****

**REPORT**

**PORTFOLIO COMMITTEE ON PRIMARY AND SECONDARY EDUCATION**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**REPORT ON THE PUBLIC HEARINGS**

**ON THE**

**EDUCATION AMENDMENT BILL**

**(H.B 1 .2019)**

**1st - 5th of April 2019**

**15th – 17th of April 2019**

1. **Introduction**

The Portfolio Committee on Primary and Secondary Education conducted public hearings on the Education Amendment Bill from the 1st - 5th of April and 15th – 17th of April 2019 across the country’s ten provinces. The Committee conducted public hearings in the following areas: Chinhoyi, Siakobvu (Kariba), Bindura, Marondera, Mutare, Masvingo, Bulawayo, Lupane, Insiza and Gweru. UNICEF, ECOZI and WOZA jointly funded the public hearings while DEAF ZIMBABWE TRUST collaborated with the Committee in mobilizing the people to participate. The stakeholders also supported the Portfolio Committee in advertising and mobilizing the members of the public to attend the hearings. Participants included persons living with disabilities, representatives from education institutions, civic society organisations, men and women, youth and religious leaders, amongst others. Generally, the attendance was good and the majority of the people who attended the public hearings applauded the Government for the proposed amendments to the Education Act.

1. **Methodology**

The Education Amendment Bill, gazetted on 15 February 2019, seeks to address the shortcomings of the 2006 Education Act (Chapter 25.04). The Committee conducted public hearings in fulfillment of Section 141 of the Constitution of Zimbabwe (Amendment No. 20) of 2013, which requires Parliament to engage the people in all its legislative processes. Thus in coming up with its report, the Committee together with its stakeholders begun by engaging at a breakfast meeting to unpack the bill and to come up with strategies to engage the members of the public through public consultations.

In addition to the public consultations, the Committee received submissions from key stakeholders such as ECOZI, WOZA, Deaf Zimbabwe Trust, TALI,WEI, Progressive Teachers Union, Zimbabwe Teachers Association, among others. The Committee noted that working with the Civil Society Organisations has been very fruitful and beneficial for the Committee in terms of gathering the views on the Education Amendment Bill. The Committee was able to analyse the Education Act against the Education Amendment Bill, draw lessons from the SADC region, African continent and international on best practice in the education sector and to propose additional amendments to the Education Amendment Bill in line with the findings. Therefore, this report is a result of wider consultations made by the Portfolio Committee in order to feed into the legislative process to ensure that the proposed amendments to the Education Act are comprehensive and in line with international practice.

1. **Submissions from the Members of the Public and Stakeholders**

The general observation by the Committee was that the people were so much interested in the Bill and applauded the Government for seeking to align the Education Act with the Constitution. However, during the hearings it was evident that the Bill was largely inadequate and not addressing the real issues on the ground affecting the parents and guardians in relation to the right to education for all children. The Bill is tabled before Parliament in the context of increasing economic hardships and the parents/guardians and stakeholders felt that the Bill would ease so much pressure on them. It was observed that there were so many shortcomings in the Bill. Thus, the parents and stakeholders implored the government to come up with implementation modalities to ensure access to education as a right to every child as Zimbabwe strives to be an Upper Middle Income Economy by 2030. Below are the detailed submissions received by the Committee during the public hearings and the proposed Committee recommendations that the House should consider.

* 1. **Memorandum**

The memorandum is clear as to what the Bill seeks to achieve, i.e. to align the Bill with the Constitution in order to give life to Section 75 of the Constitution on the ***‘Right to Education.’*** The memorandum further seeks to ensure that Section 19 and Section 81 (Rights of Children), Section 83 (Rights of Persons with Disabilities) and Section 51 (Right to Human Dignity) are also activated in terms of implementation and this formed the basis for the debate during the public hearings.

