

# **DRAFT HIV/AIDS POLICY FOR THE EDUCATION SECTOR**



## **FOREWORD**

### **1.0 Background Information**

The Kingdom of Swaziland is the second smallest country in Africa after The Gambia. It is situated in the South Eastern part of Africa and shares borders with the Republic of Mozambique in the East, and South Africa in the north, west and south. Swaziland is divided into four administrative regions namely Manzini, Hhohho, Lubombo and Shiselweni. It also has four geographical regions each with its own unique climatic conditions. These are Lowveld, Lubombo plateau, Middleveld and the Highveld.

Swaziland has a total population of 929 718 people with a population growth rate of 2.7%, and a fertility rate of 4.5% (CSO: 1997). Of this 49% are young people, 44.4% of who are less than 15 years of age. About 30% of these are in formal institutions of education. With such a large young population in school, the education sector has an added responsibility to deal with the psycho-social problems of these children. The problems include, among others, threats of HIV/AIDS, decay in moral fibre, multiple partners, poverty, Sexually Transmitted Infections, rapid rise in urbanisation, lack of decision – making, lack of power of women in making decisions about their reproductive health issues and the increase in child-headed households.

The first case was detected in 1986, and since then the infection rate has consistently risen without a sign of it plateauing. In 1992 the infection rate was 3.9%, and it then steadily increased by 15.2% in 1994, 26.3% in 1996, 31.6% in 1998, 34.2% in 2000 and 38.6 in 2002.

Swaziland ranks amongst the top five nations in the world affected by HIV/AIDS. His Majesty King Mswati 111 has since declared HIV/AIDS an epidemic. In order to fight the effects of the pandemic, efforts to put in place national and sectoral policies are made.

### **2.0 Problem Statement**

The Ministry of Education has raised concerns about the possible effects of the AIDS epidemic on the education sector. In 1999, the Ministry commissioned a study to determine the effects of the pandemic on the sector. This report revealed that there was a perceived need for the Ministry of Education (MOE) to

develop internal policies and guidelines with regards to HIV/AIDS. Without the implementation of effective interventions, there would be more deaths by 2016, and the number of orphans would also dramatically increase to about 120 000. It was also projected that 2.21 teachers would actually have to be trained to keep the services up to standard and adequately supply the required number of teachers. Government would have to have more funds to keep the increasing number of orphans in school since many children shall have lost their parents to the pandemic.

Statistics show that HIV infections and deaths are increasing in the economically active age group of 15-49. This shows that if HIV/AIDS is not prevented among the school youth, there will be a massive loss of life and investment in education resulting in negative effects on development. It is recognised that the school is in a better position to reach young people and provide them with HIV information, prevention, care and support, and reduce impacts on both employees and learners. On the other hand there are 15 000 workers under the Ministry of education whose valuable contribution and experience cannot be undervalued. There is need for the ministry to take responsibility and initiative to save all these lives from HIV and AIDS epidemic in all aspects and effectively address issues of stigma and discrimination related to HIV/AIDS as recommended in the ILO code of ethics and other international documents.

Because of the increase in infection rates, learners, educators and people who are HIV positive within the education sector will increasingly form part of the population of schools and institutions. Since many young people are sexually active, increasing numbers of learners at all levels might be infected. Moreover, there is a risk of HIV transmission as a result of sexual abuse of children in our country. It became imperative therefore for the ministry to have a planned strategy and a policy to provide support and protection to all its employees.

In response the ministry established a School Health Section within The Guidance and Counselling Unit. This Unit was tasked with the responsibility of educating all people in the education sector about HIV and AIDS. A number of activities have been put in place such as teaching the in-school youth about HIV/AIDS, helping children develop lifeskills and supporting orphans and vulnerable children to remain in school as long as possible. The Ministry has been working with some NGO's such as SHAPE, SNAT, and Government partners within the UN agencies and NERCHA an organisation established by the state to coordinate HIV/AIDS activities in the country.

