



ECOZI Submissions presented by Liberty Matsive

Background

- ▶ ECOZI participated and made verbal submissions during the consultation process of the review of the Education Act which was held on 28 and 29 November 2016 in Bulawayo and on 15-16 December 2016 in Harare.
- ▶ The coalition submitted written submissions for consideration during the review process of the Education Act.

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- ▶ **International Framework:** Zimbabwe ratified a number of international human rights frameworks that guarantee the right to free and compulsory basic education. Article 28 of UNCRC affirms the right of the child to education and the State's duty to ensure primary education is free and compulsory.
 - ▶ **Regional Framework:** ACRWC Article 11: Every child has the right to an education, to develop his or her personality, talents and mental and physical abilities to their fullest potential. This education also includes the preservation and strengthening of positive African morals, traditional values and cultures. Governments should also take special measures in respect of female, gifted and disadvantaged children, to ensure equal access to education for all sections of the community.
 - ▶ **National Laws:** Section 75 of the Constitution: (1) Every citizen and permanent resident of Zimbabwe has a right to basic state funded education, including basic adult education.
 - ▶ **Education Act:** The Education Act must conform to those legal frameworks to guarantee the right to education.

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- **Right to basic State-funded education and adult basic education as enshrined in the Constitution of Zimbabwe (Amendment no. 20) Act, 2013 – sections 27 and 75 of the Constitution**
 - The Education Act should define what is meant by basic state funded education. It is the coalitions' submission that the Act considers basic education to be from Infant (ECD) up to secondary level (advanced level).
 - The Education Act should provide free basic education to promote universal access to education by all children or measures towards free education.
 - Article 6 of the Education Act stipulates that it is the objective that tuition in schools in Zimbabwe be provided for **the lowest possible fees consistent with the maintenance of high standards of education.**

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- ▶ **The obligation to progressively realise the right to education is not set out in the Education Act** : Section 75(4) of the Constitution of Zimbabwe as well as the international instruments cited above provide for the progressive realization of the right to education, and acknowledge constraints arising due to the limits of available resources. This is not to say that the State has no obligations where funds are not readily available.
 - ▶ Progressive realisation means that a **state party is obliged to have an overall developmental strategy** for its school system. Rural community schools (P/S3) must be prioritised and immediately be declared free schools by the new Education Act.
 - ▶ The Act should set out the measures the State will undertake to progressively realise the right to free basic education.



Exclusion for Non Payment of Fees violates the right to education

- Repeal section 13 (4) of the Act, which states that The Head of a Government school may, subject to the directions of the Secretary, refuse to admit to that school any pupil in respect of whom fees payable at government schools have not been paid.
- The exclusion of learners on the basis of failure or inability to pay school fees amount to discrimination as prescribed under s56 of the Constitution.
- Basic education must be affordable to all, and the exclusion of learners for non-payment of fees is thus contrary to the 1960 UNESCO Convention against Discrimination in Education (CADE), States also have an obligation to assure compliance by all with the obligation to attend school as prescribed by law.
- Thus it is recommended that: Article 6 and 13(4) of the Act should be revised to guarantee the right to education and be in line with the international and regional frameworks as well as the national constitution.

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- ▶ **S83 : Rights of Persons with Disabilities:** The Act should mandate the government to ensure that every registered school provide disability friendly infrastructure, teachers who are able to handle learners with disabilities, access to the curriculum and access to information for all learners with disabilities.
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➤ **Girls Education**

- Define clear strategies to prioritise girls' education to comply with the State commitment to ensuring the right to education for girls specified in the constitution.
 - The Act should reinforce non exclusion of learners who become pregnant and provide affirmative measures for disadvantaged and marginalised groups.
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➤ **School infrastructure**

- The Act must clearly highlight that it is the obligation on the State to fix the crisis of school infrastructure, including ECD Centres.
- A National Education Fund needs to be set out by the government for development and construction of schools and ECD Centres, vocational education centres and modern equipment installations. The fund must be funded by fiscus. Private schools, trusts, donors and individuals can contribute to this but with representation of public and private members in the fund management set up.
- Disaster Response fund for education

► Corporal punishment

- Section 69(2) (c) must be repealed to prohibit corporal punishment in schools. The Act should encourage positive discipline measures. The section ultra vires the constitution as S53 of the Constitution of Zimbabwe outlaws torture, degrading treatment and punishment.



➤ **Recognition of minority languages**

- Section 62 of current Education Act limits the number of languages to be taught in schools to 3 main languages spoken in Zimbabwe. The constitution provides for recognition of all 16 languages. This must be aligned.
- Section 3(2) (h) of the Constitution recognise 16 official languages namely Chewa, Chibarwe, English, Kalanga, Koisan, Nambya, Ndau, Ndebele, Shangani, Shona, sign language, Sotho, Tonga, Tswana, Venda and Xhosa. Further, every person has the right to use the language of their choice.
- The aspect of the right to education is violated when the State fails to provide educationally adequate means for members of linguistic minorities to learn.
- Recommendations: S62 of the current Act should be amended to reflect the plurality of Zimbabwe's official languages



- ▶ **School governance**

- ▶ Extend the tenure of SDCs from 1 year to 2 years
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► **Education Financing**

- Governments should allocate sufficient finance for education particularly basic education. The recognised international target is a minimum of 20% of the national budgets or 6% of GDP to education.
- Where Treasury allocates funds to education, the money should be well spent. Investment should be in the priority areas of addressing the trained teacher gap, ensuring sufficient and high-quality schools, and reaching the out-of-school including by addressing structural inequality in the education system. There is also need for transparent and accountable systems to be put in place to ensure oversight of spending to avoid leakages, misdirection, and under-spending.
- Recommendation: The Education Act should reflect the obligation to adequately fund the education sector.



Thank you