" and not by the unions. In such cases, union leaders have been caught in a very awkward position, unwilling to confront their patrons in Fatah and the PNA but also embarrassed in front of their membership for their meekness.'* (Brown 2003<sup>194</sup>)

Critics such as those quoted above have argued that the legacy of PGFTU—with origins in national liberation struggles—has endowed it with a structure and mode of organisation unsuited to a modern trade union. As a consequence, as in Israel, alternative union structures have developed to introduce competition for representation.

### The Coalition of Democratic and Independent Trade Unions

One such structure is the Coalition of Democratic and



Independent Trade Unions (Coalition), founded by Muhammed Aruri, a former PGFTU officer. The Coalition was launched with support from the Democracy and Workers Rights Centre (DWRC) in 2007 in Ramallah, and comprises a federation of 13 independent unions with a combined membership of around 50,000—the union membership targets the professional sector (AdvocacyNet 2007<sup>195</sup>).

The Coalition has a nascent interest in the HE sector by virtue of the affiliation of the Palestinian Federation of University Professors and Employees Trade Unions (PFUPE). PFUPE has maintained an active role on the international stage raising awareness of certain restrictions faced by Palestinian academics—though by dint of the local situation faces restrictions on organising within Palestine. PFUPE representative Muhamad Abu crystallised the frustrations felt by many in the independent movement with regard to the political factioning of the Palestinian trade union sector:

*“In establishing a democratic coalition, we want to end the dominance of the two largest political parties, Fatah and Hamas over trade unions, so that we can effectively address the deteriorating economic situation in Palestine. We do not want to replace or compete with existing trade unions and we welcome the unification of all trade unions under the umbrella of one federation based on democratic elections, not appointment by political factions,”* (AdvocacyNet 2007<sup>196</sup>)

The Director of Labour Relations at the Palestinian Minister of Labour, Ahmad Tawfiq, attended the opening session and recognised the union in his statement: *“We assert to you that Ministry of Labor supports you. I know all of you and know that you are democratic and genuine professional and independent trade unions with leadership elected by the grassroots members.”* (ibid)

It should be recognised that general unions such as the General Union of Palestinian Teachers and the General Union of Palestinian Students have their origins in the time before PA was created and continue to operate as special interest representative bodies (Observer Mission of Palestine to the UN 2009<sup>197</sup>). In addition, local pressure groups such as the ‘Right to Education’ campaigns at Birzeit University act

autonomously and make representations related to sector financing and the conditions of academic life.

### Higher education sector overview

*Annex 3 contains an edited IAU description of the HE sector from the year 2005/2006. The data below are taken from the UNESCO Global Education Digest 2008 data relate to 2006 (UNESCO 2008<sup>198</sup>). UNESCO provides the following caveat with respect to Palestinian data: ‘Enrolment data for the Palestinian Autonomous Territories do not include data for East Jerusalem, whereas the population data do. Indicators are not internationally comparable and should be interpreted with caution.’*

The sector has a total enrolment of 169,000 students; 54% are women and 55% are located in the private sector. No data is provided for ISCED level 6 and presently no doctoral programmes are offered in Palestine, 90% of the students are enrolled in ISCED level 5a. The gross graduation ratio is 24 with a gender divide of 19:28 male:female. However, of 6,000 teaching staff, only 17% of teachers are female.

8,166 students study abroad at the following destinations: Jordan (5,278), Saudi Arabia (766), Qatar (346), U.S.A. (320), Turkey (201)—the gross outbound ratio is 2.3%. Females comprise 57% of the 22,000 graduates, 47% of the science/engineering graduates, 74% of the education and humanities graduates, 20% of the agriculture graduates. Female post-15 literacy is 87.9% while the male literacy rate is 96.7% - women comprise 78% of the illiterate population.

**Status of higher education institutions** Palestinian universities predate the establishment of PA. The majority of institutions were founded in the 1970s, and so have a foundation and standing resilient to short term political activity—a resilience that is enshrined in the legislation below. Though nominally under the control of the Ministry of Education and Higher Education, the sector operates autonomously and with reference to the Council for Higher Education.

The Law No.11, 1998 Law on Higher Education, constitutes a free and autonomous sector. Chapter One of the law outlines the status of freedoms in Palestine:



*'Article (2)*

*Higher education is a right to every citizen fulfilling academic and objective conditions stated by this law...*

*Article (3)*

*Higher education institutions are independent scientific research centers in accordance with provisions of this law to ensure scientific research freedom , literary , cultural are artistic invention....' (MoH and HE 2009<sup>199</sup>)*

*Chapter Four sets in place legislative arrangements to support the autonomy of institutions from political and otherwise external interference:*

*'Article (7)*

*Under provisions of law, higher education institutions shall have a body corporate status.*

*Article (8)*

*Per institution has an immune campus, under provisions of law.' (MoH and HE 2009<sup>200</sup>)*

**Academic freedom and localisation** Freedoms are limited by the severe external constraints placed on academics and universities by Israeli military and security initiatives. The blockade enforced by Israel comprises a wall in the West Bank and checkpoints located in both the West Bank and the Gaza Strip. The blockade has further exacerbated the already deep poverty experienced by the sector. OCHA has recently determined the number of obstacles as:

*'In its latest survey completed on 11 September. OCHA observed 630 closure obstacles blocking internal Palestinian movement, including 93 staffed checkpoints. This figure represents a net increase of 3 percent, or 19 obstacles, compared to the figure reported at the end of the previous reporting period (29 April 2008). This total does not include 69 obstacles located in the Israeli-controlled section of Hebron City.' (OCHA 2008<sup>201</sup>)*

It should be noted that the land area of the Palestinian territories in sum is 6000 square km (CIA 2009<sup>202</sup>) with 11 universities; this provides a density of approximately one checkpoint per 10 square km with the consequent enforced isolation of universities. A review of the websites of Palestinian

universities illustrates that specialisation is a normal mode of academic operation. For example, the Faculty of Engineering at Birzeit University, founded in 1979, notes over 1000 enrolled students (Birzeit University 2009<sup>203</sup>); while the University of Bethlehem, located approximately 40km away does not offer such courses. A local of Bethlehem with a specialism in engineering is so prevented from continuing their academic work/studies without great personal difficulty.

The consequence of the checkpoints has been to enforce localisation on Palestinian academics and students with consequent restrictions on their freedoms to access their choice of education—this was foreseen in a UNRWA 2004 report that discussed the impact on border areas such as Abu Dis:

*'The Al Quds University in Abu Dis will also be seriously affected by the barrier construction. The increased costs of transportation to Abu Dis will make attendance unaffordable to students. No details are available at the University on the place of residence or refugee status of the students. However, the great majority of them are not Abu Dis residents, therefore they will probably opt for enrolment in more easy-to-reach educational institutions.' (UNRWA 2004<sup>204</sup>)*

The consequence of this enforced isolation is that students and academics must resettle in different areas of the West Bank—with the further restriction that transfer between the West Bank and the Gaza Strip is not generally possible. Resettlement is a time consuming and expensive process, the consequence of which is resettlement i.e. an inability to easily return to the location of former residence. As well as restricting the choice of university for students and the ability to access specialised centres for academics, the blockade has prevented academics from Palestine from visiting both other universities and branches of their own university beyond their local checkpoint. The restrictions on movement have had a disproportionate effect on Gazans who are now unable to access the majority of the academic infrastructure which is located in the West Bank.

**Visa restrictions** Doctoral studies are not available within Palestine, as a consequence, Palestinian students and

researchers who wish to undertake PhDs are required to gain visas to enable entry into foreign institutions. PhDs represent normal entry level criteria to academic careers—as a result the inability to undertake doctoral studies in Palestine itself represents a restriction on the ability of students to develop teaching careers without undue restraint.