* 1. **Clause 2: Definition of Terms**

Generally, members of the pubic and the stakeholders noted the inadequacy of the Bill in terms of defining important terms used in the Bill to enable easy interpretation. Some of the terms that required defining are as follows;

* + 1. **Child:** Some stakeholders noted thatBulletin 3 on purpose of the Bill includes recognition of a child as a person under the age of 18 years as in Section 81(1) of the Constitution. The Bill however does not include a definition of a child. It is recommended that such a definition, which complies, with the constitutional definition of a child be included in the Bill.
    2. **Government School:** Members of the public and stakeholders also noted that a number of schools are administered and controlled by local authorities as provided for in Section 8 of the Act, However, the definition of “government school” in the Act excludes such from being government school. It was recommended that the definition of a “government school” to include schools established and maintained by local authorities. Local Authorities are part of the Government in terms of Section 5 of the Constitution of Zimbabwe.
    3. **Basic State Funded Education:** Members of the public felt that the definition of basic state funded education must further be unpacked and be clarified in terms of the extent to which education will be state funded. For example, that the State should elaborate whether state funded education refers to funding of the tuition, levies and learning material for pupils as well as the infrastructure and teaching needs at all public schools. It was also submitted that the definitions of Basic State Funded Education and that of Basic Education was confusing. Basic education is defined as *‘education from early childhood up to fourth form’* while basic state funded education is defined as ‘*education from early childhood education up to grade seve*n’ in the Bill. Therefore, it was suggested that the Bill adopts the internationally accepted definition of basic state funded education and basic education as referring to Early Childhood Education (ECD) up to fourth form[[1]](#footnote-1) rather than the one provided for in the Bill.
  1. **Progressive Realisation of the Right to Basic State Funded Education**

Members of the public and stakeholders noted with concern Clause 4 in the memorandum which places the duty on the state to progressively fund basic education ‘*within the limits of the resources available*’ and that where there are no resources, parents and guardians should make sure that every child attains basic education. Best practice reveals that basic education should be compulsory and provided free by the state and yet Zimbabwe is lagging behind in the region. Thus, most stakeholders pointed out that in order for the nation to achieve inclusive and quality education, there was need for government to provide basic state funded education. However, some of the sentiments expressed by the participants was the lack of full commitment and responsibility by Government to fund basic education as espoused under Section 75(4) of the Constitution. The Constitution mandates the State to progressively realise the right to education within the ‘limits of available resources’. The majority of the presenters called on the Government to delete the words *‘...within the limits of the resources available*’ as it indirectly relegates the responsibility to fund basic education back to the parents and guardians. The phrase does not show any commitment by the government to support basic education.

Progressive realisation means that the State is obliged to have an overall developmental strategy for its education system. Therefore, the people recommended that the government must clearly state the measures that shall be in place to progressively realize free basic education for all from ECD level to form four. For example, it was proposed that while the government is transitioning to operationalize free basic state funded education, rural schools (P/S3) and children from disadvantaged communities must be prioritized and immediately be declared to have access to free education. Further to that, the State should within five years of promulgating the amendments expand basic state funded education to up to form four.

* 1. **Clause 3: Children’s Fundamental Right to Education**

Members of the public acknowledged the fundamental right to education for all children and the State’s obligation to fund basic education. Thus, welcomed the expansion of the grounds upon which a child may not be discriminated upon as provided for under Clause 3 of the Bill, which now complies with Section 56(3) of the Constitution. Members of the public and stakeholders highlighted that children were being send home to collect from their parents school fees or asked to sit in the school hall while others are learning, violating their right to education. Section 4 (2) of the Act states that, *‘… no child in Zimbabwe shall – (a) be refused admission to any school or (b) be discriminated against …’* therefore, it was postulated that there is need to expand the protection beyond admission into school. A child should also not be *suspended, excluded or expelled* from school on any of those grounds highlighted under 4(2) (b). Thus, Section 4(2) (b) of the Bill should be amended accordingly. No child in any case or under any circumstance shall be denied access to education at any government or public school.

* 1. **Clause 4: Compulsory Education**

The new provision, which substitute Section 5 (1) in the Principal Act, which states that *‘Every child shall be entitled to basic state funded education.’* This provision is commendable given that it removes the obligation to fund basic education from parents and guardians and places it on the State. However, it was observed that that the new provision was inadequate and should actually be rephrased to read as follows, *‘Every child shall be entitled to* ***compulsory*** *basic state funded education’* thereby compelling the state to fund basic education. This provision will then be able to save its purpose of enhancing access to education and to ease pressure from parents/guardians as well as reducing the number of out of school dropouts, especially in rural areas. It was also submitted that a new subsection should also be added to Section 5 (1) to **penalize** any parent or guardian who fails to comply with the provision to send his/her child to school.

