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Discrimination in Schools

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1. Background

The last decade has witnessed the rapid and merciless spread of HIV/AIDS throughout Southern Africa. Zambia has been directly affected, with over 16.5% of the adult population (15-40 years) currently living with HIV according to UNAIDS/WHO.

Students in secondary and tertiary institutions are between the ages of 12 -30 and hence are at a high risk of contracting or even carrying the virus. In Thika, a district in Kenya, 17% of primary school children, and 22% of secondary school students are HIV positive [1]. These staggering statistics accentuate the severity and immediacy of the HIV/AIDS problem in schools, and debunk the myth that education alone is sufficient to deter the spread of the disease. Our very halls of learning are not immune.

Unfortunately, despite the high prevalence of HIV, suffering students often find themselves victims of discrimination. Due to ignorance of how the disease is spread, and traditional stigma, pupils in all forms of education are frequently isolated and slandered. Even more seriously, there have been cases in South Africa, where students have been expelled from schools or denied admission on the basis of their HIV status. Such acts of discrimination violate the basic tenets of the Universal Declaration of Human Rights: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

Currently, more work needs to be done within the Zambian legislative framework to protect HIV sufferers from discrimination. This paper briefly addresses some of the key areas which need to be improved, and offers guidelines for the formation of laws that will provide an umbrella for our large and young sector of HIV positive students. The paper begins by presenting suggestions that apply to all levels of educations. Subsequent sections then analyze primary, secondary and tertiary institutions independently, and offer skeletal instructions, from which a law-making body can later construct legislation.

3. General Instructions

3.1 Testing

Schools should not force students to be tested for HIV. Getting tested for HIV is a personal decision, and cannot be made compulsory. Similarly, being tested for HIV should not be a prerequisite for admission to any school. There will necessarily be a few exceptions to this rule. For examples, schools in which students are exposed to the virus through classroom activities should be permitted to require HIV tests for incoming students. Such schools include nursing and medical schools, where students use syringes, and may come in contact with each other’s blood.

3.2 Privacy

Students have a right to keep their HIV status private. When HIV information is disclosed to a member of staff, that information may only be divulged to others with the explicit consent of the student involved (provided the student is of majority age – usually sixteen). The school shall not publish the names of HIV positive students.

3.3 Anti-discrimination

The school shall not discriminate against HIV positive students. More concretely, a school cannot expel a student on the basis of their HIV status. Furthermore, a school cannot place students with HIV in separate classrooms, or deny them resources, such as books, financial grants and accommodation, on the basis of their status. An HIV positive student should be treated identically to an HIV negative student, except in cases where special care is required to prevent the spread of the virus to peers. Hence, requiring a known HIV positive student to wear gloves during a medical procedure is permissible.

3.4 School Policies

Every school must adopt an anti-discrimination policy that forbids slander, ridicule or physical abuse of HIV positive students. The policy must specify punishment meted out to students violating its code. Although we cannot directly hold the school responsible for the discriminatory actions of its students, schools that do not possess an adequate antidiscrimination policy will be fined. We hope that by encouraging schools to punish prejudiced behavior, we will create atmospheres of tolerance in our institutions of learning.

3.5 School Education

All schools are required to provide education on HIV/AIDS, sexuality and protection against HIV. Information provided will be accurate, and scientific. In addition, all schools will train at least one member of staff to be a peer counselor, capable of discussing sexuality and AIDS with students, and provide some form of counseling for HIV positive students. Having established general laws for all forms of education, we now offer suggestions for specific institutional levels.

4 Primary and Nursery Schools

At this level, the best tool against discrimination is education. Children are very impressionable. Hence, schools should teach students about the basics of HIV/AIDS and assure them that they cannot get the disease by befriending other HIV positive students. Tolerance should be emphasized. Any schools found to be promoting hate or discrimination of HIV students, or propagating inaccurate, unscientific “myths” about AIDS and the spread of the disease shall be fined and/or prosecuted.

5 Secondary Schools

All secondary schools are required to provide free condom dispensaries. Recent studies have shown that contrary to popular belief, providing young adults with condom decreases HIV prevalence. It is time that the nation realizes that its young adults are going to be sexually active, regardless of the intensity and frequency of abstinence messages and posters. Sex, for a young man or woman, is perilously enticing and for many the desire is insurmountable. There is a definite need to make sure that the young establish healthy sexual lifestyles early on. We predict that installing condom dispensaries in schools will be met with opposition from religious and conservative groups. We are not condoning teenage sex. We are admitting the realities of modern Africa, and reacting accordingly. Furthermore, if an HIV student develops full blown AIDS while at school, the institution should allow the student to take time off, and return when his/her symptoms are under control. If the student has fallen behind irrecoverably in class, despite the best efforts of the teaching staff, the student may repeat the entire year, without danger of being excluded from the institution.

6 Tertiary Education

Universities and colleges must provide free condoms and sexual health education. Every student has the right to HIV/AIDS information. If a student discriminates against, slanders or physically abuses an HIV positive student, then the state is allowed to prosecute the aggressor. The school must cooperate with the state, by providing the name

and details of the aggressor. A tertiary institution must employ or train at least one peer counselor to offer support and counsel to HIV positive students.

7 Conclusion

We have very briefly highlighted the main talking points for HIV discrimination in schools. More work is still required to provide sample anti-discrimination policies that schools can employ (section 3.4) and identify institutions exempt from testing rules (section 3.1). Dealing with discrimination in schools is difficult, because we cannot directly hold the school responsible for the actions of its students. Often, the students are too young to be prosecuted. We have circumvented these issues by requiring that schools enforce and promulgate anti-discrimination policies. It is our hope that by holding schools responsible for possessing such policies we will foster HIV tolerance on our various campuses.

8 References

- [1] *AIDS in Kenya*, Ministry of Health, Sixth Edition 2001
- [2] *Stigma, Discrimination and Attitude Towards HIV & AIDS*
<http://www.avert.org/aidsstigma.htm>

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