Until the escalation of the Israeli blockade, Palestinian students would occasionally enter universities in Israel (as well as the key destination of Jordan—see above). Following increasing restrictions on study permits for Israel, representations were made to the Supreme Court by Gisha, an Israeli not for profit organisation. Gisha published a series of studies on restrictions on higher education access faced by Palestinians. In ‘Limitations on Access to Higher Education for Palestinian Students’ (Gisha 2006<sup>205</sup>), the case of Sawsan Salameh was examined. Sawsan Salameh was a Palestinian resident from the West Bank who had been offered a doctoral position at the Hebrew University, Jerusalem. Initially a six month visa had been granted for the doctoral course, Gisha described this as ‘cynical’. Consequently Gisha made representations to the Israeli Supreme Court where the practice of refusing access to higher education was reviewed. Gisha reported that:

*‘In a hearing held on December 18, 2006, the Israeli Supreme Court said that the state’s interpretation of the law as precluding entrance into Israel for Palestinian students for longer than six months “raises difficulties”. At the conclusion of the hearing, the court gave the state sixty days to formulate criteria which requests by Palestinians wishing to study in Israeli institutions of higher learning would be reviewed’* (Gisha 2006<sup>206</sup>)

BBC had previously reported that: ‘Ms Salameh’s position reflects that of many Palestinians who have lived with severe restrictions on their movement since the start of the second Palestinian uprising in 2000. She says that she has applied to the Israeli authorities eight times to get the necessary permit to study in Israel but all requests were refused.’ (BBC 2006<sup>207</sup>)

**Distance provision** The restrictions engendered by the numerous checkpoints and restrictions on movement have caused an increase in the provision of distance learning. The Al-Quds

Open University (QOU), founded in 1991 and based in the West Bank, presently declares 62,065 enrolled students (QOU 2009<sup>208</sup>). However, provision of distance learning in Palestine as it stands is not without problem. By necessity, distance courses in Palestine are delivered with little or no opportunity for face to face student teacher interaction. As a consequence, the mode of provision has come under criticism as an imperfect substitute for campus based delivery—primarily as it is delivered by necessity as opposed to suitability.

A 2004 CHEA report sites concerns provided by the British Council in 2001:

*‘Al Quds Open University (QOU)(Jerusalem). This was set up in 1991 by the UN to create higher education opportunities for Palestinians and was accredited by the Association of Arab Universities (AArU) (Elias Mazawi, 2000). Courses are text based, with limited face to face contact. Qualifications are not considered comparable to local degrees by the public (British Council, 2001).’* (CHEA 2004<sup>209</sup>)

**Enforced power cuts in Gaza** There are important variations in the social and political geography between the Gaza Strip and the West Bank which impact on the relative availability of academic freedoms: restrictions are particularly expressed in Gaza, which consists of around 360 sq km with approximately 1.5 million inhabitants (CIA 2009<sup>210</sup>) and three universities. The area has been subjected to a number of enforced closures by Israel. These have restricted the ability of institutions to function normally and for Gazan university staff to have regular, sustained contact with West Bank and foreign academics. Often closures have been accompanied by enforced power restrictions which have consequently affected the ability of Gazans to participate in academic work both at universities and via distance learning. Ha’aretz reported Minister Yitzhak Cohen stating that power cuts were a deliberate policy:

*‘as long as Sderot is burning we must suffocate the infrastructures in Gaza until all those who fire Qassams will put down their weapons in broad daylight.’* (Ha’aretz 2008<sup>211</sup>)

The impact on the education sector of the frequent closures has been substantial with the disruption of courses and research programmes. The impact of a recent forced closure was reported via Associated Press:

*'University officials said attendance rates were down by at least 60%, prompting the closure. It affected more than 45,000 students and was expected to last four days. Officials said they would put together an emergency education plan that could include conducting some lectures over the internet and radio.'* (Associated Press 2008<sup>212</sup>)

**Hamas restrictions on academic freedoms** Politics in Gaza is influenced by a strong Hamas presence; Hamas assumed control of Gazan political structures in 2007 following an armed conflict with Fatah members (BBC 2007<sup>213</sup>). Hamas has operated as a para-state institution, delivering political, social and welfare programmes within Gaza. Within the HE sector, university institutions such as the Islamic University of Gaza, founded in 1978 by Hamas founder Sheikh Yassin, are seen as centres of Hamas operations. However, the universities in Gaza, including the Islamic University of Gaza, are constituted in line with the 1998 Higher Education law and generally operate formal structures to support the academic freedoms and autonomy required by the legislation.

Regional and international media have reported a number of incidents of restricted academic freedoms that have been attributed to Hamas actions in Gaza. The more widely circulated claims are outlined below: in sum they speak more to the difficulties faced by academics and universities of operating in the face of an internal and external conflict as opposed to operating in the face of directed restrictions from Hamas. However, the presence of Hamas can be considered an independent aggravating factor due to the political/religious conflict with Fatah.

**Censorship** In 2007, shortly after the PLC elections and the installation of Dr. Nasser Sha'er as Education Minister and Deputy Prime Minister in the Hamas lead government, it was reported that the Ministry of Education and Higher Education had considered an edict to ban from a book from

schools. The book, *Speak Bird, Speak Again*, is a well regarded Palestinian book of poetry; it was further reported that the seized copies were to be destroyed (*Independent* 2007<sup>214</sup>). The furore following reports in Palestinian, Israeli and international media included a demonstration by Palestinian faculty and a statement by the respected academic author of the book reported by BBC in which he voiced his concerns:

*'I don't want my book to be used by Palestinian groups to attack each other,' he says.*

*'But I do think it was a mistake to ban the book as it contains nothing harmful or offensive.'* (BBC 2007<sup>215</sup>)

In response, the Education Minister indicated that it was not his intention to ban the book per se, but to remove it from the primary and secondary education syllabus as it was not appropriate for the age level and curriculum. The tenure of a Hamas Education Minister could have provided evidence for or against the notion that Hamas would pursue a policy of reduced autonomy of institutions and enforced censorship. However, no clear inferences can be drawn from the short tenure of Minister Sha'er (2006-07). It cannot be concluded from the above case that Hamas had intended to enforce pervasive censorship on the HE sector through ministerial actions. However, it does indicate that the academy was sensitive to such a potential and took immediate action to demonstrate the importance of maintaining academic freedoms.

**Demonstrations at the Islamic University of Gaza** A second reported disruption attributed to Hamas activity was the closure of Al Azhar University in Gaza following student protests. It was reported in international media such as the New York Times, and subsequently by NEAR, that a student group had stormed the university in violent protest and had raised the Hamas flag over the university's main building. The article noted several direct infringements of rights and freedoms committed by both the demonstrators and the Hamas security apparatus. The violence and disruption was subsequently condemned by a release from the Palestinian Centre for Human Rights (PCHR):

*'On Tuesday, 14 October 2008, around 100 students from the Islamic Bloc (the student wing of Hamas) at al-Azhar*

*University, and other universities in Gaza, gathered together outside the campus of al-Azhar University in Gaza City. They then broke into the campus shouting slogans against the administration of the university and other academic figures...*

*In the aftermath of those incidents, the university administration established an investigation committee, and, in accordance with the conclusion of its investigation, the administration dismissed the eleven Islamic Bloc students. The Islamic Bloc considered the decision unjust, and demanded it be reversed. The Islamic Bloc subsequently issued three successive statements during the month of October. The final statement warned of “repercussions against members of this unjust decision”, claiming the Islamic Bloc students held the university and its executives “responsible if they do not retreat from this unjust decision”.* (PCHR 2008<sup>216</sup>)

PCHR have previously recognised that universities represent sites in which national political conflicts are manifested. In 2006, during the PLC elections, PCHR issued a bulletin on the situation in universities with respect to election related violence. The bulletin, ‘Universities Utilized for Campaigning’ reported that:

*‘Over the past few days, PCHR observers have noticed a series of campaigning violations, in the form of utilizing universities for legislative elections campaigning. Al-Azhar University, the Islamic University, and al-Aqsa University have been involved in these violations. Election banners and posters have been displayed on campus at the universities. Al-Azhar University and al-Aqsa University have posters and banners for Fatah and electoral list candidates displayed. The Islamic University has posters and banners of Hamas activists displayed. In addition, Fatah and Hamas activists organized election rallies in al-Azhar University and the Islamic University...*

*...PCHR calls upon all candidates to abide by campaigning regulations and to stop all violations. In addition, PCHR calls upon all candidates to keep public institutions free from any campaigning activities.*

*Furthermore, PCHR calls upon the administrations of universities to put an end to all campaigning activities and to remove existing violations.’* (PCHR 2006<sup>217</sup>)

The conduct of extra-legal political activity on campus during the 2006 elections forewarned that post-election, universities would continue to represent sites where political factions would continue their conflict. The case above demonstrates that the independence of university campuses has been directly violated by party political activists. The intimidation and violence used by the protestors provides for clear restrictions on academics to work in an environment free from discrimination and fear.

