

Interrogating the opportunities brought by the new constitutional dispensation in protecting children's right to education.

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ABSTRACT: *The study interrogated how the current constitutional and political dispensation can be exploited to fully protect the right to education in Zimbabwe. The aim of the study was to examine the extent to which the right to basic state funded education is being implemented in Zimbabwe to contribute towards a model that serves the best interests of the child. Qualitative research methods were used to collect and analyse data through in-depth interviews with parents to assess the extent to which the right to education is being realised under the new constitutional dispensation. In addition to interviews, literature review was extensively done of wide scholarship on the right to education in Zimbabwe. The study found out that a huge gap exists between the provisions of the law and the reality of children in accessing education in Zimbabwe. The study findings also revealed that the demands of the new education curriculum have rendered the right to education nugatory. The study recommends government subsidy on new curriculum needs and immediate introduction of free primary education in Zimbabwe.*

KEY WORDS: *Right to Education, Constitution, State Funded, New Curriculum*

I. INTRODUCTION

Zimbabwe boasts of high literacy rates across Africa with over 90%. However, over the past decade due to economic hardships, the education system has deteriorated and enrolment of children in schools has gone down. According to the Education Sector Strategic Plan 2016-2020, 6% of primary and 20.6% of secondary school children are not in school.¹ The major cause of the decrease in enrolment is the failure to raise schools fees.² The cost of fees and levies remains a major impediment despite the government policy that no child should be excluded from school for non-payment of fees or levies. The Budget allocation to education has increased since 2009 and in the 2018 budget, the education sector got the biggest chunk. However, the biggest challenge is that more than 97% of the budget goes towards teachers' salaries.³ Zimbabwe has failed to meet Goal number 2 under the Dakar declaration which obliged states to ensure that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete, free and compulsory primary education of good quality. The Government of Zimbabwe also failed to achieve the Millennium Development goal on universal primary education. An opportunity to realise the right to basic education presents itself under the current constitutional framework⁴ and political dispensation with a new government headed by the new President who was elected in 2018. The political dispensation also provides an opportunity for the state to provide basic education by simply implementing the constitution which is the supreme law of the land. This paper is divided in three parts. The first part is the literature review which examines the right to state funded education as provided in the constitution international and regional human rights instruments on right to education. The second part outlines the methodology and the last part discusses the findings of the research and gives conclusions and recommendations

II. LITERATURE REVIEW

This section mainly focused on an analysis of the right to basic state funded education as provided by the national, regional and international legal frameworks. Specific national legislation and human rights conventions regulating the right to education were reviewed in order to assess the extent of Zimbabwe's

¹ Ministry of Primary and Secondary Education, Education Sector Strategic Plan 2015 to 2020 page 13.

² The Child labour Survey (2014).

³ Ministry of Primary and Secondary Education, Education Sector Strategic Plan 2015 to 2020 page 13.

⁴Section 75 of the Constitution guarantees the right to basic state funded Education. This inclusion of this right in the Constitution is commendable since the previous Constitution did not provide for such.

compliance with its obligations under the international and regional human rights framework on right to education.

2.0 Legal Framework on the right to education

2.1 International and regional human rights instruments

Zimbabwe is a signatory and part of binding treaties and declarations that promote the right to education. These instruments impose an obligation on states to respect, promote, protect and fulfil the human right to education. However, Zimbabwe's legal system is dualistic which implies that ratified treaties do not automatically become law in Zimbabwe. International human rights instruments ratified by Zimbabwe have to be domesticated through an Act of Parliament in order for the human rights principles to become part of the municipal law. Domestication of human rights instruments has been slow and selective depending on political interests for example the best interests principle provided in all the children's conventions has been domesticated but some principles are yet to find way in the domestic law.

2.2 International Covenant on Economic, Social and Cultural rights (ICESCR)

International Covenant on Economic, Social, and Cultural rights was adopted by the United Nations General Assembly on the 16th of December 1966 and entered into force on 3 January 1976. Zimbabwe ratified the ICESCR on the 13th of May 1991. The Covenant provides for the right to education under article 13. Article 13(2) provides that states should provide free and compulsory primary education. It further provides that secondary education should be available and accessible with the aim of progressively making it free as well. In relation to tertiary education, The ICESCR provides that "Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education." Article 13 (2) of the ICESCR makes free primary education an immediate right which is not subject to progressive realisation. States are not allowed to derogate from the duty to provide free primary education.

