SOUTH AFRICA

Police forces used excessive force against school and university students and higher education staff at least 35 times between 2017 and 2019. At least 75 students and personnel were arrested during the dispersal of protesters. Students and staff protested a range of school and university policies across the country, including increases in student fees.

Context

In South Africa, attacks on both secondary school and university students, as well as university staff, occurred in an atmosphere of increasing attacks by police against civilians. Amnesty International reported that between 2016 and 2017, attacks by police increased in general as compared to previous years, resulting in 394 deaths due to police action and 302 deaths in custody during the 2016-2017 period.1762

While section 17 of South Africa’s constitution protected the right to assemble peacefully, section 12(1)(a) of the Regulation of Gatherings Act required planned gatherings of 15 or more people to seek permission from authorities, otherwise assembling was punishable by prison and fines.1763 The Open Society Justice Initiative reported that use of the Regulation of Gatherings Act by authorities increased during the presidency of Jacob Zuma, when protests against the government were commonplace.1764

Some of these protests were education related, including in late 2016 when a massive protest movement over fee increases at higher education institutions, known as #FeesMustFall, led to the arrest of over 800 students.1765 The Guardian and ACLED noted that many of the student demonstrations in late 2016 and early 2017 turned violent.1766

On November 19, 2018, the Constitutional Court of South Africa struck down section 12(1)(a) of the Regulation of Gatherings Act, which it found to unjustifiably limit the constitutional right to assemble peacefully and unarmed. The ruling note highlighted that the law did not differentiate between adults and children, and therefore impacted children who used demonstrations and picketing as a means of political expression before reaching voting age.1767

During this reporting period, communities and students reportedly torched or damaged schools out of dissatisfaction with the government’s provision of education.1768 An education official noted that the Department of Education would not rebuild any destroyed schools, potentially affecting students’ right to education.1769

In 2019, protests erupted over high unemployment1770 and inadequate delivery of government services,1771 as well as violence against women, catalyzed by the off-campus rape of a University of Cape Town student.1772 That same year, residents also carried out attacks on immigrants and refugees living in South Africa, including burning down immigrant-owned stores and killing some people, limiting students’ access to education in areas where parents feared sending their children to school.1773

South Africa was not previously profiled in Education under Attack, thus no comparisons can be made to other reporting periods.

Attacks on school students, teachers, and other education personnel

During the 2017-2019 reporting period, GCPEA collected at least two reports of attacks on school students. Reports from local media outlets suggest that police used excessive force against secondary school students who were engaged in education-related protests on at least one occasion in both 2018 and 2019.1774

On May 16, 2018, students reportedly organized a peaceful protest in front of Thuto-Kitso Technical School, in Fochville, Gauteng province, over a teacher shortage at their school, according to Equal Education, a local civil society organization, and local media.1775 The police reportedly responded with live ammunition, injuring at least one student who was hospitalized.1776

Local media outlets Algoa FM and The South African reported that students from Attwell Madala High School, in Mthatha town, Eastern Cape province, protested at their school and attempted to barricade nearby roads, on July 18, 2019. The students demanded improved learning conditions in their school, including fewer pupils per classroom. Police reportedly used rubber bullets when dispersing the students, one of whom was allegedly injured in the arm. The protesting students reportedly burned tires and threw rocks and other objects at the police.1777
Attacks on higher education

Between 2017 and 2019, GCPEA collected approximately 34 reports of attacks on higher education, in which the police used excessive force on higher education students, and in some instances staff, leading to the arrest of at least 85 and the injury of at least 17. Reports by local media allege water cannons, rubber bullets, and stun grenades were all used. Students were reportedly protesting against a range of education-related grievances including fees, expulsion of students, campus administration processes, and water shortages.

After a spike in attacks on higher education in the context of a protest movement against fee increases in 2016, reported attacks on university students slowed in 2017. In 2017, eight reported attacks occurred on or near campuses in Durban, Cape Town, Pretoria, and East London, among other cities. Examples of these included:

- At Durban University of Technology, Indumiso campus, in KwaZulu-Natal province, student protesters demonstrated against the National Student Financial Aid Scheme, residences, and food prices on February 22, 2017, according to local media. Students reportedly barricaded the road with burning tires, and police dispersed them with teargas.

- According to local media outlet News24, police used teargas on staff protesting outside the University of Pretoria, in Pretoria, Gauteng province, on May 19, 2017. The staff, members of the National Education, Health, and Allied Workers' Union, reportedly demanded a pay increase and improved medical coverage from the university; they allegedly threw stones and bricks at police, in response to the teargas.

- Local media reported that on October 3, 2017, police used stun grenades to break up a protest of approximately 150 Cape Peninsula University of Technology students who were en route to the Department of Higher Education and Training in Cape Town, Eastern Cape province. According to the report, students fell while running but no injuries were reported. However, two students were arrested, according to Cape Times.