**Bombing of the Islamic University at Gaza** A third attributed direct restriction on academic freedom by Hamas is the prelude to the Israeli military bombing on the University of Gaza after which activities at the university had to be ceased while the infrastructure was rebuilt. Media reports indicated that Hamas had invited the attack as part of a ‘hearts and minds’ campaign to gain sympathy with the international community by stationing (and building) Qassam rocket stations within the university compound. The bombing, conducted during the Israeli operation ‘Cast Lead’ in December 2008, destroyed university buildings deliberately targeted as key centres of Hamas activity. The conservative *Jerusalem Post* reported the strikes:

*‘IAF aircraft bombed the Islamic University and government compound in Gaza City early Monday morning, both centers of Hamas power. Witnesses saw fire and smoke at the university, counting six separate air strikes there just after midnight.*

*Two laboratories in the university, which served as research and development centers for Hamas's military wing, were targeted. The development of explosives was done under the auspices of university professors.*

*University buildings were also used for meetings of senior Hamas officials.*

*The IDF said rockets and explosives were stored in the buildings.’* (*Jerusalem Post* 2008<sup>218</sup>)

Consequently, the buildings were reconstructed; however, the institution was forced to undergo closure in the interim

period which prevented students and academics from conducting academic activities on the campus. Both restrictive actions—utilising university facilities to manufacture and launch rockets and the subsequent bombing by Israel—present violations of domestic and international obligations to remove education facilities from direct participation in conflict.

Violations of academic freedoms associated with direct action undertaken at universities such as those described in the second attributed action can be directly attributed to Hamas supporters—whether or not such action was also undertaken by Fatah supporters.

**Harassment of women on campus** The Hamas sympathetic student protests described above represent a restriction on academic freedom. They can be viewed in the context of a highly politicised society with political contest carried out within and through all social institutions, including universities and trade unions.

However, accusations that the protesters deliberately directed violence at women indicate that the Hamas actions would impact on the rights and freedoms of women to advantage themselves of a university education free from sexual harassment. Specifically, it was reported that:

*‘Rana Redwan, a student of psychology, said she received a blow to the head after she entered the rally and a speaker on the podium called her “impure.” Witnesses said they saw her tearing a Hamas flag.*

*Another woman, Riham Abu Arrus, was struck in the leg with an ax, according to friends who accompanied her to hospital. Ms. Abu Arrus was first taken to Gaza’s main Al Shifa hospital, which is now under Hamas control, but was refused immediate treatment, the friends said. Most of the wounded were treated at the private Ahli Arab Hospital.*

*The women who were wounded were all wearing colorful headscarves, in deference to Islamic rules of modesty, but not the more conservative uniform worn by female students at the nearby Islamic University.’ (New York Times 2008<sup>219</sup>).*

GUPW (General Union of Palestinian Women) have called for the full engagement of the university sector in combating the pervasive sexual discrimination in Palestine. The GUPW National Strategy for the Advancement of Women plan calls for:

**‘D. Societal awareness:**

*1. To spread legal awareness in schools through the social studies and to introduce a course on legal affairs at the university level.’ (GUPW 2009<sup>220</sup>)*

A number of women’s studies courses and research centres have been established at Palestinian universities which should contribute to the revision of the present inequities experienced on campus.



## Annex 1

### Abridged review of Palestine since 1948

UN General Assembly Resolution 181 specified that an Arab state be formed in the former British Mandate of Palestine. The borders of the state were defined within Part 2 of the Resolution. Following the 1948 'War of Independence'/ Nakbah (catastrophe), subsequent Arab Israeli wars and consequent peace negotiations, the final status of the Palestinian state remains to be determined. UN General Assembly Resolutions 242 (November 1967), 338 (October 1973) that ended the Six Day and Yom Kippur wars respectively required and then upheld the decision that a final, peaceful settlement should be negotiated among Middle East states:

*'Requests the Secretary General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;'* (UN Security Council Res 242, 1967<sup>221</sup>)

**Oslo Accords** The Oslo Accords ('Oslo I Declaration of Principles on Interim Self-Government Arrangements September 13, 1993') provided for interim arrangements in Palestine while Israeli forces withdrew from the then occupied territories. The Accords required that Israel withdraw from previously occupied Palestinian territory:

*'Israel will implement an accelerated and scheduled withdrawal of Israeli military forces from the Gaza Strip and Jericho area, beginning immediately with the signing of the agreement on the Gaza Strip and Jericho area and to be completed within a period not exceeding four months after the signing of this agreement.'* (Annex II)

In addition, the Accords specified the competencies of the Palestinian Authority and provided for final status negotiations to be initiated with respect to: *'Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of*

*common interest.'* (Article V). Upon Israeli withdrawal, the Palestinian Authority was then to responsibly deliver full social and welfare services; including education provision: *'authority will be transferred to the Palestinians on the following spheres: education and culture, health, social welfare, direct taxation, and tourism. The Palestinian side will commence in building the Palestinian police force, as agreed upon.'* (Oslo Accords retrieved from the Israeli MFA 1993; Article VI (2)<sup>222</sup>)

**Second Intifada and beyond** Subsequent developments in Palestine, such as the second intifada in 2000, the death of PLO leader, Yasir Arafat, the failure of the 2000 Camp David Summit and further regional conflict meant that the final settlement envisaged in Oslo and the 2003 Quartet roadmap would be postponed indefinitely (CIA 2009). In response to the intifada, Israel launched a number of military operations into Palestine—with consequent severe human rights violations. Settler activity increased and was initially encouraged by Israel. During this time the human rights situation deteriorated and the HE sector, along with other infrastructure, began to suffer crises.

In 2005, Sharon and Abbas reaffirmed their commitments to the peace process via the Sharm el-Sheikh Commitments—Mahmoud Abbas stated that:

*'From the city of Sharm al-Sheikh, the city of peace, I reiterate, in the name of the Palestine Liberation Organisation and the Palestinian National Authority, our adherence to the peace process points of reference, the resolutions of international legitimacy, the agreements signed between the PLO and the government of Israel, and the roadmap'* (Statement made at the Sharm al-Sheik Summit 2005, retrieved from BBC<sup>223</sup>)

However, Israel retained severe restrictions over Palestine including restrictions on Gaza, the sovereignty of territorial seas and airspace. The political situation both within Palestine and with Israel further declined in 2006 following the electoral victory of the Hamas list in the PLC elections. One direct consequence has been the Israeli blockade which in effect prevented Palestinians from visiting universities in Israel due to the students comprising an 'at risk' demographic. The

restrictions in movement have also limited the options of Palestinian students and university staff to the extent that many are now forced to enrol in their local institution regardless as to whether it is the most suitable for their needs.

**Annapolis** In 2007, the Annapolis Middle East Peace Conference confirmed a commitment to a two state solution, the communiqué was issued ‘In furtherance of the goal of two states, Israel and Palestine, living side by side in peace and security’ (Annapolis Joint Understanding on Negotiations 2007, MFA). The conference was boycotted by Hamas. A subsequent report issued by the PLO Negotiations Department argues that Israel has not implemented any of its roadmap obligations. With reference to UN-OCHA data, PLO states that:

*‘As with other post-Annapolis indicators, the numbers of Palestinians killed and injured by Israeli forces increased substantially after November 2007. Whereas 330 Palestinians were killed and another 1,706 injured by Israeli forces in the first 11 months of 2007, at least 498 Palestinians were killed and another 2,148 injured in the 11 months after Annapolis, an increase of 51% and 26% respectively.’* (PLO Negotiations Affairs Department 2008<sup>224</sup>)

Most recently, Security Council Resolutions 1850 and 1860 reaffirm the previous SC Resolutions and call for a cease to hostilities both inter-Israel Palestine and intra-Palestine.