2.3 The Convention on the Rights of the Child (CRC)

Zimbabwe ratified the CRC on the 11th of September 1990. The CRC provides similar obligations on states just like the ICESCR. It provides that

"1. States 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, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;"
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

Article 28(e) implores the state to take all necessary measures to reduce school dropouts. One such measure is the provision of basic necessities such as food and payment of fees to the less privileged.

2.4 African Charter on Human and Peoples' Rights (The African Charter) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of women in Africa (Maputo Protocol)

The African Charter provides for the right to education under article 17.⁵ It does not however qualify what constitutes basic education.

The Protocol to the African Charter on the rights of women outlaw's discrimination against women in accessing and enjoying the right to education. Article 12 (2) provides that states should ensure that women who drop out of school are enrolled to complete their studies. This provision caters for girls that are impregnated and leave school, and those that drop out because of the failure to raise school fees. Zimbabwe is already implementing this provision through the re-entry policy which allows impregnated girls to come back to school after giving birth.

2.5 African Charter on the Rights and Welfare of the Child

Article 11(3) of the African Charter on the Rights and Welfare of the child places emphasises on basic free primary education and the progressive realisation of free secondary and tertiary education. It further provides that states should 'take special measures in respect of female, gifted and disadvantaged children, to ensure equal access to education for all sections of the community.'⁶

⁵Zimbabwe ratified the African Charter on the 30th of May 1986. The Protocol to the African Charter on the rights of women was ratified on the 5th of March 2008.

⁶Article 11(3) (e) of the African Charter on the rights and welfare of the child. Zimbabwe ratified this charter on the 19th January 1995.

2.6 Convention against Discrimination in Education (CADE)

This convention was adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on the 14th of December 1960 and came into effect in 1962. Zimbabwe ratified this convention on 30 May 2006. This convention prohibits discrimination related to all aspects of education. Articles 3, 4 and 5 stipulate that states need to eradicate discrimination in matters of education. The convention also implores states to formulate policies that eradicate all forms of discrimination in education. The Convention further imposes an obligation on states to make primary education free and compulsory. The Constitution of Zimbabwe and the Education Act partially complies with the provision of the Convention against Discrimination. Section 75 (2) of the Constitution outlaws discrimination in independent educational institutions and section 56(3) of the Constitution also prohibits discrimination on different grounds including age and social status of children whether born in or out of wedlock. Lastly, Section 4(2) of the Education Act prohibits discrimination on admission at school or discrimination through imposition of onerous obligations on the basis of race, tribe, place of origin, national or ethnic origin, political opinions, colour, creed and gender.

2.7 Sustainable Development Goals

Zimbabwe subscribes to the Sustainable Development goals which run from 2016 up to 2030. The 17 sustainable Goals “build on the successes of the Millennium Development Goals, while include new areas such as climate change, economic inequality, innovation, sustainable consumption, peace and justice, among other priorities.”⁷ The sustainable development goals places obligations on states to improve the welfare of its citizens by eradicating poverty, creating peaceful environments, strong institutions that are accountable, provision of quality education, tacking negative effects of climate change and achieving gender equality. The Ministry of Education’s strategic plan is focusing on achieving the four sustainable goals relating to education. These are; quality education (Goal 4), gender equality (Goal 5), reduced inequality (Goal 10) and peace, justice and strong institutions (Goal 16).

The common thread that can be deduced from the above conventions is that free primary education is a non derogable right. States cannot progressively realise the right to free primary education. Basic funded education constitutes the minimum core content of the right to education and it is an immediate right.