HIV/AIDS is one of the major challenges of the Ministry of Education. Because the ministry acknowledges the seriousness of the epidemic, it believes that there is a great deal that can be done to influence the course of the epidemic. The ministry is committed to minimising the social, economic and developmental consequences of HIV/AIDS to the education sector employees and learners and to provide leadership to implement this HIV/AIDS policy. This policy seeks to

contribute towards promoting effective prevention, care, support and mitigation within the education system.

### **3.0 Who is the education sector?**

This policy document addresses all the sectors under the Ministry of Education such as Civil Servants, Teachers, learners, school committees, non-formal education institutions, special populations such as the disabled, the out of school youth as well as the orphaned and vulnerable children. This policy shall therefore be applicable to all government and private institutions in Swaziland.

### **4.0 What will the Policy cover?**

The policy will therefore cover areas such as:

- Prevention,
- Care and support,
- Impact mitigation
- Work place issues
- Law and ethics of the professional groups and school going children.
- Legal and gender issues
- Rights and responsibilities of learners infected and affected by HIV/AIDS.

### **5.0 The Education Sector Strategic Plan**

A strategic plan derived from this policy will provide improved mechanisms for implementation, resource mobilisation and allocation, coordination, monitoring and evaluation of HIV and AIDS activities within the education sector within the country.

### **6.0 Policy Aims:**

The aim of this policy is to guide all activities responding to the HIV/AIDS epidemic by the Ministry of Education.

#### **6.1 Specific objectives:**

The Ministry of Education shall:

- Reduce the prevalence level of HIV/AIDS amongst learners and young people by 10% by 2010.
- Utilise the education system of Swaziland to provide access to care and support to young people and all workers within the education sector.
- Plan for and therefore mitigate the impact of HIV/AIDS on the education system.

- Reduce the stigma and discrimination that may arise due to HIV and AIDS.
- Encourage all workers in the education sector and learners to choose voluntary counselling and testing as a way of reducing the spread of the pandemic.

### **7.0 Guiding Principles:**

The key principles of this policy are to prevent the spread of HIV infection, to reduce excessive fears about the epidemic, to reduce the stigma and discrimination associated with HIV/AIDS and to foster non-discriminatory practices and attitudes towards persons living with HIV and AIDS.

#### **7.1 Abstinence:**

The Ministry of Education shall promote abstinence for especially the in-school youth. The ministry shall not promote nor provide/distribute condoms to the in-school youth.

#### **7.2 Condom Distribution:**

The Ministry shall arrange and encourage the supply and distribution of condoms to all its workers and learners at tertiary institutions.

#### **7.3 Access to education:**

Every person has the right to education. No learner will be denied access to education on the basis of his or her actual or perceived HIV status. In fact, access will be facilitated for the orphaned and vulnerable learners.

#### **7.4 HIV and AIDS in the workplace:**

HIV and AIDS are workplace issues and should be treated like any other serious illness condition in the workplace. HIV/AIDS affect the workforce, thus it is necessary for the workplace to play a bigger role in the struggle to limit the spread and the effects of the epidemic.

#### **7.5 Non-discrimination:**

Every person has the same rights, opportunities and responsibilities and will be protected from all forms of discrimination, including discrimination based on actual, known or perceived HIV status. Discrimination and stigmatisation of people living with HIV and AIDS inhibits efforts aimed at promoting its prevention.

**7.6 Gender equity:**

Women are more likely to be infected and affected by the HIV/AIDS epidemic than men due to biological, socio-cultural and economic reasons. Therefore, the empowerment of women and girls are vital to successfully prevent the spread of HIV infection and enable women to cope with the consequences of HIV and AIDS.

**7.7 Screening and confidentiality:**

No institution or workplace is permitted to require a learner or an employee to undergo an HIV test for purposes of admission, recruitment, promotion, further education, obtaining a scholarship or other benefits. HIV shall not be reflected in the personal files of employees.

**7.8 Disclosure:**

Workers are not obliged to disclose their personal information nor about their fellow workers. Access to personal information relating to a worker's HIV status should be bound by the rules of confidentiality consistent with the international laws of practice. HIV status of employees shall not be disclosed without the informed and written consent of the employee.