* 1. **Clause 6: Zoning System on School Enrolment**

Generally, the members of the public and stakeholders welcomed the provision to mandate schools to enroll children from within their zone to avoid children travelling long distances to attend school. However, some of the participants suggested that the government should complement this provision by building more schools in some areas, especially, the high density areas which are densely populated and many schools are over enrolling kids with the teacher to pupil ratio averaging around of 1:70. The majority of the participants felt that most of the children, in particular, the girl child and those living with disabilities have to walk long distances such that they end up absconding school and stay at home, thereby denying them the right to education.

Another challenge posed by the clause is its failure to clarify what will eventually happen to a child who has failed to enroll to the nearest school because it is fully enrolled and the next nearest school is fully enrolled. It was recommended that the provision should compel the school head of the child’s nearest school to enroll the child despite it being fully enrolled. The school head in turn should seek or apply for more resources from the State to match its increased enrolment, where necessary.

However, some of the participants felt that the new provision was not practical in terms of implementation as it brings new administrative roles that are both cumbersome and costly for the school. Some members of the public also felt that the provision was limiting them to enroll their children to the nearest schools while as parents may prefer a school in another zone.

* 1. **Clause 9: Registration of Non-Governmental Schools**

Clause 9 of the Bill seeks to introduce a new subsection (7) in Section 15 of the Act which makes it mandatory for schools, other than government and faith based schools, to pay a registration and annual fee prescribed from time to time by the Minister. However, the various participants noted some challenges associated with this provision. The first challenge is the *absence of a definition of a faith based school* in either the Bill or the Act. It is also difficult to find consensus on the meaning of a faith based school. Secondly, some *faith based organisations are not registered in Zimbabwe*. Thus, the definition of faith based schools should also be expounded. There are private trust schools established by religious organisations which can probably afford to pay registration and annual fees. There is no justification to exempt such schools. The third challenge is that there are some schools run by *private voluntary organisations registered in terms of the Private Voluntary Organisations Act [Chapter 17:05]* that have not been exempted from paying the registration and annual fees yet they play a complementary role to the government by providing education not for profit, just as some faith based schools do. Lastly, it was noted that there is an *omission of the consequences for failing to pay the registration and annual fee*.

It is therefore, recommended that government schools and schools established and maintained by registered welfare organisations or faith based organisations that provide education not for profit be exempted from paying the registration and annual fee. These should be categorised as public schools as opposed to private schools. All private schools must pay the registration and annual fee. There is therefore need to amend the definition section to include “public schools” and “private schools”.

* 1. **Clause 10: Non-Formal Education**

The members of the public welcomed the additional provision encouraging schools to endeavor to introduce non-formal education, including adult education in schools in line with the Government’s commitment to increase access to education for all Zimbabweans as enshrined in Section 75 of the Constitution of Zimbabwe.

However, the majority of people noted with concern that the non-formal education was introducing an additional burden to teachers who are not paid for the extra work. The majority of the school administrators and teachers urged the government to ensure that the administration of the non-formal education is well coordinated and the teacher welfare issues are addressed.

* 1. **Clause 12: Language of Instruction in Schools**

The stakeholders commended the Government for seeking to align Section 62 of the Act which limited the learners to only 3 languages with Section 3(2)(h) of the Constitution which recognises 16 official languages of instruction in schools. However, it was felt that the constitutional provision was not being implemented adequately, especially in the Matabeleland province. The Bill provides that every school shall endeavor to teach every officially recognized language at any school while making sure that the language of instruction shall be the language of examination. The members of the public welcomed the provision that mandates schools to use the mother tongue as a medium of instruction at early childhood education to facilitate understanding and effective communication. Other members of the public further advocated for the use of local languages or vernacular languages as medium of instruction for all subjects taught in schools, including examinations.

It was argued that the aspect of the right to education is violated when the State fails to provide educationally adequate means for members of different linguistics to learn. The people in some provinces noted with concern that the majority of language teachers were not natives of the area in which they were being deployed thus compromising the teaching of the local languages. Some of the members of the public felt discriminated by the Government when it does not prioritise deployment of local language teachers. Therefore, some of the participants urged the Government to ensure that more language teachers are trained, especially Tonga, sign language, Koisan, Ndau Xhosa, Nambya, Venda, Tswana and Sotho, among others so as not to disadvantage children from such backgrounds.

Some of the participants called on the government to insert a new clause in the bill enforcing the teaching of sign language as a mandatory subject in all schools to ensure inclusivity of the deaf pupils in the education system.