2.8 General comment No 13 on education

The general comment was adopted by the Committee on Economic, Social and Cultural Rights. The general comment interprets and clarifies states obligations in implementing the right to education. The committee emphasised that the right to education should consists of the following core elements:

a) Availability

Availability of education means that conditions necessary for students to learn should exist. In this regard states are obliged to ensure that they create conditions that enable availability of education e.g. provision of buildings that protect from weather elements, ‘sanitation facilities for sexes, safe drinking water, trained teachers receiving domestically competitive salaries and teaching materials’.⁸

b) Accessibility

Accessibility is in three forms namely non discrimination, physical accessibility and financial accessibility. On financial accessibility, the committee emphasised that primary education has to be free for all and states have to progressively introduce free education in tertiary and state institutions as well. Physical accessibility means that the school should be within reasonable walking distance and reach by students. Non- discrimination entails that children should access education without being excluded on grounds such as race, religion, colour, social status and political opinions.

c) Acceptability

This implies that education must be acceptable in terms of cultural beliefs of the local inhabitants. The teaching methods should be acceptable.

d) Adaptability

The element of adaptability entails that education should not be static but should evolve with the society’s changing social and economic needs. Education “has to be flexible so that it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.”⁹

⁷ UNDP Zimbabwe, Sustainable goals available at <http://www.zw.undp.org/content/zimbabwe/en/home/sustainable-development-goals.html> accessed 11 January 2018

⁸ General comment number 13 Para 6

⁹ General Comment 13 Para 6

The general comment outlines the minimum core content of the right to education. The minimum core obligations of the right to education include the duty to ensure right of access to public educational institutions and programmes on a non-discriminatory basis; provision of free primary education, the adoption and implementation of national educational strategy which includes provision for secondary, higher and fundamental education; and to ensure free choice of education without interference from the State. The government of Zimbabwe was able to meet some of the minimum core obligations such as passing legislation that prohibits discrimination in accessing education¹⁰ and adoption of educational strategy. However, the right to free education is yet to be realised. The current legislation on education need to be amended to clearly eliminate discrimination based on financial resources particularly at enrolment stage.

2.2 Zimbabwe's legal framework on the right to education

2.2.1 Constitution of Zimbabwe

Section 75 provides that,

- “(1) Every citizen and permanent resident of Zimbabwe has a right to-
- (a) a basic State-funded education, including adult basic education; and
 - (b) Further education, which the State, through reasonable legislative and other measures, must make progressively available and accessible.
- (2) Every person has the right to establish and maintain, at their own expense, independent educational institutions of reasonable standards, provided they do not discriminate on any ground prohibited by this Constitution.
- (3) A law may provide for the registration of educational institutions referred to in subsection (2) and for the closing of any such institutions that do not meet reasonable standards prescribed for registration.
- (4) The State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of the right set out in subsection (1).”¹¹

Basic education is a broad term which is inclusive of adult education. In its general comment number 13, the committee on Economic, Social and Cultural Rights stated that there is a basic correspondence with primary education and basic education. The committee stated that primary education is the most important component of basic education.¹² In this paper, the term basic education is used interchangeably to mean primary education.

The constitutional provisions should be applauded for making the right to education justiciable. What is lacking for the right to become a reality is the implementation of the constitution. The subordinate legislation on education such as the Education Act is yet to be aligned with the Constitution. However, the process of alignment should not deter the implementation of the right to education. The Constitution already provides that all acts, practices that are inconsistent with the Constitution are invalid. As such pending alignment, there is a need for a national plan of action on how state funded education is going to be achieved.

2.2.2 Education Act Chapter 25: 04

The Act has been amended on numerous times.¹³ The Act provides for the right to education. This Act is however silent on free primary education. Section 4(2) of the Education Act provides that ‘no child shall be refused admission to any school; or be discriminated against by the imposition of onerous terms and conditions in regard to his admission to any school on the grounds of his race, tribe, place of origin, national or ethnic origin, political opinion, colour, creed or gender.’ Although the Act can be interpreted impliedly to protect children from being dismissed from school for nonpayment of fees, the provisions of section 4(2) can be subjected to a lot of interpretation particularly on the meaning of onerous terms and conditions. The Education Act should clearly stipulate that no child shall be refused initial and continuous admission at school for non payment of fees. The Education Act is the parent Act and therefore should comprehensively provide for the right to free primary education.

Section 5 of the Education Act imposes an obligation on parents to send their children to school. It provides that: “It is the objective in Zimbabwe that primary education for every child of school-going age shall be compulsory and to this end it shall be the duty of the parents of any such child to ensure that such child attends primary school.” The obligation to provide compulsory primary education rests on the state in terms of section 75 of the Constitution instead of parents. The Act needs to be amended so that it outlines both state and parents’ obligations in terms of providing basic education. State should provide basic funded education and parents have an obligation to ensure that their children attend school.