**7.9 Fair labour Practices:**

HIV infection cannot be a cause for termination of employment. Every person, whether infected or affected, has the right to fair labour practices in terms of recruitment, appointment and continued enjoyment of employment. As with many other conditions, persons with HIV- related illnesses should be able to work for as long as medically fit.

**7. 10 Involvement of People living with HIV and AIDS (PLWHA):**

The Education Sector will continue to work with PLWHA to educate and inform people in the sector about HIV and AIDS. This will be encouraged and promoted at all levels of the education sector.

**7.12 Partnerships:**

While the education sector will be responsible and accountable for the implementation of this policy, it will at all times seek to develop effective partnerships to enhance the success of its implementation.

## **8. PREVENTION:**

The Ministry of Education shall strive to provide Education on HIV transmission and prevention, which will translate into change in behaviour and attitudes. It will be the responsibility of all staff and learners in the education sector to participate in the HIV/AIDS education since the disease has social, economic, scientific, demographic and moral implications. The staff includes education officers, head teachers and principals of training institutions, teachers, lecturers and support staff.

The ministry of education will do this through:

8.1 Integration and intensification of HIV/AIDS into the curriculum and should be made compulsory at all levels of education such as:

- Pre-schools
- Primary schools
- Secondary/high schools
- Teacher training institutions and all other tertiary institutions
- Non –formal education programmes
- Vocational education and training institutions

8.2 Development of Life Skills, HIV and AIDS Education shall be mainstreamed into the existing curriculum and other educational activities.

8.3 Teachers at all levels shall be empowered with HIV and AIDS information so that they are able to provide the necessary information to learners and colleagues.

8.4 Development of in-service training programmes and strategies for peers to empower colleagues at all levels on issues of HIV and AIDS.

8.5 Formation of Health Clubs will be encouraged in all schools to address HIV/AIDS among other issues.

8.6 Guidance Teachers will be empowered with psychosocial skills to assist when problems arise.

8.7 Inclusion of Guidance and Counselling in the school curriculum as a core subject, to ensure allocation of time for HIV and AIDS education on the school timetable.

8.8 Ensuring that School Health Nurses provide other services related to HIV and AIDS such as the treatment of opportunistic infections, care and support to learners and workers in the education sector.

8.9 The MOE and collaborating partners will produce and disseminate appropriate IEC material on HIV, AIDS and STIs.

8.10 Ensuring intensified counselling programmes at tertiary institutions and non-formal education institutions. This will be done by making counselling for AIDS prevention and AIDS related social problems a component of the training programme for all teachers particularly Guidance and Counselling teachers.

8.11 Integration of guidance, counselling and HIV/AIDS education in pre-service teacher training programmes.

8.12 Professional training of counsellors shall be provided by the Ministry of Education or accredited institutions.

8.13 Schools, in cooperation with the local health authorities should involve the Parents Teachers Association and the community in AIDS education. There should be links between the school and the local community on this issue.

## **9.0 Care and Support**

The Ministry of Education shall promote the development of a multi cultural response to the care and support of those affected and infected by HIV/AIDS and their families.

This will be done by:

9.1 Intensifying education on VCT and encourage all people to test.

9.2 Providing information about antiretroviral treatment.

9.3 Integrate Home Based Care into the school curriculum.

9.4 Providing counselling and psycho-social support services to affected.

9.5 Youth friendly VCT services shall be put in place in collaboration with the Ministry of Health and Social Welfare.

9.6 Gender and child abuse shall be an integral part of the curriculum at all institutions of learning, and all teacher trainees shall go through training on how to deal with child sexual abuse matters.

9.7 Teachers will be trained on how to deal with the infected and affected children.

## **10.0 Impact Mitigation**

It is important to mitigate against the high levels of infection and affection amongst the teachers, learners and the rest of the civil servants in the MoE, and to promote and build community and organizational capacity in order to contain the pandemic. This principle will look at school fees, Nutrition (school feeding) HPSI, Funding, School uniforms, School feeding.

### **10.1 School Fees**

Government shall subsidise the basic education of orphans and some vulnerable children (OVC's).