In 2018, police violence against students was reported at least nine times. These events occurred around student protests over financial aid rates, delayed disbursement of allowances, and university living conditions, among other grievances. Examples included:

- Scholars at Risk reported that on February 22, 2018, at the Durban University of Technology, in Durban, KwaZulu-Natal province, students held a peaceful protest demanding classes be resumed after a six-week hiatus caused by a university staff protest. Private security forces guarding the Vice-Chancellor’s office reportedly fired rubber bullets and teargas at students, one of whom was reportedly hospitalized after a security guard allegedly chased her, shot her with a rubber bullet, and hit her with his weapon. Local media reported that police also fired teargas and rubber bullets to disperse students.

- On August 3, 2018, News24 reported allegations that police fired rubber bullets at protesting students and buildings where they hid, at the University of Venda, located in Thohoyandou town, Limpopo province. The students reportedly demanded the payment of delayed allowances from the National Student Financial Aid Scheme.

- On August 13, 2018, riot police in armored vehicles reportedly used stun grenades and rubber bullets, and arrested 17 protesting students for “public violence,” at the University of KwaZulu-Natal, in Durban, KwaZulu-Natal province, according to Scholars at Risk. The students reportedly organized to express concerns over safety, the condition of student dormitories, and meal allowances, among other concerns; after the arrival of police, they allegedly threw stones and damaged police cars. The campus was temporarily closed after the protests and police intervention.

- Scholars at Risk reported that on August 30, 2018, during the second week of protests, students blocked the entrance to the University of KwaZulu-Natal’s Nelson R. Mandela School of Medicine, and intimidated other students and staff. After remaining on the premises despite being asked to leave, police reportedly fired water cannons at students and arrested ten, charging the students with breaking the Regulation of Gatherings Act.

In 2019, attacks on higher education students and personnel increased, compared to the previous year, with approximately 17 incidents reported. The start of the academic year brought a fresh wave of student protests across the
country, primarily related to financial aid, student accommodation, and demands for cancellation of student debt. Several protests became violent, according to local press, after a student was killed by a private security guard at Durban University of Technology.\textsuperscript{1790} Abuses by private security guards also led students to call for their removal from university campuses.\textsuperscript{1791} In several cases, student protests led to the closure of campuses for weeks at a time.\textsuperscript{1792} Examples of incidents included:

- Local media and Scholars at Risk reported that on February 12, 2019, in Cape Town, Western Cape province, students protested against water shortages at the Western Cape College of Nursing campus and clashed with police. Police reportedly fired rubber bullets and stun grenades at the crowd and arrested 21 students.\textsuperscript{1793}

- On February 18, 2019, Scholars at Risk and local media reported that students at Mangosuthu University of Technology in Durban, KwaZulu-Natal province, violently protested to demand financial aid and student housing. Police reportedly arrested at least five students and fired tear gas at protesters.\textsuperscript{1794}

- In Pretoria, Gauteng province, police used stun grenades on Tshwane University of Technology students marching towards the office of the Higher Education Minister, on March 4, 2019, according to local media outlet News24. The students reportedly demanded meal allowances from the National Student Financial Aid Scheme and more student housing; the university's nine campuses were closed during the student protests.\textsuperscript{1795}

- On August 20, 2019, students demonstrated over denied financial aid at the University of Fort Hare's Alice campus, in Alice, Eastern Cape province, as reported by Scholars at Risk. Students reportedly threw stones at police vehicles and other cars. To disperse the protesters, police allegedly fired rubber bullets, injuring five students.\textsuperscript{1796}

- Police reportedly arrested seven students following protests over campus safety and security at Nelson Mandela University, in Port Elizabeth, Eastern Cape province, on September 2, 2019, according to local media and Scholars at Risk.\textsuperscript{1797}

- Protesting inadequate student housing, students at the University of the Western Cape, in Cape Town, Western Cape province, reportedly blocked all entrances to the university on October 24, 2019, disrupting classes and exams. To disperse the protesters, police reportedly used a water cannon and stun grenades, according to local media.\textsuperscript{1798}
Ayesah Meer, “Learners have a right to peaceful protest,” Equal Education on Politics Web, June 12, 2018; Adele Louw, “Police shot me in front of my school,” Carletonville Herald, June 8, 2018.

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Tessa Knight and Chanel Retief, “University academic year starts with a death, arrests and a hunger strike,” Daily Maverick, February 20, 2019.

Tessa Knight and Chanel Retief, “University academic year starts with a death, arrests and a hunger strike,” Daily Maverick, February 20, 2019.


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Cape Argus, as cited in ACLED, Event ID SAF1508; Scholars at Risk Network, Academic Freedom Monitor, University of Fort Hare, August 20, 2019.

Citizen (South Africa); Algoa FM; Daily Dispatch, as cited in ACLED, Event ID SAF1562; Kamva Somdyala, “Seven students arrested following protest action at Nelson Mandela University,” News24, September 2, 2019; Scholars at Risk Network, Academic Freedom Monitor, Nelson Mandela University, September 2, 2019.

Cape Argus, as cited in ACLED, Event ID SAF18180; Okuhle Hlati, “Stun grenades fired at UWC students protesting over accommodation worries,” IOL, October 25, 2019.