¹⁰However, the current laws still need to be amended to include discrimination on the basis of financial resources.

¹¹ See also s29 of the South African Constitution, sections 43 and 53 of the Kenyan constitution

¹²General Comment number 13 Para 9

¹³The Act was amended by the following acts Act 26/1991, Act 24/1994, Act 19/1998 and Act 22/2001

The Education Act is silent on the provision of free enrolment of children in school. Section 10 of the Education Act simply provides for the right to enrolment at a nearest school and if that fails at an alternative school.¹⁴ SI 379 of 1998 only stipulates that the enrolment of students shall be the sole responsibility of the headmaster and SI 70 of 1999 simply regulate the age of enrolment only. Schools are capitalising on this gap by refusing to enrol children without an initial payment. Schools are demanding that the total amount of fees should be paid at enrolment stage. Failure to pay the required amount results in the place being forfeited and awarded to those that have the money.

2.2.3 Statutory instrument 379 / 1998

The SI deals with establishment and operations of the school development associations. One of the functions of the SDA is to regulate the issue of levies at school, recruitment of staff and fundraising.¹⁵ Section 23 of the SI stipulates the maximum levy payable. The SI also stipulates and reinforces the role of government in the realisation of the right to education. It stipulates that it is the duty of the government to pay for tuition fee of the pupils, infrastructure development, recruitment and paying of teachers, provision of text books and financial resources required for the running of the schools.¹⁶ Section 27 of the SI provides that “no child shall be refused admission or attendance at school or be excluded from any activity which is provided for or funded by the association solely on the grounds that the parent or legal guardian of the child has not paid the levy.” The school has a right to institute legal proceedings to claim any outstanding arrears on fees¹⁷. Schools are also not allowed to withhold examination results until the student pays.¹⁸ This statutory instrument suffers from non-implementation as school heads still turn students away if they have not paid fees.¹⁹ Further this statutory instrument protects those that are already in school at the exclusion of drop outs who are seeking enrolment. Just like the Education Act, the SI is silent on issues of free enrolment.

2.2.4 Circular number 5 of 2009

The secretary’s circular minute number 5 of 2009 reiterated the government’s policy of not returning students back home for non payment of fees. It stipulates that ‘as per Government Policy, no child should be excluded from school for non-payment of fees and levies. If parents or guardians do not pay fees or levies then schools should institute legal proceedings against such persons. The Ministry of Education Finance Circular of 6 of 2000 also emphasised that no child should be send back home for non payment of fees. Just like the Education Act and SI 379 of 1998, the circular focus on those that are already enrolled in school and do not clearly articulate on free enrolment.

2.2.5 Ministry of Primary and Secondary Education: Education Sector Strategic Plan 2016 -2020

The Ministry of Primary and Secondary Education unveiled a strategic plan in 2015 which runs from 2016 - 2020. The strategic plan has identified four pillars that are critical to the realisation of the right to basic education in Zimbabwe. The plan identifies the four pillars that will guide the plan as follows.

“(a) Access for all which will include providing adequate infrastructure, opportunity for Non-formal Education (NFE); early identification of children at risk of not entering the system, dropping out or falling behind and strategies to support those unable to meet fee and levy charges.

(b) Quality and relevant learning with the introduction of a competency-based curriculum that includes ICT, STEAM/STEM, Education for Sustainable Development (ESD) and in later years a strong life skills component.

(c) Learner focused to be achieved by building, developing, monitoring and upgrading the professional skills of those teachers already in the profession and by working with the Ministry of Higher and Tertiary Education, Science and Technology Development(MoHTESTD) to have responsive pre-service curricula

¹⁴ One challenge that is presented in the implementation of section 10 is that the zoning system where preference is given to those that reside in the school zone is not followed strictly. Parents may still choose to send the child in different zones because of the differences in school levies. As a result, students from the zone may be deprived of places.

¹⁵Section 6 of SI 3379 of 1998

¹⁶Section 28 of SI 379 of 1998 Education (School Development Association) Government Schools) Regulations 1998

¹⁷Section 26 of SI 379 of 1998

¹⁸This will amount to violation of the child’s right to education.