### **10.2 Nutrition**

10.2.1 The MoE in collaboration with Ministry of Health and Social Welfare (MoHSW) and Ministry of Agriculture (MoA) shall provide basic farming skills for the establishment of school and home gardens to improve the quality of nutrition in schools and improve income generation among the needy and vulnerable children.

10.2.2 The MOE facilitate school feeding programs, set up nutritional standards for schools meals and provide assistance to the establishment of school kitchens.

### **10.3 Non-formal Education**

10.3.1 Children in non-formal Education Institutions will be covered. The ministry shall provide structures for the out-of-school children to be able to be educated to earn a living.

### **10.4 The Health Promoting Schools Initiative**

The Health Promoting Schools Initiative, a global health initiative, shall be strengthened and nationalised in order to address the HIV/AIDS issues among others.

## **10.5 Relief Services**

The MOE in collaboration with the Ministry of Public Service and Information (MOPSI) have to ensure that there are adequate relief teachers in the system to cover up for absenteeism during illness and deaths of workers.

## **11. HIV and AIDS and the Workplace**

In accordance with the Guidelines on HIV/AIDS promulgated in terms of the Labour Act: all employees living with HIV or AIDS have the same rights and obligations as all other education sector employees. Therefore:

11.1 Heads of all institutions shall communicate the contents of this policy, in writing and verbally, to all education sector employees in their school or institution. They shall be responsible for the implementation of this policy. They shall also ensure compliance with and knowledge of the policy's provisions and take immediate and appropriate corrective action when provisions of the policy are not complied with. Heads shall open and maintain appropriate communication channels to enable education sector employees to raise concerns and grievances concerning HIV and AIDS. Heads are also encouraged to attend HIV/AIDS programmes in the workplace and to lend visible support to these programmes

11.2 All education sector employees will be held responsible and accountable for complying with this policy. HIV/AIDS education programmes will take place during working hours and education sector employees will be expected to attend and participate in such programmes.

11.3 Sufficient resources shall be made available to provide preventive education programmes, care and support of people affected and infected by HIV and AIDS including STI's issues in the workplace.

11.4 Education sector employees living with HIV or AIDS shall continue to work under normal conditions in their current employment for as long as they are medically fit to do so. When on medical grounds they are unable to continue with normal employment, the normal rules regarding incapacity shall apply.

11.5 Heads of schools and other educational institutions shall ensure that Education sector employees living with HIV or AIDS shall continue to work under normal conditions in their current employment for as long as they are medically fit to do so. When on medical grounds, and are unable to continue with normal employment, the normal rules regarding incapacity shall apply.

11.6 All education sector employees living with HIV or AIDS shall not be discriminated against in access to or continued employment, training, promotion and employee benefits on the basis of their HIV status. The employer, fellow education sector employees and learners shall protect them against such discrimination as well as stigmatisation.

11.7 Unless medically justified, no employee may use HIV/AIDS as a reason for failing to perform their duties and complete their assignments as required.

11.8 There should be no compulsory testing at the work place. All HIV testing shall be done with the employee's informed consent, in a recognised VCT centre by qualified personnel, in accordance with the national ethical guidelines.

11.9 Education sector employees living with HIV or AIDS have legal right to confidentiality about their status. Disclosure of an employee's status without his/her consent constitutes misconduct. Appropriate disciplinary measures will be taken against an employer and/or employee found guilty of such misconduct.

11.10 Voluntary disclosure by education sector employees, ie, educators, managers, administrators and support staff, of their HIV status will be encouraged within a supportive environment in which the confidentiality of this information is protected and unfair discrimination on the basis of HIV and AIDS is not tolerated.

11.11 The ministry shall ensure that an adequate pool of substitute staff is made available so that education sector employees who are temporarily incapacitated due to illness are replaced without delay to ensure minimum disruption to the studies of learners and productivity.

11.12 Monitoring and evaluation of HIV/AIDS programmes in the workplace shall be carried out. The ministry's work-plan will include a monitoring and evaluation framework that is feasible and relevant in the education sector and consistent with international practice.

11.13 The ministry shall commit itself to integrating an understanding of the HIV/AIDS epidemic in all planning processes within the education sector.

