

EDUCATION COALITION OF ZIMBABWE



The Civil Society Voice in Education

Right to Education: A myth or reality in Zimbabwe?

Findings from 2016 Right to Education Index Research

Introduction

Right to Education Index (RTEI) is a global index built out of the international right to education framework to monitor national progress towards its fulfillment. It reveals key areas in need of improvement, offers country-to-country comparisons, and tracks progress over time¹. Data is collected the RTEI Questionnaire which is comprised of the themes of Governance, Availability, Accessibility, Acceptability, and Adaptability, the 4A framework developed by the first UN Special Rapporteur on the Right to Education Katarina Tomasevski.²

Overview of RTEI Results

2016 RTEI was conducted by 15 countries. According to the results Zimbabwe had an index score of 73 being third from the lowest score. According to the Right to Education findings, Availability had a total score of 83 percent being the highest and Acceptability had a score of 60 percent being the lowest thereby indicating the availability of gaps in fulfilling the right to education. Findings further revealed that more attention should be placed on the learning environment, out of school children and plan of action to promote the right to education in Zimbabwe.

Issue Area 1

Theme: Governance : Sub-Theme: Plan of Action

According to the RTEI Questionnaire "National education plan"/plan of action is defined as a formal plan of education proposed and adopted by the government of a country that progressively lays out how the country is moving towards free primary education. This should include specific targets to ensure that the implementation occurs within a reasonable number of years. It went on to state that plan of action can be interchangeably used with Education Sector Plan in other cases.

According to 2016 RTEI findings, the sub-theme on Plan of Action scored the lowest score of 33 percent, which reflects that there is little national commitment towards providing free and compulsory education in Zimbabwe. The 2016-2020 Education Sector Strategic Plan does not aim to provide free and compulsory education. Fees and levies are considered to be one of the major funding sources for the schools and districts operations.

Zimbabwe is a signatory to the United Nations Convention on the Rights of the Child (UNCRC), UNESCO Convention against Discrimination on Education and African Charter on the Rights and Welfare of Children, which state that primary education should be free and compulsory for all. Article 28 of the UNCRC clearly stipulates that, "State Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall,

¹ 2016 Right to Education Index Questionnaire page 3

² Tomasevski, K. (2001). *Human Rights obligations: Making education available, accessible, acceptable and adaptable*. Right to Education Primers No. 3 Available at http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski_Primer%203.pdf.

in particular : (a) Make primary education compulsory and available free to all".³The African Charter on the Rights and Welfare of Children Section 3 clearly states that, "States Parties to the present Charter shall take all appropriate measures with a view to achieving the full realization of this right and shall in particular: (a) provide free and compulsory basic education".⁴ These provisions were domesticated into the Zimbabwean Constitution under Section 75 (1) (a) which stipulates that every citizen and permanent resident of Zimbabwe has a right to a basic state funded education including adult basic education.⁵

However, this does not permeate to the Zimbabwe 2016-2020 Education Sector Plan, which, as mentioned, does not have a plan of action to provide free and compulsory primary education. The Education Act [Chapter 25:04] requires school fees to be maintained at the lowest possible levels. The Ministry of Primary and Secondary Education claims to have put in place a policy of non-exclusion of learners for non-payment of fees; however there has been serious challenges with many schools not adhering to the policy and excluding learners for non-payment of fees and levies. The introduction of examination fees at Grade 7 to cushion the Zimbabwe School Examinations Council, which is resource constrained, even seemingly little as it may be, has also compounded the situation. There is no harmony between the Constitution and the Education Act.

Recommendations

- ❖ There is need to harmonize the Education Act with the Constitution so that basic education is state funded to provide unhindered and equitable access to education for all children.
- ❖ Civil society needs to continue to actively participate during the development and monitoring implementation of Education Sector Strategic Plans at all levels (National, Provincial and District levels) to influence the development of a Plan of Action that aims to provide free and compulsory primary education and engage policy makers such as the Parliamentarians to influence the development of laws that promote state funded education in Zimbabwe.
- ❖ There is need for the government to grow the national budget and ensure that the allocation to education is not covering staff costs only but other investment and capital cost and remove the burden of financing schools from the parents.