## Annex 2

### Electoral law reform

On 2 September 2007, President Abbas issued a decree to amend the elections law (CEC 2007). The decree amended the eligibility for candidacy to the presidency and PLC. As a consequence of the change, it is required that PLO be upheld as the representative of the Palestinian people and that provisions within the Basic Law be so too:

*‘The candidate for the position of President must meet the following requirements:*

...

**5. To uphold the PLO as the sole legitimate representative of the Palestinian people and the Declaration of Independence Document in addition to the provisions of the Basic Law.**

*The candidate for the Legislative Council membership must meet the following requirements:*

...

**6. To uphold the PLO as the sole legitimate representative of the Palestinian people and the Declaration of Independence Document in addition to the provisions of the Basic Law.** (Basic Law Amendment 2007<sup>225</sup>)’

The Amended Basic Law of March 18th 2003 references its foundation in the Oslo Accords (‘Oslo I Declaration of Principles on Interim Self-Government Arrangements September 13, 1993’) which are categorically rejected by Hamas pursuant to Article 13 of their founding Charter. As a consequence, the amended elections law precludes Hamas from participation in the PLC and Presidency.

## Annex 3

### IAU sector description

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### Institution types and credentials

#### Types of higher education institutions

- University
- Community College
- Technical College
- Open University
- University College

Higher education is mainly provided by Universities and Community Colleges. All Universities have their own administrative organization with a President, a Vice-President, a Board of Trustees; Colleges headed by a Dean and administrative Councils at the department, college and

university levels. The Ministry of Higher Education is the national organization which supervises and coordinates the activities of the institutions of higher education within the framework of national policies.

### Main laws/decrees governing higher education

- **Decree** Higher Education Law (1998)  
Concerns Higher education institutions

**Academic year** Classes from September to May  
Long vacation from 30 June to 31 August

**Languages of instruction** Arabic, English

### University level studies

**University level first stage: Bachelor's Degree** The Bachelor's Degree is generally conferred after four years' study by universities and some University Colleges. Engineering and Agricultural studies last for five years.

**University level second stage: Master's Degree, Postgraduate Diploma** Master's Degrees are conferred in certain subjects two years beyond the Bachelor's Degree. Postgraduate Diplomas are conferred in certain subjects after one or two years' study beyond the Bachelor's Degree without research training.

**University level third stage: Doctorate (PhD)** An-Najah National University awards a PhD in certain subjects (eg Chemistry) after three years of study beyond the Master's Degree. Al-Aqsa University awards a PhD in Education.

### Non-traditional studies

**Distance higher education** Distance education is offered at Al-Quds Open University which comprises 20 regional centres. The University offers Undergraduate Degrees and Continuing Education and Training are offered in Land and Rural Development, Home and Family Development, Technology and Applied Science, Management and Education.

### National bodies

#### Responsible authorities

- Ministry of Education and Higher Education  
([www.mohe.gov.ps](http://www.mohe.gov.ps))

**Role of governing body** Supervising and coordinating all activities related to higher education in Palestine.

**Role of governing body** Provides statistical information on higher education institutions and coordinates scientific research activities.

### National student associations and unions

- Ministry of Education and Higher Education  
*Participation of country in multilateral or bilateral higher education programmes*  
**Name of exchange programme** PEACE  
**Name of exchange programme** TEMPUS

### Data for academic year 2005-2006

**Source** IIAU from Ministry of Education and Higher Education, Higher Education Sector, Palestine, 2006

**Note on Higher Education Institutions** Also 10 Community Colleges.

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## ZIMBABWE

**This chapter discusses union and academic freedoms in Zimbabwe**

**with reference to the economic and political crises of the past decade. The severe economic crisis, a product of tyranny and misfortune, has had synergistic effects on pedagogic, social and cultural freedoms. Already disenfranchised groups such as women have been affected disproportionately.**

**In February 2009, a unity government was installed in Zimbabwe constituted by an agreement providing for power-sharing between Robert Mugabe's ZANU-PF, and the MDC, led by Morgan Tsvangirai. Trade union and student activists have sought to capitalise on the emerging political space, however, the coalition is fragile and operates in an environment characterised by distrust, oppression and poverty. Even if the political contests are resolved, the economic crisis severely limits the capacity of the new government to dedicate the level of resources to the education sector required after years of mismanagement. Recent events, such as the arrest of ZINASU student leaders on 21 April 2009 for leading protests at Great Zimbabwe University, indicate that the political situation at least will not resolve in the short term.**

**Zimbabwean HE formerly occupied a leading role in SADC; Zimbabwean institutions were identified with the best provision available in sub-Saharan Africa. However, the crises have left the sector severely looted<sup>227</sup>, underfunded, understaffed, politicised and affected by a brain drain. The short term austerity plan (STERP) is unlikely to bring the resources to the sector that it urgently needs and growing disenchantment with MDC has been publicly expressed by the national student union, ZINASU; Annex 2 gives a recent situation summary from ZINASU. Over the past decade, the state has failed to create conditions in which the principles of the UNESCO Recommendation on the Status of Higher Education Teaching Personnel 1997 can be fostered.**

### Political overview

Zimbabwe gained independence from white rule in 1979 and was recognised as an independent state in 1980. Robert Mugabe became the first Prime Minister and head of the Zimbabwe African National Union-Patriotic Front (ZANU-PF). The country is a republic with a bicameral parliament comprised of a Senate and House of Assembly. Mugabe has occupied the post of President since 1987 (CIA 2009<sup>228</sup>).

**Political situation post-independence** Following independence, an initially stable Zimbabwe began to experience a worsening security situation in the mid 1980s. A pivotal event was the severe ethnic political violence visited on the Ndebele opposition by Shona government forces which caused the deaths of as many as 20,000 people between 1983 and 1987 (UNHCR 2009<sup>229</sup>). Following the progressive resurgence of an opposition to ZANU-PF in the late 1990s, the Movement for Democratic Change (MDC) was established in 1999 as an umbrella body of NGOs, trade unions, civil society organisations and other opposition groups. MDC contested the 2002 presidential elections, deemed as flawed by Commonwealth observers; the election report summarised that:

*'In our preliminary report we described the conditions that prevailed before and during the election and came to the conclusion that these did not adequately allow for a free expression of will by the electors' (Commonwealth 2002<sup>230</sup>)*

Sanctions were subsequently levelled on Zimbabwe by the EU via 'The Overseas Territories (Zimbabwe) (Restrictive Measures) (Amendment) Order 2002 (SI/2002/1077)<sup>231</sup>, the US similarly levelled sanctions. In the years following the elections, strikes by Zimbabwean workers, opposition rallies and elections were targeted by the security forces; widespread breaches of human rights and further flawed elections were reported (UNHCR 2009<sup>232</sup>, CIA 2009, State Department 2008<sup>233</sup>). Amnesty International Canada recently summarised the situation:

*'For nearly a decade, the government of Zimbabwe has pursued a campaign of repression aimed at eliminating opposition and silencing dissent. Amnesty International has documented state-sponsored intimidation, arbitrary*



*arrest, torture, killings and attacks on supporters of the political opposition, human rights defenders and the independent media. Police and other security forces have targeted members of the political opposition, lawyers, journalists and civil society groups, including the Zimbabwe Congress of Trade Unions (ZCTU), the National Constitutional Assembly (NCA) and Women of Zimbabwe Arise (WOZA).’ (Amnesty International Canada 2009<sup>234</sup>)*

**2008 presidential elections** In 2008, elections returned the Movement for Democratic Change (MDC) and ZANU-PF with 30 seats each in the Senate. At the House of Assembly, MDC was returned with 109 seats and ZANU-PF with 97 (Zimbabwe Election Commission 2008<sup>235</sup>). Morgan Tsvangirai of the MDC won the first round of the presidential poll but withdrew from the second round following severe irregularities and political violence levelled at MDC members. In a speech given in June 2008, Tsvangirai withdrew stating that:

