

# *Academic Freedom International Study*

**BURMA**

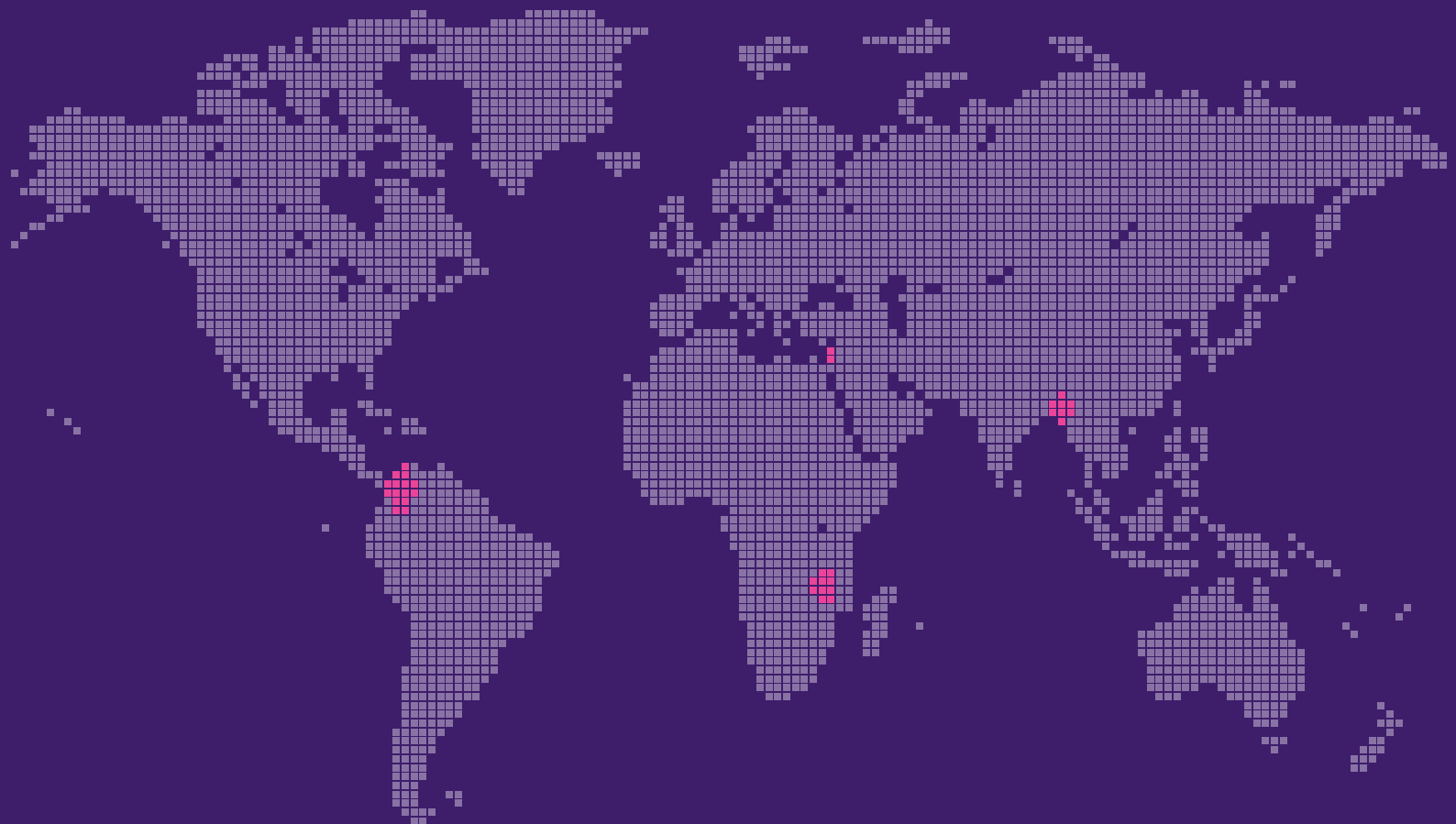
**COLOMBIA**

**ISRAEL**

**PALESTINE**

**ZIMBABWE**

James Cemmell *May 2009*



**UCU**  
University and College Union



Education International  
Internationale de l'Éducation  
Internacional de la Educación

**This paper about Zimbabwe is a chapter from a larger report looking at academic freedom in five countries (the others are Burma, Colombia, Israel and Palestine), which has been made available as five individual 'single country' chapters for quicker downloading and easier reading. The other four chapters, as well as the whole report, 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 regrettably, 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	<p>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</p>	<p>Access to decisionmaking structures ● Position in decisionmaking structures (limitations on representation/grievances adhered to) ● Protest/association rights</p>
Economic	<p>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</p>	<p>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</p>
Cultural	<p>Teaching in native language ● Minorities included in the institution ● Local content (eg history, local text books) provided/required/restricted?</p>	<p>Access to instruction in local language ● Local language textbooks/content available ● Minorities treated fairly/encouraged ● Refugees catered for ● Religious restrictions/requirements eg Catholic HEI</p>
Social	<p>Disabled staff enabled ● Gender balance ● Racial minorities protected/subject to specific programmes</p>	<p>Age to attend ● Demographics ● Gender dimension addressed ● Disabled students enabled ● Minorities protected</p>
Pedagogic	<p>Access to ongoing training ● Access to pertinent academic networks ● Standards upheld by proportionate and effective means</p>	<p>Exams conducted fair/transparent ● Burdensome/ disproportionate assessment procedure ● Transparent assessment and completion process</p>



## 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 Tsvangarai. 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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