Issue Area 2

Theme: Adaptability: Sub-Theme: Out of School Education

According to 2016 RTEI findings the sub-theme had an index score of 50 percent reflecting the nation's little adherence to minimum core obligations to the right to education for children in out of school settings. Zimbabwe is a signatory to the UNESCO Convention against Discrimination in Education in which Article 3(e) urges all member states to "eliminate and prevent discrimination in education by giving foreign nationals that reside within their territory the same access to education as their own nationals."⁶ However the right to education is not being universally applied as migrants and those in detention receive education of different quality than those in the conventional education system.

According to the 2016 RTEI findings, the right to education is not fully enjoyed by prisoners as the curriculum is different from that of learners in the mainstream schools. Findings revealed that prisoners are offered courses in agriculture, woodwork, music, peace keeping, nonviolence and human rights, meant to promote their self-esteem, tolerance and conflict management skills. Zimbabwe prisoners are denied the opportunity to study in conventional institutions during their time of serving. This is because conventional institutions do not have special education facilities to reach

³United Nations Convention on the Rights of Children Article 28

⁴African Charter on the Rights and Welfare of Children Section 3

⁵Constitution of Zimbabwe Amendment Act (20) Section 75 (1) (a)

⁶UNESCO Convention against Discrimination in Education in which Article 3(e)

out to people behind bars (Chigunwe, 2014).⁷Academic education is provided in the form of general education or literacy classes. This shows that Zimbabwe has not met the minimum core obligation in promoting the right to education considering that there is discrimination on the access of education for migrants/refugees and prisoners, compared to those in conventional system.

Child marriages have been on the rise taking girls out of school. According to the Herald newspaper of 12 December 2016, at least 4500 Grade 7 pupils were impregnated in 2016 and subsequently dropped out of school. The National out of School Children Report (2015) highlighted that early marriage is one of the major causes that drive children out of school.

The Ministry of Primary and Secondary Education has launched a Non- Formal Education Policy to cater for those learners who never attended school or those who were taken out of the school system by one reason or another. This policy however does not have clear implementation guidelines and there is no funding to support the teachers who will teach these learners outside normal learning hours, hence most schools have not offered this alternative pathway. This policy is only available in schools and not in out of school settings such as prisons

Recommendations

- ❖ Civil society organisations should conduct advocacy to monitor the implementation of the provisions of the international education legal frameworks to which nations will be signatories. This can be achieved through civil society organisations participation in consolidating Universal Periodic Review reports and alternative reports to United Nations Convention on the Rights of Children and African Charter on the Rights and Welfare of the Child to hold the duty bearers accountable.
- ❖ The government should address barriers to girls' education, such as early marriage and take steps to retain girls in schools, including ensuring that pregnant teenagers and adolescent mothers are supported and assisted in continuing their education in mainstream schools through, inter alia, clarifying and publicizing the Government policy of re-entry of girls into school after pregnancy.
- ❖ The Ministry of Primary and Secondary Education should share with the Ministry of Justice, Legal and Parliamentary Affairs, the school curriculum and the Non- Formal Education policy to ensure that this is the same content to be learnt by inmates.

Issue Area 3

Theme: Availability: Sub-theme: Classrooms

According to the 2016 RTEI findings the pupil-classroom ratio for primary schools was 42.6 to 1 in 2013 and 46.3 to 1 for secondary schools. The overall subtheme score for classrooms was 56 percent. To cope with the number of students, 41% of primary schools and 36% of secondary schools in urban areas are running double sessions which limits the classroom time for learners. In other cases, classes are conducted under a tree or a shed where learners will be exposed to harsh weather conditions. According to the 2015 Education Sector Analysis Report Zimbabwe is in need of 2,056 new schools, with the remote areas having an acute shortage of schools. An additional 33,636 classrooms are needed in existing schools, 83,268 classrooms need minor repairs, 25,443 classrooms need major repairs and 3,554 classrooms are dangerous. The available infrastructure in schools is not disability friendly hence hindering the provision of inclusive education in Zimbabwe. The situation is aggravated by restrictive conditions by the Ministry of Public Works and National Housing which charges a fee on partners willing to construct schools.