*‘Zanu PF militia dressed in army regalia have been deployed to spearhead the terror campaign in the rural and urban areas. Armed Zanu PF youths are waging a terror campaign and have vowed that the MDC will not rule the county even if it wins. Zanu PF has set up over 3000 militia bases across the length and breath of the country in order to cow and intimidate MDC supporters into submission. Death and hit squads are on the loose in all the provinces. War veterans and Zanu PF youths are manning illegal roadblocks with impunity in complicity with the police. The use of guns and arms of war by Zanu PF militia and war vets to campaign for Zanu PF has virtually militarized the election atmosphere. All this is being done as State sponsored ploy to tilt the vote in favour of Zanu PF...’*

*Given the totality of these circumstances, we believe a credible election, which reflects the will of the people is impossible. We remain unreservedly committed to free and fair elections in the country. The conditions prevailing as of today do not permit the holding of a credible poll’ (MDC 2008<sup>236</sup>).*

A power sharing agreement signed on 11 September 2008 between MDC and ZANU-PF provided for a government led by Mugabe as President and Tsvangirai as Prime Minister. Both the African Union and the South African Development Community (SADC) have supported the initiative as a workable interim solution (African Union 2008<sup>237</sup>). The government assembled in February 2009 and intends to complete a referendum on a new constitution by the end of 2010 (CIA 2009<sup>238</sup>).

Although a Global Political Agreement (GPA) defines the terms under which the new government shares power, there have been recent reports that its implementation may be slow and subject to political interference (Zimbabwe Independent 2009<sup>239</sup>, Change Zimbabwe 2009<sup>240</sup>). One specific concern is the reported use of violence and summary imprisonment against MDC officials. It has been reported that this is a ZANU-PF tactic to force an amnesty agreement that would cover crimes committed over the previous twenty years (UNHCR 2009<sup>241</sup>).

**Economic collapse** Zimbabwe’s economy has undergone a severe collapse in the past decade. An HIV rate of around 20%, involvement in the Democratic Republic of Congo war, extensive/costly land reform policies, a cholera epidemic and sanctions have contributed to an unemployment rate of 80% in the formal economy and an inflation rate of 11.2 million% in 2008 (CIA 2009<sup>242</sup>). As a result, many Zimbabweans subsist in the informal economy without recourse to welfare schemes (ILO 2008<sup>243</sup>) and the US\$ has replaced the Zimbabwe dollar (Z\$) as the functional unit of currency (STERP 2009<sup>244</sup>). The consequences for education have been profound, with recent reports that most households are unable to afford the state sector tuition fee of between Z\$20 and Z\$280 a term (Zimbabwe Sunday Mail 2009<sup>245</sup>).

In 2000, Mugabe embarked on a land distribution campaign whereby white farmers were required to relinquish their farms to designated ‘war veterans’. The turmoil in the agricultural sector led to a severe reduction in food production, a situation which produced both domestic food shortages and a reduction in export volumes. The World Food Programme has estimated that 4 million people a month

require food assistance and 47% of the population suffers from undernourishment (WFP 2009<sup>246</sup>).

Political actions undertaken by ZANU-PF significantly impacted on the economy. In 2005, a slum clearance programme, Operation Restore Order, resulted in the destruction of c92,000 properties, the displacement of c700,000 people with only c3000 replacement homes provided (UN 2005<sup>247</sup>). In 2007, price controls on basic commodities were introduced which further weakened the capacity of the economy to provide employment and basic levels of subsistence. Reports of Mugabe-sanctioned farm invasions persisted into 2009 and have been criticised by MDC (*Zimbabwe Times* 2009<sup>248</sup>).

**STERP** In 2009, a Short Term Emergency Recovery Programme (STERP) was launched, under the terms of which weaknesses in the micro and macro economic fundamentals will be addressed via a restructuring and investment plan. The status of Zimbabwe with key trade partners and international lending institutions is also within the remit of the plan (STERP 2009). The adoption of the power sharing agreement and STERP has been positively received by international organisations. IMF has recently completed a visit to Zimbabwe to complete Article IV consultations (IMF 2009<sup>249</sup>); it found that the economic situation had worsened in 2008:

*‘Real Gross Domestic Product (GDP) is estimated to have fallen by about 14 percent in 2008 (on top of a 40 percent cumulative decline during the period of 2000–07) due to economic disruptions caused by hyperinflation and a further significant deterioration in the business climate. Poverty and unemployment have risen to catastrophic levels, with 70 percent of the population in need of food assistance and a cholera epidemic claiming more than 4,000 lives.’* (IMF 2009 *ibid*).

and a joint statement by the World Bank and the African Development Bank explicitly welcomed the power sharing agreement:

*‘The African Development Bank and the World Bank Group welcome the power-sharing agreement signed on Monday in Harare as a potential opportunity for Zimbabwe to begin to deal with its mounting economic,*

*social and governance problems. We look forward to the completion of work on other details of the agreement. We also look forward to a demonstration that it can form the basis for tackling some of the most urgent human needs, especially of vulnerable women, youth and children, such as those arising from hyperinflation, and the food and fuel crisis. As concrete progress is made on the ground, we would be ready to join other development partners in exploring a program of technical and, as appropriate, financial assistance* (World Bank 2008<sup>250</sup>)’

A policy of dollarization has recently been adopted by the Finance Ministry. Sections 303 and 304 of STERP facilitate the introduction of convertible currencies into Zimbabwe—though it recognises that this will limit the power of the state to control money supply. The stock of money may in future be increased by measures such as increasing FDI and remittance flows (STERP 2009<sup>251</sup>).

The impact of STERP on HE is expected to be considerable. The Higher Education Minister, Dr Stan Mudenge, has made explicit reference to World Bank criticisms of the quality of Zimbabwean HE and stated that the sector will be reviewed as part of STERP (*Zimbabwe Herald* 2009<sup>252</sup>). ZINASU has also called for STERP to urgently address salaries paid to lecturers in order to stem the brain drain (ZINASU 2009<sup>253</sup>). However, it is expected that STERP initiatives will by definition require the implementation of austerity measures that are unlikely to satisfy the education sector’s demands for funding.

### Trade union sector overview

**ZCTU** Zimbabwe has a longstanding tradition of politically active trade unions. National unions in Zimbabwe played important roles resisting colonialism and undertook key organising roles during national liberation actions. Following independence, six national union bodies joined to form an umbrella organisation, the Zimbabwe Congress of Trade Unions (ZCTU) in 1981 (ZCTU 2001<sup>254</sup>). ZCTU remains the pre-eminent national trade union body and is the sole Zimbabwean ITUC affiliate with a notified membership of 250,894 (ITUC 2009<sup>255</sup>). ZCTU undertakes an active role in regional and national politics. Zimbabwe presently holds the

chair of the SADC union structure, the Southern Africa Trade Union Coordinating Council (SATUCC) and ZCTU has been the subject of ILO investigations in Zimbabwe as the recognised local partner of the ILO Workers' Group (ILO 2007<sup>256</sup>). In addition, ZCTU maintains a close co-operative relationship with the Congress of South African Trade Unions (COSATU).

Trade unions have been proportionately affected by the economic crisis. The informalisation of the work force due to increasing unemployment has altered the profile of union members. While the high levels of inflation and reduction in earnings of unionised employees, many of whom were (until recently) paid in local currency, has the potential to affect union dues - many goods and services are now only available in exchange for foreign currency. To this end, ZCTU has a policy position to support the introduction of dollarization—the payment of wages in US dollars (or other convertible currencies) and the removal of the Zimbabwean dollar as national currency for wage payments (ZCTU 2009<sup>257</sup>).