## **12. HIV/AIDS and the Learners**

12.1 No prospective learner shall be required to undergo an HIV test or disclose his or her HIV status prior to admission to any learning institutions.

12.2 Institutions of learning shall not use HIV status in determining admission to residence on campus.

12.3 The Ministry of Education shall not use HIV status in considering the granting of scholarships and bursaries. The Ministry shall actively promote greater involvement of people living with HIV and AIDS in their programmes.

12.4 Learners' registration shall not be terminated on the grounds of their HIV status unless the learner is no longer physically or mentally fit to continue with his or her studies.

12.5 The HIV status shall not be disclosed without the informed written consent of the person concerned.

12.6 Learners have a right to a supportive and safe learning environment in which persons with HIV and AIDS are accepted and not stigmatised.

12.7 Learning institutions shall endeavour to provide a learning environment in which exposure to HIV infection is minimised, and should provide basic protective equipment as suggested in the Universal Precautions.

12.8 Every learner has an individual responsibility to protect himself/herself against infection. Learners living with HIV/AIDS have a special obligation to ensure that they behave in such a way as to pose no threat of infection to any other person.

12.9 Unless medically justified, no learner may use HIV/AIDS as a reason for failing to perform, complete assignments, attend lectures or write examination.

12.10 The sector and all learning institutions shall, as much as possible, assist Orphaned and Vulnerable Children (OVC), learners who are ill or with special needs, to continue with education.

### **13. Implementation and Management of HIV and AIDS programmes at the work place.**

13.1 All programmes carried out will be in line with the objectives of the Education Sector Policy on HIV and AIDS

13.2 Appropriate HIV and AIDS structures, education and awareness programmes for schools and employees shall be designed and implemented.

13.3 The programmes will include:

- Basic information about HIV and AIDS. How it is spread and prevented.
- The promotion of non discriminatory, supportive and sensitive attitudes towards people living with HIV or AIDS
- Information on the rights and services in the workplace to people living with or affected by HIV or AIDS. Such information shall include counselling and support services, benefits available including medical aid, pension scheme etc.
- Information on condom use and other safe sexual practices and provision of the condoms in the workplace.
- Provision of care and support to those infected and affected.

13.4 Key personnel shall be trained about HIV and AIDS so that employees affected by the disease may be properly managed.

13.5 The Regional Education Officers (REOs), Heads of sections (HOSs), The Swaziland National Association of Teachers, The Inspectorate, The Teaching Service Commission, Heads of schools and Institutions shall be responsible for the implementation of this policy.

13.6 The school, institution or section Heads shall be responsible for the implementation of this policy in their institutions.

13.7 Every section of the education sector shall appoint an HIV/AIDS Programme Manager to communicate the policy to all its employees, to implement, monitor and evaluate the HIV/AIDS programme, to advise management regarding programme implementation and progress, and to create a supportive and non-discriminatory environment in the workplace

## **14. Managing The Response**

### **14.1 Resource mobilisation**

Constant contact with the National Emergency Council for HIV/AIDS (NERCHA) coordinating body shall be necessary. The ministry shall commit itself to making adequate provision in its budget for the effective implementation of all aspects of this policy. Also cooperating partners such as the Expanded UN Theme Group on HIV/AIDS, will be requested to assist in funding the programmes suggested by this policy.

### **14.2 Advocacy**

The ministry of education will ensure that managers and stakeholders in the education sector are knowledgeable and informed of the contents of the Education Sector Policy on HIV and AIDS. Government ministries and departments, development partners, civil society and the private sector will be requested to support the education sector's efforts in this initiative.

## **15. Monitoring And Evaluation**

The main purpose of monitoring and evaluation is to identify and solve practical problems, improve the design and implementation of the work plan activities. Therefore, monitoring and evaluation will include:

- Periodic reviews will be conducted of progress made in achieving the goals of this policy and disseminate the results thereof.
- Mechanisms to monitor systems for the protection of human rights of people living with HIV/AIDS shall be established.
- Data collection and research shall be supported to facilitate reviews of progress in implementing the strategies as outlined in the Education Sector Work Plan.