Recommendations

⁷Chigunwe G (2014) ,Access and Inclusion of Inmates to Education through Open and Distance Learning Mode page 8 paragraph 2

- ❖ Due to the high cost of building to meet the School Functionality Standards, it is suggested that government formulates a policy that permits the use of alternative/low cost building materials.
- ❖ The central government should increase capital expenditure in the education allocation from the national budget to enhance infrastructural development.
- ❖ Ministry of Public Works, responsible for the construction of public buildings, schools included, should relax terms and conditions for partners interested in constructing schools (currently the Ministry charges between 1% and 1,5% of the total construction cost on the stakeholders (whether private or public) interested in constructing schools). This is a restrictive measure which kills the zeal of development partners. It is therefore recommended that the charges be scrapped to create an enabling environment for partners (civil society and individual donors) to undertake construction projects.

Issue Area 4

Theme: Acceptability: Sub-Theme: Learning environment

According to 2016 RTEI finding the sub-theme on Learning Environment had an index score of 25 percent demonstrating the existence of unfriendly learning environments for learners. Corporal punishment was found to be very rampant in schools. Policy 35 (P35) regulates the use of corporal punishment using the Education (Disciplinary Powers) Regulations of 1979 as stipulated in the Ministry's Log Book hence showing that corporal punishment is permissible in schools. The Policy 35 gives school authorities powers to administer corporal punishment as a disciplinary method but to boys only. Research by Midlands State University (2011) on the Prevalence of Corporal Punishment in Zimbabwean Schools in the Twenty-First Century revealed that Thirty-six out of forty-five students said that they had been subjected to corporal punishment by their teachers. Nine out of thirty teachers said that they used corporal punishment on a regular basis. Such evidence proves that violence is rampant in Zimbabwean learning institutions thereby making them not child friendly. Section 53 of the Zimbabwean Constitution states that, "no person may be subjected to physical or psychological torture or to cruel, inhumane or degrading treatment or punishment". However, the Constitution does not explicitly prohibit the use of corporal punishment.

Recommendations

- ❖ The Ministry of Primary and Secondary Education should revise the education statutory instruments for them to be in tandem with the provisions of international laws such as UNCRC, CEDAW to mention just a few which condemns corporal punishment.
- ❖ The government should promote positive, non-violent and participatory forms of child-rearing and discipline in all settings, including through providing teachers and parents with training on alternative discipline measures.
- ❖ The government should repeal or amend, as needed, all legislation and administrative regulations in order to explicitly prohibit corporal punishment in all settings as a correctional or disciplinary measure;
- ❖ The government and partners should sensitize and educate parents, guardians and professionals working with and for children, particularly teachers, on the harmful effects of corporal punishment and the need to end the culture of silence on cases of violence against children.
- ❖ Civil society organizations should lobby the Ministry of Primary and Secondary Education to come up with a policy that offers alternative positive discipline in schools to promote schools to be safe learning environments.

Data Availability

Data unavailability was very common during the RTEI research. Data from Ministry of Primary and Secondary Education Management Information System (EMIS) 2013 yearbook was the most recent

data. 2014 EMIS report was made available to the public domain after the research was already finalized. The available 2013 data did not have information on indicators that were in the RTEI questionnaire which are very vital in national education planning. Information from the UNESCO Institute of Statistics (<http://uis.unesco.org/country/zw>) shows Gross Enrolment Rates for pre-primary, primary and secondary levels for 2012 and 2013 only however this was not disaggregated by location, quintile levels and disability status. Information was not available for the other years. Unavailability of data was very common on the following indicators among others:

- i. Primary and secondary schools Gross Enrolment Rate disaggregated by rural and urban schools, students with disability and quintile levels.
- ii. Net Enrolment Rate disaggregated by rural and urban schools, disability and quintile levels.
- iii. Completion rate for public primary and secondary schools disaggregated by rural and urban schools, disability and quintile levels.
- iv. Percentage of teachers trained to teach children with disability.

Recommendations

- ❖ The Ministry of Primary and Secondary Education (MoPSE) should regularly share EMIS data on an annual basis on soft copies. It is highly recommended for MoPSE to regularly update the EMIS data on the MoPSE website. This will help players in education to make informed interventions and highlights progress made in the education sector as well as areas that need attention.
- ❖ The Ministry of Primary and Secondary Education should disaggregate data on disability, sex, quintile level and by location (rural or urban location) for purposes of equity. This can be achieved through amending the EMIS data collection tool to include data disaggregation indicators such as children with disability, quintile level, sex and location.