* 1. **Clause 13: Appointment of Sexual and Reproductive Health Personnel** Members of the public applauded the government for the new provision which allows schools to appoint Sexual and Reproductive Health Personnel to facilitate the teaching and learning of SRHR in all schools. However, debate surrounding this provision was who was going to meet the costs of employing the Sexual and Reproductive Health Personnel. Is it the School through the parents or the government?
  2. **Clause 14: School Feeding Programme**

Generally, the public welcomed the new insertion on Section 69 of the Act, which seeks to insert (n3) which provides for ***‘the manner in which feeding schemes may be conducted at schools.’*** The members of the public expressed their full support to the school feeding programme as it facilitates increased access to and achievement in education by children, especially from disadvantaged societies. However, members of the public felt that the Government was reneging on its responsibility to feed its school going children, in particular those from disadvantaged communities, as is now the norm in other countries in line with international practice. Members of the public felt that the current situation was not properly coordinated as the funding and food disbursements were not consistent and reliable. In addition, the programme was actually burdening the parents/guardians who are being requested by school authorities to contribute in cash and in kind. In cases were some parents fail to contribute, their children are not allowed to eat the food thereby violating the rights of children.

The bill should therefore specify that the programme shall be wholly funded by the government. The majority of the people called upon the Government to commit itself to fund the school feeding programme in all schools by ensuring that *proper infrastructure* and *personnel* are in place for effective delivery of the service in schools. If not, it was submitted that the programme would rather be shelved until such a time the state is ready to implement it rather than burdening the parents who are already struggling with funding education for their children.

* 1. **Clause 15 (68 A): Corporal Punishment**

The issue pertaining to outlawing of corporate punishment in schools raised so much debate among the participants. The majority of the participants advocated for corporate punishment to remain in schools for purposes of instilling discipline. Many of the participants felt that the banning of corporate punishment was promoting more of the western culture as compared to our own African *‘Ubuntu’* culture. Many of the proponents for corporal punishment argued that Zimbabwe was a Christian country and hence should be guided by the biblical principles of disciplining children as provided for in Proverbs 13 verse 24, which states that, *‘whoever spares the rod hates their children, but the one who loves their children is careful to discipline them.*’ It was argued that the removal of the stick means removal of authority in schools resulting in chaos and disorder. Thus, it was proposed that there should be mechanisms in place that state the procedure to be followed by the school authorities when corporal punishment is to be applied as a last resort after other alternative measures have failed. Further to that, some of the members of the public called upon the government to repeal Clause 68 A (5) and clearly state that only the Headmaster/mistress should be allowed to administer corporal punishment as a last resort measure when alternatives have failed. Thus, it was proposed that Clause 68 A (5) be amended to read as, ‘*no child should be subjected to corporal punishment, and whoever administers corporal punishment shall be sanctioned by law.’*

On the minority, some of the participants advocated for the removal of corporal punishment in schools in line with the provisions of the Constitution which prohibits any physical or psychological torture, or cruel, inhuman or degrading treatment or punishment. The participants argued that corporal punishment must be removed in schools and alternative measures be put in place that will be used by school authorities when instilling discipline in schools. The stakeholders felt that Clause 68A (5) was archaic and retrogressive. The provision was noted to be problematic in that it only prohibits the teacher from beating the child, while the matron, school head and any other support staff at the school are not prohibited according to the provisions of the Bill. However, the subsection also failed to provide for any sanctions for contravening it. Thus, it was proposed that Clause 68 A (5) be amended to read as, ‘*no child should be subjected to corporal punishment under any circumstances’* as it was derogatory to human dignity.

* 1. **Clause 15 (68B): Inclusive Education**

The members of the public, in particular, persons with disabilities or parents/guardians of persons with disability came out in their numbers to input into the legislative process. The majority of the persons with disability felt that the Bill was not adequately protecting their interests as citizens of Zimbabwe and as provided for in the Constitution. The Bill provides under Section 68B that *‘every registered school should provide infrastructure which is suitable for use by pupils with disabilities.’* The majority of the stakeholders and members of the public commended the Government for the commitment to introduce inclusive education in all schools to ensure equal access and equal opportunities for all learners. However, the members of the public, especially, the persons with disabilities felt that the provision of infrastructure alone was not adequate. The bill should also focus on the provision of other learning and teaching materials, gadgets, facilities and accessories suitable for pupils with disabilities. In terms of the Act, Section 15 as read together with Section 2, a ‘registered school’ is a non-governmental school. Thus, meaning that this provision excludes government schools. It is recommended that Section 68B be amended to mandate every school (both government and non-governmental schools) to provide infrastructure, teaching and learning processes suitable for use by all pupils including those with disabilities.