¹⁹ The Zimbabwe Peace Project revealed that in 2017, at least 14 Primary schools in Harare and Mashonaland Central provinces had send children back home for non payment of fees.

(d) Strong leadership, management and monitoring providing efficient and effective service delivery within an institution that has the right structural framework.”

The strategic plan acknowledges the need for policy and legislation review in line with the Constitution particularly the Education Act. The plan also focuses on preparing and implementing policy on school financing, school feeding and inclusive education.²⁰

The Education strategic plan is alive to the need of enrolling those that are currently out of school through the Non formal education policy(NFE). The strategic plan provides that the

“Non formal education is concerned with

- a) Those that never entered school due to poverty
- b) Those that enrolled for primary education but dropped before completing Grade 7
- c) Children who failed to be enrolled in formal system but wish to continue with secondary education.
- d) Students who wrote ‘O’ level but failed to pass 5 subjects and would like to supplement the subjects failed”

The challenges faced by non- formal education have been identified in the strategic plan as follows:

- a) Fees for participation in NFE programmes which deter people from commencing and possibly continuing classes;
- b) Reduced teaching time available – shorter hours for NFE classes in the afternoons and evenings rather than the normal five hours in formal learning
- c) The introduction of the new curriculum and need to provide teachers with the professional competencies, to prepare materials and teaching strategies;

2.2.6 Inclusive Education Policy

The strategic plan intends to implement the Inclusive Education policy to ensure that children with disabilities are incorporated in the mainstream education. The policy also acknowledges the limited number of schools that accommodate children with special needs.

III. METHODOLOGY

The research adopted a qualitative approach. Engel and Schutt notes that data that are treated as qualitative are mostly written or spoken words or observation that do not have a direct numerical interpretation²¹. Qualitative design is best fit when explaining a topic about which little is known especially from an insider’s perspective and where an in-depth understanding is sought. Qualitative research is also suitable when one is pursuing a topic of sensitivity and emotional depth. According to Padgett, in qualitative research the focus is on flexibility and depth rather than on mathematical probabilities and external validity.²²

The current study targeted people who are underprivileged and cannot pay school fees for their children though they value their children’s right to education who are thronged in Mt Darwin Mashonaland Central Province. The sample for the study comprised 20 participants (12 females parents and 8 male parents) drawn from rural settings. Purposive sampling was used to select participants. Data was collected through non formal unstructured interviews and participant observations. The data were gathered between August 2017 and July 2018. Data were analyzed using thematic content analysis.

IV. DISCUSSIONS ON FINDINGS

The Constitution of Zimbabwe provides a framework for the realisation of the right to basic education under section 75. The major challenge is the lack of implementation of this provision to ensure that children remain in school regardless of their social and economic status. Basic state funded education is an immediate obligation that the government of Zimbabwe is supposed to provide. Lack of adequate resources can never relieve the state of its obligations to provide basic education. Article 28 of the CRC obligates states

“to seek international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.”

This provision acknowledges the challenges that states may face in implementing the right to education. As a result, the government of Zimbabwe should seek assistance from development partners such as UN agencies and

²⁰Page 36 of the strategic plan.

²¹ Engel and Schutt (2009)

non- governmental organisations to ensure free education. In addition, the Ministry of Education should have a specific budget dedicated towards fees payment of children from indigent families.

State funded education is yet to be reality in Zimbabwe and parents solely shoulder the responsibility of providing basic education to their children yet the Constitution and all other human rights obligations to which Zimbabwe ratified places the obligation on the state. The new curriculum is also presenting onerous obligations on parents who are already failing to pay school fees. The report by Newsday revealed that parents are parting with between 70 to 100 dollars on Early Childhood Development requirements.²³ The new curriculum demands have exacerbated the already difficult situation for parents who are grappling with raising school fees. The requirements of the curriculum should be met by the state in order to avoid school drop outs or learners from poor communities being disadvantaged. In an interview (18/09/17) with an old woman taking care of her orphaned children the woman laments that: *HatinaChokutodya nechokupfekedza vana ava ko kuzotiyechikoro*. Translated to mean we do not have food to eat or clothes to wear and what more school fees

Section 37 of SI 379 of 1998 which criminalises the failure to comply with the regulations pertaining to enrolment of children in schools and dismissals for non payment of fees is not being fully implemented.²⁴ The Zimbabwe Peace Project revealed that in 2017, at least 14 Primary schools in Harare and Mashonaland Central provinces had send children back home for non payment of fees.²⁵ 100% of Interviewed parents indicated that schools are demanding full payments at enrolment stage. Failure to pay the required amount, the place will be forfeited. What this implies is that the child is already shut out of the education system at this early stage.