**MDC and ZCTU** Morgan Tsvangirai was Secretary General of ZCTU from 10 May 1987 to 31 September 1999 and maintains close ties with the union movement. During the 2008 elections, ZCTU actively campaigned for MDC (although it was a vocal critic of the power sharing agreement negotiated with ZANU-PF). ZCTU had instead requested the establishment of an interim authority. The authority would encourage elections to be conducted under a new constitutional arrangement. Following the announcement of a unity government, the ZCTU Special General Council announced that:

*'...The agreement is far cry from the ZCTU expectations as it is an outcome of a flawed process. From a labour point of view, the agreement is not acceptable. Any country must be governed by a democratically elected government and the current arrangement means that the people would be led by an unelected government for the next five years...*

*The ZCTU views the arrangement as a temporary structure that denies Zimbabweans the right to put in place a government through a democratic process which includes a people driven constitutional making process...*' (ZCTU September 2008<sup>258</sup>)

**Zimbabwe Federation of Trade Unions (ZFTU)** A parallel union structure with close ties to ZANU-PF, the Zimbabwe Federation of Trade Unions (ZFTU), was established with Joseph Chinotimba, a leading figure in the farm invasions, initially installed as vice-president (US State Department 2003). In 2002, the Zimbabwean government requested that the trade union delegation to ILO comprise both ZCTU and ZFTU, a move criticised by the ILO Workers' Group. In 2004, the Workers' Group published as a 'Key fact' that:

*'The Government is known to be sponsoring splinter trade unions, such as the Zimbabwe Federation of Trade Unions (ZFTU), which is bankrolled by the ruling party, ZANU PF, and run by war veterans. The Government ensures that the ZFTU attend important international fora including the International Labour Conferences in order to steal the thunder from the ZCTU. In 2003, the ruling party organised May Day celebrations for the ZFTU with cash inducement in order to lure people to attend.'* (ILO 2004<sup>259</sup>)

It was reported in 2002 that workers at companies unionised under ZCTU structures were raided by ZFTU; ZCTU members were threatened and harassed (Zimbabwe Standard 2002<sup>260</sup>). In 2004, ICFTU released a statement criticising ZANU-PF's use of ZFTU as a tool to undermine ZCTU (ICFTU 2004<sup>261</sup>).

**Zimbabwe National Students Union ZINASU** The Zimbabwe National Students Union (ZINASU), was established in 1989 and represents approximately 300,000 higher education students in Zimbabwe (ZINASU 2009<sup>262</sup>). ZINASU is well regarded internationally and engages with regional and pan African bodies such as the Southern African Students Union (SASU) and the All African Students Union (AASU). In 2003, ZINASU was awarded the Student Peace Prize at the International Student Festival in Trondheim (ISFiT), an award granted every two years for services to human rights and democracy. ISFiT has recently reissued a call for the Zimbabwean government to respect the rights of ZINASU members (ISFiT 2009<sup>263</sup>).

At national level, ZINASU has a close relationship with MDC. Speaking at the funeral of Susan Tsvangirai, ZINASU

President Clever Bere outlined the shared commitments of MDC and ZINASU to democratic reforms (ZINASU 2009). ZINASU remain sceptical that ZANU-PF will abide by the terms of the GPA during the tenure of the unity government. The ZINASU President stated that:

*‘the students of Zimbabwe will not allow ZANU PF to usurp power from a democratically elected party, mandated to form the next Government of Zimbabwe. ZINASU will be the first to defy.’* (ZINASU 2009<sup>264</sup>)

However, since the power sharing agreement came into force in February 2009, ZINASU has alleged that MDC has sidelined HE. In a letter to the *Zimbabwe Standard*, a member of the University of Zimbabwe student union outlined concerns with the integrity of MDC’s actions in government:

*‘While we were in the trenches together with the MDC during the past decade, the students were never considered junior partners. We are concerned by the relegation of the higher and tertiary education sector by the new government... What your administration has done during the past month is to sow seeds of animosity and mistrust between the government and students’* (*Zimbabwe Standard* 2009<sup>265</sup>)

Student protesters have been affected by the political violence that affects the trade union sector via summary detention and harassment. ZINASU members have been active on campus campaigning for financial barriers to access to be removed and for human rights to be restored. Due to the politicised nature of the protests, security forces take stringent action against protesters. Recently ZINASU has run a campaign against the privatization of education, as a response to the associated protests a number of ZINASU activists were arrested. Zinasu’s President released the following statement on 24 April 2009:

*‘I am aware that students at the National University of Science and Technology, NUST have been denied access to the exam room on the grounds that they did not pay tuition fees. On the several occasions where students protested against this form of apartheid being orchestrated by the authorities, scores have been arrested. As if that is not enough, thirteen including the SRC president*

*Kurayi Hoyi, Secretary General Samson Nxumalo and former SRC Secretary General Vivid Gwede have been suspended pending hearing, becoming the first group of students to be suspended pending hearing. I condemn this fascist behavior.’* (*The Zimbabwean* 2009<sup>266</sup>)

**Government opposition to trade union activity** ZANU-PF has adopted a position of hostility towards ZCTU expressed through political violence, legal sanction and the creation of parallel structures (ZFTU). The US State Department documented that:

*‘On September 13th, police arrested more than 100 members of the ZCTU to prevent the labor movement from staging nationwide marches planned that day. Police severely beat several of the organisers, including ZCTU Secretary General Wellington Chibebe. Numerous ZCTU members were hospitalised as a result of their injuries.’* (US State Department 2007<sup>267</sup>)

The Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA) have been raised at ILO by both the Workers’ Group and the Employers’ Group as enabling violations of ILO Right to Organise Conventions (No.87 and No.98). Freedom House has outlined that the legislation restricts journalistic activity to those supportive of ZANU-PF with severe punishments specified for breaches of the codes (Freedom House 2008<sup>268</sup>). A 2008 ILO meeting of the Officers of the Governing Body examined evidence that documented breaches of the Conventions with reference to POSA and AIPPA:

*‘Teachers have been targeted, physically assaulted and threatened. The Public Order and Security Act (POSA) and the Criminal Law (Codification and Reform) Act of 2006 have been systematically used to repress basic civil liberties and trade union rights.’* (Workers’ Group Submission ILO 2008<sup>269</sup>)

*‘The continual recourse made by the Government to the Public Order and Security Act (POSA) and lately, to the Criminal Law (Codification and Reform) Act of 2006 to repress basic civil liberties and trade union rights. In the last few months, trade union leaders and members have*



*seen systematically arrested, detained, harassed and intimidated for the exercise of legitimate trade union activity.’ (Employers’ Group Submission ILO 2008<sup>270</sup>)*

Following persistent complaints made to ILO, the 303rd Session resolved to convene a Commission of Inquiry to be Chaired by Judge Raymond Ranjeva, a former Senior Judge at the International Court Justice and Conciliator at the World Bank (ILO 2009). The Commission is expected to report in 2009. The ILO Commission is mandated to support the national reconciliation process; the ILO mandate states that:

*‘The Commission, while working in the judicial spirit that characterises ILO Commissions of Inquiry, at the same time is desirous of contributing to the process of reconciliation and healing in Zimbabwe on the basis of African and international standards on labour relations and human rights.’ (ILO 2009<sup>271</sup>)*

### Case studies of trade unionist oppression

Aside from the submissions made to ILO, there are numerous case studies of state sanctioned oppression against educationalists and trade unionists. Education International has monitored the situation and has noted the following offences:

*The ZCTU district chairperson for Chivhu, Tinashe Murau, was seriously beaten after Zanu PF militia questioned why he wears ZCTU t-shirts and attends ZCTU meetings. Rebecca Butau, a ZCTU councilor based in Chegutu, was also seriously beaten and had to seek medical attention. Those who beat her said they were looking for David Zunde, another union official from the food industry. Currently Zunde is on the run.*

*Forty-six members of the General Agriculture Plantation Workers’ Union of Zimbabwe (GAPWUZ), an affiliate of the ZCTU, have sought shelter in Harare after being harassed and beaten up by youth militia. The members include men, women and children. The ZCTU and GAPWUZ are currently providing them with food. Indications are that more farm workers will be displaced.*

*The Progressive Teachers Union of Zimbabwe (PTUZ), an affiliate of the ZCTU, says it has closed its main office after*

*its officials were harassed by unknown people since the start of the presidential run off. Two cars came for PTUZ General Secretary Raymond Majongwe, but fortunately he was not at his home. On 29 June, other cars visited the PTUZ treasurer’s wife claiming that they wanted to take her to ‘a funeral’. The PTUZ Treasurer Labistous Zunde, who had been missing, has now been located by PTUZ officials.*