It was highlighted that generally, access to education by persons with disability was not a government priority and the sensitivity around people with disability was generally low. For example, children with albinism were being discriminated in schools by not being prioritised to sit in front or having textbooks with bigger font since they have eyesight challenges. In addition to that, it was observed that the women tend to suffer the most when a child with disability is born in a family as husbands often deny responsibility. Thus, the burden often lies on women, whom the majority are not employed and the government has nothing to offer in terms of social protection. Ultimately, children with disability are kept at home, denied the right to education and thereby promoting the vicious cycle of poverty.

Participants called on the Government to fully support the implementation of inclusive education by availing the necessary resources to facilitate infrastructure development; acquisition of the learning and teaching gadgets and accessories; access to the curriculum and access to information for all learners with disabilities; and training of teachers who are able to handle children with the various disabilities in schools as espoused under Section 83 of the Constitution. In addition to that, the members of the public also requested the government to provide examinations for persons living with disabilities in their language of instruction or understanding, for example deaf learners should get their examinations in sign language. It was submitted that in most cases, they just attend school but they are not examined due to unavailability examination gadgets, accessories and materials.

* 1. **Clause 15 (68C): Basic Education Fund**

The members of the public together with the stakeholders welcomed the proposal by the Government under Clause 15 of the bill to establish the Basic Education Fund for purposes of funding infrastructure and payment of fees for pupils who genuinely cannot afford. However, stakeholders felt that the fund was limited to funding a few of the education priorities. Also given the fact that the bill is proposing that basic education (from ECD to grade seven) shall be free or state funded, the reference to payment of school fees for pupils who cannot afford should be applied to those not covered by basic state funded education. It was also submitted that the Fund should be invested in the following priority areas; namely, teacher training and development, infrastructure development, provision of sufficient and high-quality schools, reaching-out of school children, teaching and learning materials for children with disability, provision of other educational facilities, equipment and resources to support the basic state funded education, among others.

The Bill should also provide that the Fund shall be financed from the fiscus. The various stakeholders proposed that the minimum recognised 20% of the national budgets or 6% of GDP should be allocated towards the Education Fund. Some members of the public proposed that the Fund should be established as a Trust Fund managed by a Board of Trustees who include government departments, CSOs, Teachers’ Unions and the private sector. It was suggested that the multi-sectoral management of the fund would promote efficient use of the fund at all levels of government schools and ensure transparency and accountability.

* 1. **Clause 15 (68D): Non-Exclusion for Non-Payment of School Fees**

Generally, the members of the public were skeptical about the applicability of the provision in the Bill given that schools depend heavily on financial resources for operations. Some of the participants highlighted that the Bill should clearly outline the procedures that schools should follow in order to ensure that parents pay school fees and where necessary legal action be taken. The members of the public felt that the Bill must prohibit expulsion of learners from government and council schools only and not private schools to promote access to education by all children regardless of their economic status. It was argued that once the Government has stated that *‘no child shall be send back home for non-payment of fees,’* it implies that the Government must be prepared to pay for the outstanding fees to enable the smooth running of schools. It was argued that basic education must be affordable to all and any exclusion of learners for non-payment of fees is thus contrary to the 1960 UNESCO Convention against Discrimination in Education (CADE). However, concerns were raised that the principle of non-exclusion for not paying school fees was regressive and must be repealed as some parents may ride on other parents for the education of their children.

* 1. **Clause 15 (68D): Non-Exclusion on the Basis of Pregnancy**

While the provision to allow pregnant girls to continue with their education was received with a lot of controversy, there were mixed feelings as how to handle pregnant girls in schools. The members of the public, in particular the girl child rights activists welcomed the provision as important in protecting the girl child from being expelled or excluded from attending school due to pregnancy. The proponents applauded the Government for taking such a bold step in line with a provision of the African Charter. However, some of the members of the public called upon the Government to be explicit in terms of how the provision shall be implemented in schools as it comes with additional responsibilities to the teachers and the school administrators. For example, assisting the girl child in cases of maternal emergency, state when the girl child shall undertake her maternity leave as well as how to conduct her breast-feeding hours among other issues. The government was therefore, urged to define clear strategies to prioritise girls’ education to comply with the State commitment to ensuring the right to education for girls as stipulated in the Constitution. Section 27 provides that the State shall take all practical measures to promote free and compulsory education for children and ***ensure that girls are afforded the same opportunities as boys*** to obtain education at all levels.