The Ministry of Education's strategic plan is in its 3rd year yet there is a lot that still need to be done in order for the right to basic education to be realised. The slow implementation of the plan may lead to its expiry before basic education is realised.

Further, there is no clarity on how the non formal education system works. The strategic plan simply outlines that the non formal education is targeting the (a) those who never entered school due to poverty (b) Those who enrolled for primary education but dropped before completing Grade 7 (c) Children who failed to be enrolled in formal system but wish to continue with secondary education and d) Students who wrote 'O' level but failed to pass 5 subjects and would like to supplement the subjects failed. The strategic plan is silent on how non formal education is going to work particularly if it is targeting infants and those enrolling for primary education. There are challenges that non-formal learners can face such as unavailability of fees which may hinder enrolment or continuation and inadequate time of learning.

The current legal framework is not explicit pertaining to free enrolment of children at school. The Education Act simply provides for non discrimination of children from admission on general grounds such as race, age, social status. The SIs and circulars discussed above also do not place emphasis on free enrolment or prohibition of school heads from refusing enrolment if the parents have no money. As a result, parents are left at the mercy of the schools which demand full payment before a place is given to a student.

The current framework presents a situation where tuition and levy fees to be paid is left at the discretion of schools depending on the needs of the schools. Schools have the right to charge different development levies and this disparity results in some schools being expensive and unaffordable. This has created a situation where some schools charge exorbitant fees. SI 379 of 1998 and SI of 1992 only regulate the determination of levies by government and non government schools but does not synchronise the levies to be paid at different schools. These have to be set according to classification of schools.²⁶

Despite the promulgation of the Constitution in 2013, the Education Act has not yet been alignment with the constitution. The Education Act still places an obligation to provide education on parents instead of the state in terms of section 75 of the Constitution. The provisions of the Education Act are not in tandem with the reality on the ground where some families are child headed or headed by elderly persons who are unemployed and cannot meet the costs of education in Zimbabwe.

The Constitution of Zimbabwe does not provide for the right to social security in a justiciable bill of rights. The right to social security is provided under the national objectives which are aspirations that the government intent to achieve progressively within the availability of resources. Section 30 of the Constitution stipulates that "the state must take all practical measures, within the limits of the resources available to it to provide social security and social welfare to those who are in need." The failure to provide for a justiciable right to social security creates a lackadaisical approach by the state and leads a situation where social security is viewed as an act of charity instead of an entitlement.

V. CONCLUSION

The research findings revealed that the new constitutional and political dispensation has not improved the realisation of the right to education in Zimbabwe. The government of Zimbabwe is not implementing free basic education as provided under the national Constitution and human rights conventions which the country ratified. Parents are struggling to purchase the required materials under the new education curriculum. As such the new curriculum has exacerbated the financial burden of parents to fund the education of their children which is a state obligation.

VI. RECOMMENDATIONS

Legislative

- There is need for Alignment of the Education Act to the constitution particularly the following sections;
- Section 4 of the Education should be amended so that it clearly provides for free enrollment of children at schools in cases where parents are not able to raise the required fees. It should clearly outline that no child shall be refused admission at school for financial reasons at the initial enrollment and at all material times.
- Section 5 of the Education Act should be amended so that it outlines the government's duty to provide state funded education.
- Government should introduce funded education in primary schools. The fund should pay for those students whose combined income of parents is beyond the poverty datum line threshold set by the consumer council of Zimbabwe.

Competing interests

The authors declare that they have no financial or personal relationship which may have inappropriately influenced them in writing this article.

Authors' Contribution

P. M. drafted the original manuscript, acquired and analysed the data and made the interpretation. H.M. guided the methodology and theoretical framework and critically revised the manuscript. C. M. Revised, edited the manuscript and approved it for publication.

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