*On 28 June, four men in a black 4x4 bearing no license plates went to the PTUZ Vice President Abigail Tagwirei’s house in Glenview (Mashonaland East). The men, who claimed to be Zimbabwe Electoral Commission (ZEC) officials, demanded to know Tagwirei’s whereabouts. The next day, parts of her house had been ransacked.’ (EI 2008<sup>272</sup>)*

The ICFTU Afro Group has also adopted policy to react to political violence targeted at ZCTU members:

*‘Some activists have even been assaulted for wearing ZCTU T-shirts and it is now risky to publicly associate yourself with the ZCTU in some employment centres, as one is accused of being unpatriotic.’ (ICFTU AFRO 2004<sup>273</sup>)*

### Higher education sector overview and the gender dimension

An IAU description of the Zimbabwe higher education sector is provided in Annex 1. UNESCO has not been able to compile full HE statistics for Zimbabwe in the most recent Global Education Digest Statistics (UNESCO 2008<sup>274</sup>). However, the study provides evidence for the legacy strength of the Zimbabwean education sector—the literacy rate above age 15 is 90.7% (there is a significant gender disparity, 66.9% of the illiterate adult population are females). While primary school enrolment rates remain at 100%, secondary enrolment rates have declined in concert with the destabilisation of the economy. The secondary enrolment ratio has fallen from 47% in 1990 to 40% in 2006. Full economic data sets are not available; however, a decline in education spending as a percentage of GDP is evidenced between 1990 and 2000.

With regard to higher education, the UNESCO study references that 15,940 students emigrate each year, with 9,652 emigrating to South Africa. For tertiary education, the study



provides data from 2002 which evidences a highly gender biased enrolment ratio with 2.3% of men enrolled at ISCED levels 5 and above and only 0.9% of women.

The gender disparity is not new in Zimbabwean HE. In 1994, a study undertaken by Fred Zindi, one of the most senior Zimbabwean academics, concluded *‘that in almost every institution of higher learning in Zimbabwe there exists a significant number of male lecturers who sexually harass female students’* (Zindi 1994<sup>275</sup>). Undertaken at the University of Zimbabwe, the study recognised that the implications of sexual harassment have collateral impacts on the pedagogic and social functioning of the university that go beyond damage to the individual. Professor Zindi concluded that sexual harassment had contributed to the spread of AIDS and leaking of exam papers.

**Academic freedoms: political dimension** In recent years, political actions—in relation to both the sector and the higher education institutions—have severely constrained academic freedoms in Zimbabwe. A 2007 UNESCO global study of political repression in the education system, *Education Under Attack*, summarised violent oppressions in Zimbabwe as emblematic of the general security/political environment. The oppressions were mapped at all levels of the education system:

*Between 2001 and 2002, there were at least 238 human rights violations against teachers, including 34 cases of torture, 75 incidents of assault, 13 death threats, 45 school closures and 6 abductions. In addition, 2 ministers are alleged to have issued death threats against student leaders and their principals for supporting the opposition Movement for Democratic Change. In 2000, there were allegations of rape and molestation of female teachers and severe beatings of teachers and headmasters due to their political allegiance* (UNESCO 2007<sup>276</sup>).

A 2008 article published in the Zimbabwe ‘Financial Gazette’ reviewed the decline of the Zimbabwean higher education sector with reference to evidence provided by ZINASU. The article argued that political interference into the university sector had exacerbated the effect of the macro economic crisis (Financial Gazette 2008<sup>277</sup>). Student union activities have been undermined for political gain. In 2008 it was reported that the

national authorities had influenced university leaders to weaken independent student unions by harassment; subsequently compliant student representatives were installed (University World News 2008<sup>278</sup>).

**National legislation** The higher education sector in Zimbabwe is legislated via the Education acts of 1987, 2006 (amendments). The 2006 act proscribes conditions which have reduced the autonomy of the sector with regard to governmental interference. During periods of political repression, the education legislation has taken on an important legitimising and enabling role facilitating the reduction of academic freedoms. The constitution of the sector restricts institutions from exercising their autonomy to support academic freedoms as defined in ‘V’ ‘B’ of the 1997 UNESCO Recommendation Concerning the Status of Higher-Education Teaching Personnel (UNESCO 2007<sup>279</sup>).

In 2006, the ‘Zimbabwe Council for Higher Education Act’ was passed. The law provided for the establishment of a council to regulate the higher education sector. The legislation was opposed by MDC supporters who argued that the text would endorse political interventions into the higher education sector (University World News 2008<sup>280</sup>). The Act does not fully read as legal text and ascribes the Minister and President full veto power to summararily establish, close and otherwise govern the sector without meaningful intervention by independent members of the higher education community.

All seven categories of members of the council must have their appointments endorsed by the Minister (Article 7). Article 8 permits the Minister to refer all legislation proposals to the council and to give due consideration to the advice given by the Council unless ‘the matter is urgent’ (Article 8). Article 17 permits the President to close a public higher education institution if ‘it is in the interests of higher education in Zimbabwe generally for the institution of higher education to merge or to be closed’ (Article 17<sup>281</sup>).

**Academic freedoms: social dimension** Access to Zimbabwean HE has been affected by the political situation. In 2008 it was reported that underqualified ZANU-PF supporters gained preferential access to higher education following training at the so called ‘Border Gezi Training Centre’ (University World

News 2008<sup>282</sup>). Further access initiatives have also restricted academic freedoms. It was reported that the Cadet programme, introduced as a welfare scheme to cover tuition fee, food and accommodation, requires that students work for the state prior to receiving a qualification. ZINASU referred to the system as ‘student bonding’. Mugabe has been quoted describing the policy as a remedial measure to address brain drain losses:

*‘To halt this unsavoury trend (brain drain), government will continue to review salaries and to provide assistance in regard to housing and transport for its workforce...the cadetship scheme will also help to instil in students the sacrosanct value of commitment to the service of their country’* (Robert Mugabe quoted in *University World News* 2009<sup>283</sup>).

Moreover, in a recent release, ZINASU have illustrated that the cadetship scheme had been implemented within specific institutions to require students to pay additional fees for accommodation—many students are unable to afford the fee (ZINASU/Harare Tribune 2009<sup>284</sup>).

**Academic freedom: economic dimension** The economic situation in Zimbabwean universities has reached a crisis point with respect to teaching staff. Lecturers have demanded redress from the hyperinflation via payment in convertible currencies in order that a living wage be attained (*University World News* 2009<sup>285</sup>). The re-opening of state universities for the 2008-2009 academic year was delayed due to a shortfall in funding. In a letter to the President, lecturers outlined their concerns that academic salaries did not provide for basic needs to be met:

*‘The current situation in state universities is a sorry one. Since June 2008, as employees we have failed to come to work because, among other things, the salaries that we get are simply not enough to cover transport costs. Indeed the pay has at times been enough for transport for two days only and this has demotivated us’* (*University World News* 2008<sup>286</sup>).

**Tuition fees and academic freedom** ZINASU has played an active role in the Zimbabwean political process at both the campus and the national levels. Academic Freedoms, as

understood in the UNESCO Recommendation Concerning Teachers in Higher Education (UNESCO 1997<sup>287</sup>), recognises that the economic dimension can take on an important role in enabling or restricting academic activity. The Recommendation requires that states take positive action to ensure that the sector is appropriately resourced:

#### *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:*

*(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.’* (UNESCO 2007)

In 2007, the ZINASU National Executive Committee (NEC) issued a condemnation of the government for breaching rights relating to access to education. The policy called for the revocation of tuition fees and stated that:

*‘31.5% students has since dropped out of college since 10 February 2006 when the government introduced the new evil fee structure’* (ZINASU 2007<sup>288</sup>).

ZINASU has maintained a consistent opposition to tuition fees, in 2007 a protest against top up fees was violently broken up at the University of Zimbabwe at the instigation of the Vice Chancellor, Professor Levy Nyagura (ZINASU 2007<sup>289</sup>).