On the contrary, the opponents to the provision felt that this provision was problematic in terms of administration as well as socially as it set bad precedents and role models to other students. The majority of the people opposed the idea to keep the pregnant girl in the same school and proposed that she be enrolled at a different school or under non-formal education after giving birth.

* 1. **Rights of the Girl Child (Sanitary Wear)**

Notwithstanding that every child in Zimbabwe is guaranteed the right to education, there are sexual and reproductive health issues that affect the attendance and retention of girls in schools. Girls often miss school due to menstrual health issues. There is need to provide for such given the constitutional mandate to ensure that girls are afforded the same opportunities as boys to obtain education at all levels and that every citizen or permanent resident of Zimbabwe has the right to have access to basic health care services, including reproductive health care services. Generally, the participants recommended for the inclusion of a new clause stating the commitment by government to provide free sanitary ware in all schools to ensure that no girl child will miss school every month because the parents cannot afford to buy the girl child sanitary wear. It was noted that due to the exorbitant prices and the economic hardships, most rural girls and young women resort to using material like leaves and cow dung which exposes them to vaginal infections.

* 1. **Decentralise Education Planning and Funding**

The members of the public also welcomed the principle of devolution of governmental powers and responsibilities and proposed that devolution should also be implemented in the education sector. The current Act restrict planning to the head office by the Minister and the Permanent Secretary without the input from the various provinces and regions. However, it was submitted that Zimbabwe is heterogeneous, therefore different regions have different educational needs. Thus, it is being proposed that Provincial Councils should be trusted with the powers to plan including development of some of the components of the new curriculum in line with Section 264 (2) (b), which recognises the right of communities to manage their own affairs and to further their development. Once education planning and funding is devolved, members of the public felt that it would be easier for provincial councils to attract funding from the local business community and development partners.

* 1. **Appointment of Social Workers in Schools**

Members of the public highlighted the need for the Government to engage School Social Workers to help parents, students, and school staff to identify needs that interfere with learning and work with the affected students to get the services they need. Basically, School Social Workers like in the Western countries help to bridge school, home and community to help students be as successful as possible. It was proposed that School Social Workers work with general and special education students and their families to resolve social, emotional and behavioral problems among pupils. Social Workers help students to develop social skills, coping strategies and to find positive solutions. Thus, it was proposed that the bill takes into account the provision for schools to hire Social Workers in schools.

* 1. **School Management Committees (SMCs)**

The Education Act should provide for the parental and stakeholder involvement in the running of schools through providing for the School Management Committees (commonly called School Development Committees/ Associations). However, the majority of the people had serious reservations as to the operations and responsibility of the SMCs. Members of the public felt that the SMC were abusing their positions and fleecing parents of their hard-earned cash through conniving with school administration. Therefore, it was proposed that the bill includes a section on the roles, responsibilities and operational procedures of School Management Committee to foster transparency and accountability while at the same time promoting sustainable school development.

Some members of the public and stakeholders noted with concern the limitation in the tenure of office by the SMCs. It was proposed that the tenure of office for the SMCs should be increased from 1 year to 2 years to allow for continuity in planning, infrastructure projects completion and school funds management.

* 1. **Conditions of Service of Teachers**

The Members of the public and stakeholders called on the Government to include a provision that speak to the improvement of teacher welfare issues. There is need for repealing of Section 56 which speaks on Abolition of Unified Teaching Service and Savings of Pension Rights, Section 57 on Transfer of Teachers to Public Service and Section 59 on Conditions of Service of teachers who do not transfer.

Members noted with concern that the Bill remains silent about the teacher welfare and their continuous development. The rural teachers are the most prejudiced among others, given that the government has failed to provide adequate accommodation and suitable facilities that are essential for their welfare, in addition to improving their hardship allowances.

It was highlighted that modern education is hinged on the following three pillars; ***proficiency, motivation and independence*** of teachers. Zimbabwe should therefore adopt the Finland Model, which is considered to be the best in the world as it promotes the three pillars. For example, a teacher in Finland, is guaranteed of a paid 2hour per week for continuous development while in Zimbabwe a teacher is penalized for choosing to go to school by having his/her salary slashed in addition to funding their own education. Thus, the Bill should strive to improve the teacher welfare, promote continuous learning and guarantee academic freedom.

* 1. **Minimum Norms and Standards of School Infrastructure**

The Act must mandate the Minister to set out clear laws and regulations setting out the obligations on the State to address the crisis of school infrastructure, including ECD centres and disability inclusive infrastructure. Zimbabwe may draw some lessons from Clause 5A of the South African Act of 1996, which empowers the Minister in consultation with the Minister of Finance and the Council of Education to prescribe through regulations the minimum uniform norms and standards for school infrastructure, capacity of a school in respect to the number of leaners a school can admit, the provision of learning and teaching support material, among others. Schools that fail to meet the minimum set standards and norms shall be deemed substandard. There is need for repealing of Section 27 so that it can speak to ECD not nursery schools. The majority of the people pointed out that there should be no stand-alone ECD centres as enrolment for primary school should start at ECD to grade seven. There is also urgent need for the inclusion of a clause in the bill calling for the review or reintroduction of a ***School Inspection Policy*** so that there is uniformity and professional management of schools.

* 1. **Safe Schools Regulations**

The bill is viewed as weak in terms of guaranteeing the safety of school children in schools, given the increase in gender related violence and abuse of school children by adults in school premises. Members of the public also noted with concern the unfortunate disruption of learning through use of schools for political activities and the involvement of learners in political gatherings during school time. It is recommended that the Bill pick some lessons from Section 33 (a) of the South African Act, which protects the learning environment by prohibiting political activities during school time by barring political parties from engaging in any political activities within the school premises during school time. This provision would go a long way in preventing the recurrence of politically motivated gross human rights violations that has occurred in some schools in Zimbabwe[[2]](#footnote-2).