ZINASU has previously opposed moves towards dollarization due to the increased pressure that it would place on students to meet the US\$150 tuition fee charges. In March 2009, ZINASU called for a boycott of the tuition fee regime by students at the University of Zimbabwe arguing that ‘we cannot be held responsible for the decay that has happened at state institutions and therefore we will not finance for the resuscitation of these state universities’ (ZINASU 2009<sup>290</sup>). The students were urged to attend the institution as normal without making the fee payment.

## Annex 1

### AUP Zimbabwe HE sector<sup>291</sup>

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#### *Institution types and credentials*

##### Types of higher education institutions

- University
- Polytechnic
- Technical College
- Teacher training College

##### Higher education credentials

- Diploma
- Bachelor Degree
- Bachelor Honours Degree
- Master Degree
- Graduate Certificate
- Master of Philosophy
- Doctorate

Tertiary education in Zimbabwe is offered at state and private universities, university colleges, teacher training colleges and technical colleges, including two polytechnics. After CGE 'O' or 'A' levels, students can be awarded Diplomas in Teaching, Agriculture, Nursing and follow several technical courses. With good 'A' level passes, a student can enrol at university for undergraduate studies.

##### Main laws/decrees governing higher education

- **Decree** Manpower Planning and Development Act (Amended) (1994)  
Concerns Tertiary education and training

**Academic year** Classes from August to June

**Languages of instruction** English

#### *Stages of studies*

**Non-university level post-secondary studies (technical/vocational type)** The following Diplomas and Certificates (National Certificate) are offered after 'O' or 'A' level Certificates: Library and Information Science; Teaching; Nursing, Agriculture, Business Studies, etc. Studies leading to these qualifications last between two and three years. These

studies are offered in: Agricultural Colleges, Nursing Schools attached to Hospitals, Polytechnics and Teacher Training Colleges. Students with good grades at the Diploma level may apply to the University to undertake undergraduate studies.

**University level first stage: undergraduate studies** On completion of undergraduate studies, students obtain Bachelor Degrees in Arts, Science, Commerce, Engineering, Education, Social Studies, Agriculture, Veterinary Science and Medicine. Studies vary in length from three years for the Bachelor of Arts Degree to five years for the Bachelor of Medicine and Bachelor of Surgery Degrees.

**University level second stage: graduate studies** This stage comprises two types of Degrees. The Master Degree by coursework and dissertation; and the Master of Philosophy by research. The length of study varies from one to three years.

**University level third stage: Doctorate** The third stage requires a minimum of three years' specialization and research and presentation of a thesis. It leads to the Degree of Doctor of Philosophy, (PhD), which is conferred by all faculties.

**University level fourth stage** A Higher Doctorate is awarded in Law (LLD), Humanities (DLitt) and Science (DSc) after submission of published work and after at least eight years' study following upon the first Degree.

**Training of higher education teachers** Higher education teachers are those who teach Undergraduate and Postgraduate programmes at university. Most hold Master and Doctoral Degrees. Normally the University selects students with First Class passes at the Bachelor Degree level for advanced training at the Master and Doctoral levels at any good University. When students complete their studies they return to the University to teach.

**Non-traditional studies: higher education training in industry** Training in industry covers many kinds of skills and qualifications. There are private Colleges which train individuals in Banking, Personnel and Manpower Training, Motor Mechanics, Insurance, etc

### Admissions to university-level studies

- *Name of secondary school credential required*  
Cambridge Higher School Certificate (HSC)  
*Minimum score/requirement* Two or three subjects with C or better
- *Name of secondary school credential required*  
General Certificate of Education 'A' Level  
*Minimum score/requirement* Two or three subjects with C
- *Alternatives to credentials* Holders of Diplomas in Education, Nursing, Agriculture, Business studies can enter undergraduate studies. Provisions for special and mature student entry with approval from the University of Zimbabwe Senate.
- *Other admission requirements* Experience relevant to the subject is also used as an entry criterion for students who do not hold Advanced ('A') levels.

### Foreign students admission

- *Admission requirements* Foreign students must have qualifications equivalent to the GCE with 5 Ordinary ('O') level passes plus 2 Advanced ('A') level. Some provision is made for special and mature students entry with approval from the University Senate. Admission is directed to the Admission Office of each University.
- *Entry regulations* Student permits are normally provided on arrival in Zimbabwe with proof of acceptance to the University.
- *Language requirements* English

### Application procedures

- Apply to Admissions Office of individual universities for entry

### Student life

#### Student expenses and financial aid

- *Home students tuition fees* minimum Z\$1,500/maximum Z\$2,400
- *Foreign students tuition fees* minimum US\$1,450/maximum US\$8,000

### Grading system

#### Main grading system used by higher education institutions

- *Full description* A-F for Ordinary ('O') Level and Advanced ('A') Level
- *Highest on scale* A
- *Pass/fail level* E for 'A' Level and D for 'O' Level
- *Lowest on scale* F

#### Main grading system used by higher education institutions

- *Full description* 80%+ = 1 (First Division); 70%-79% = 2.1 (Upper Second Division); 60%-69% = 2.2 (Lower Second Division); 50%-59% = 3 (Third Division); Below 50% = Fail (used by University of Zimbabwe for undergraduate and masters degrees by coursework)
- *Highest on scale* 80%+ = 1 (First Division)
- *Pass/fail level* 50% = 3 (Third Division)
- *Lowest on scale* below 50%

#### Other grading systems

- 80%+ = Distinction; 70%-79% = Merit; 50%-69% = Pass; Below 50% = Fail (used by University of Zimbabwe for all certificates and diplomas).

### Data for academic year 2002-2003

*Source* National Council for Higher Education, Harare, updated from IBE website 2003 (except for governing bodies, updated 2005)

### Annex 2

#### State of the Education Sector in Zimbabwe<sup>292</sup>

#### ZINASU monthly briefing paper 3/09 (March 2009 edition)

**Extract** It is over one month since the inception of the Government of National Unity on the 11th of February 2009. The formation of the inclusive Government raised so much hope within the people of Zimbabwe who had suffered severely due to the twin crisis of governance and legitimacy bedevilling the nation. To date, no meaningful development has taken place in the education sector.

ZINASU has a membership base of 43 institutions in Zimbabwe, of the 43, almost all have opened for the 2009 academic year except the University of Zimbabwe, but the turnout in most of the colleges is very low. The dollarization of education continues to affect the poor. After series of demonstrations by ZINASU over the dollarization of education and the exorbitant fees charged by institutions, the Government announced on the 5th of March 2009 a reduction of the fee structures, but the fees demanded are still way beyond the reach of many students.

College authorities at the University of Zimbabwe (UZ) announced revised fees ranging between a minimum of USD150 to a maximum of USD600 which are still unreasonably exorbitant. The Government is still struggling to pay lecturers salaries in foreign currency. At Midlands State University, lecturers downed tools after the delay in the processing of salaries, resulting in disturbances in lecturers. There is serious need for the Government to be sincere in addressing the problems facing the education sector.

The University Of Zimbabwe failed to open for the second time this year. Students failed to pay the USD150 demanded by the institution, from a research carried out by ZINASU on the 15th of March 2009; only 10% of students had managed to pay the exorbitant fees resulting in the college failing to open. The Government introduced the cadetship programme in 2006 which was meant for students who could not afford to pay for their education. To date, students who have applied for the programme for 2009 have not received anything from the Government. College Authorities at Bindura University and Mutare Polytechnic College who wanted to submit the forms to the Ministry of Higher and Tertiary Education were forced to return with the forms, the Government was citing that the funds for the cadetship programme were not yet available. This scenario has left many students stranded with no alternative but to drop out of college or to go abroad and explore other options.

The National University of Science and Technology (NUST) administration on the 12th of March barred students from campus for failure to produce proof of paying the exorbitant fees. Students in the commerce fraternity were forced to pay USD512 and USD600 for engineering students.

The institution also demanded that students pay USD200 by the 16th of March 2009 and the remainder by month end. Many students failed to meet the deadline resulting in many students deferring their studies to next semester. Clearly, this scenario is without doubt creating a whole generation of dropouts forced out of school by economic situations. Education in Zimbabwe is now for the elite and out of reach for the poor.

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