1. **Committee Observations and Recommendations**
   1. **Definition of Terms:** The Committee noted the lack of coherence in the definition of terms contained in the Bill. It is the Committee’s view that the Ministry further looks at some of the definition of terms in the Bill and Principal Act and ensure that they are aligned or explained in detail to avoid confusion and that the people fully appreciates the applicability and intention of the legislation. Of major importance is the need to align the definition of basic state funded education and that of basic education in paragraph (a) and (b) so as to refer to starting from ECD to form six and not form four as prescribed in the Bill.
   2. **Progressive Realisation of the Right to Education:** The Committee supports the provision on progressive realisation of the right to basic state funded education. However, noted with concern that the Constitution does not give the right to education as an absolute right. The Constitution provides for *progressive realisation*. Thus, the Committee is recommending the Government to define what is meant by progressive realisation. Given that Zimbabwe is targeting to be an Upper Middle Income country by 2030, the Government should at least define progressive realisation in terms of how it is going to achieve universal access to education by 2030. *Question: Shall we start with the satellite (S3) or rural (P3) schools and progressively reach out to those that cannot afford in urban areas?* In short, the Committee is imploring the Government to come up with a clear developmental strategy that clearly outlines the measures to be implemented as it seeks to achieve universal access to education for all.
   3. **Compulsory Education**: The Committee noted with concern the inadequacy of the provision to *compel* both the government to provide free education and for parents to send their children to school. Thus, supports the submission that the new provision should actually be rephrased to read as follows, *‘Every child shall be entitled to* ***compulsory*** *basic state funded education’* so that both the government and the parent/guardian are compelled to have the children go to school regardless of their economic status. Further to that, a new subsection should be added to **penalize** any parent or guardian who fails to comply with the provision to send his/her child to school.
   4. **Corporal Punishment:** The Committee noted that the topic on corporal punishment was controversial as it affected the emotions and cultural beliefs of many people. Thus, the Committee having considered the differing arguments felt that the issue of corporal punishment was actually legislated for in the supreme law of the land. Section 51 and 53 of the Constitution reinforced and protected the rights of every person to human dignity and freedom from physical or psychological torture or cruel or inhuman and degrading treatment or punishment. Thus, the Committee unanimously agreed and recommends that the Bill should categorically abolish corporal punishment within the education system in line with best practice, the Constitution and the Constitutional Court judgement (in S v Chokuramba CCZ 10-2019) and prescribe the sanction for any violation.
   5. **Exclusion for Non-payment of school fees:** The Committee felt that it was the responsibility of Government to provide free basic education so that no child is excluded on the basis of non-payment of school fees. Government should ensure that every child has access to education regardless of his/her parents/ guardians’’ economic status.
   6. **Registration of Non-Governmental Schools:** The Committee recommends that government schools and schools established and maintained by registered welfare organisations or faith based organisations that provide education not for profit be exempted from paying the registration and annual fees. These should be categorized as public schools as opposed to private schools. All private schools must pay the registration and annual fees.
   7. **School Feeding Programme:** The Committee supports the school feeding programme and implores the Government to fund the programme by fully supporting schools with the food provisions and personnel to ensure efficient service delivery. The programme should be implemented by all schools and encompassing all learners without any conditions and at no cost to the parents or guardians.
   8. **Inclusive Education:** The Committee observed that the concept of inclusive education was an emotional topic that attracted many persons with disabilities, who felt discriminated by their Government. The Committee fully supports the concept of inclusive education and implored the Government to provide the requisite resources to facilitate learning of persons with disabilities. The proposed Education Fund should finance inclusive education programme at all government schools so that access to education is enhanced for all classes of children.
   9. **Non-Formal Education:** The Committee welcomes the provision to mandate all schools to introduce non-formal education. However, it is recommended that the Government ensure that proper infrastructure and adequate personnel is available to meet the demand without necessarily burdening the schools administration and teachers.
   10. **Teaching of Local Languages:** The Committee recommend that there be a zoning system whereby schools teach languages dominantly used in the region they are situated in addition to languages such as English and sign language which must be taught across the country. The Minister may be empowered to make regulations defining the zones from time to time.
   11. **Exclusion due to Pregnancy:** The Committee observed that the topic on keeping pregnant girls in school sparked so much debate among the parents/guardians and stakeholders. The Committee also notes the presence of a Statutory Instrument of 1999, which bars schools from expelling pregnant girls from school. However, there were contradicting views among the Committee members, as some proposed for the removal of pregnant girls from school and be allowed only to seat for examinations while others supported the keeping of girls in school regardless of their pregnancy since it is not a sickness. Thus, the Committee leaves the decision to the House to decide on way forward.
   12. **Sanitary Wear:** The Committee recommends that a subsection be added in the Bill providing for the provision of sanitary wear at all government schools as measures to promote menstrual health and hygiene. The Committee feels that if the government commits to supplying sanitary wear through the legislation, it would go a long way in providing dignity to the girls of school going age and in turn facilitate increased primary and secondary education completion rate.
   13. **Basic Education Fund:** The Committee fully supports the establishment of the Education Fund. However, the Committee is proposing that a separate Act of Parliament detailing its establishment, management, source of funding as well as use of fund should be put in place to support education financing in Zimbabwe. Thus the Committee is imploring the Minister to also bring the Education Financing Bill as a matter of urgency to support the Education Amendment Bill which is introducing basic state funded education.
   14. **Welfare of Teachers:** The Committee calls upon the Government to prioritise the welfare of teachers who forms the backbone of the education sector. The rural teacher is the hardest hit as some of them face challenges of accommodation and travelling long distances to their workstations.
   15. **Minimum Norms and Standards of School Infrastructure:** The Committee was also concerned by the shortages and poor school infrastructure in most schools that does not meet international standards. Some schools, in particular, the P3 and S3 schools have dilapidated infrastructure while other schools have make shift classrooms while others do not even have the infrastructure at all. Thus, the Committee is imploring on the minister to set out the minimum norms and standards for school infrastructure in Zimbabwe, as is the case in other countries.
   16. **Safe School Policy:** It is recommended that the government include in the Bill a provision that protects the learning environment by prohibiting political activities during school time by barring political parties from engaging in any political activities within the school premises during school time.
2. **Conclusion**

The Committee fully supports the various submissions made by the members of the pubic and stakeholders in the education sector. However, the Committee still feels that the proposed amendments to the Education Bill are not adequate. Thus, this Committee report is supported by a ‘model education amendment bill,’ which the Committee feels is ideal and comprehensive to address the gaps in the Bill currently before the House.

1. World Conference on EFA: Meeting Basic Learning Needs, Jomtien, Thailand, 1990. [↑](#footnote-ref-1)
2. Zimbabwe Human Rights Commission Report [↑](#footnote-ref-2)