



# WOZA MOYA

WOMEN OF ZIMBABWE ARISE (WOZA) August 2016

WOZA means 'Come forward'.

By women for women and with women, across race, colour, creed, class or political persuasion.  
Empowering women to be courageous, caring, committed and in communication with their communities.



Members of Women of Zimbabwe Arise (WOZA) began to campaign for free primary education in 2006 when the WOZA Peoples Charter was written. This campaign followed with a demand for the right to free education in the Zimbabwe Constitution. Expectation was very high when the Bill of Rights also confirmed this right and also allowed for citizens to sue Government if this right is not enjoyed by all children. But in 1991 the government had already signed the *International Covenant on Social, Economic and Cultural Rights (ICESCR)* and under which Zimbabwe had **two** years to progressively realise the right to education for all children. Twenty five years later the state of education has gone backwards showing bad faith. Additionally budget allocations for defense are prioritized over that of educating our children. Government is not at all serious about its obligations to provide free primary education but instead of suing Government we are boycotting paying fees and levies with immediate effect.

According to international human rights standards Government has an **obligation to respect protect and fulfill the right to education**. They agreed to provide '*Compulsory access to primary education*. It should be emphasized, however, that the education offered must be adequate in quality, relevant to the child and must promote the realization of the child's other rights. The provision of free and compulsory basic (primary) education is an urgent basis matter. Government bears the responsibility that no child or young person is without education.

It must be available, accessible and acceptable without charge to the child, parents or guardians. Fees imposed by the Government, the local authorities or the school, and other **direct costs**, take away the enjoyment of the right and will jeopardize its realization. **Indirect costs**, such as compulsory levies on parents are said to be voluntary, but they are NOT voluntary as Debt collectors are sent to collect this money from the homes of parents. Removal of school fees and levies must be urgently actioned by government with citizen engagement so as to develop a supported plan of action.

All economic, socio and cultural (ESC) rights have facets which are termed the '4As'. These refer to **accessibility, availability, adaptability and acceptability (adequacy)**. Imposing school fees by Government and development levies by School Development Associations means education is no longer accessible to the majority of children living in abject poverty. As the '4As' are interdependent and interlinked the government of Zimbabwe must ensure that the removal of fees will enhance accessibility and not in turn negatively affect the acceptability or quality of the right to education.

A policy should be formulated to abolish school fees so that no child is denied access as a result of a lack of ability to pay. In order to effectively abolish school fees and levies there has to be strong political leadership and development of policy for successful implementation. Attention must also be made to the fact that children will come running back to school so there will be increased enrolment and the facilities required to cater for the system such as textbooks, teachers and other materials necessary for learning.

It must be noted that the realisation of the right to education is not only about school fees. The State must ensure that the 4A's are interlinked. The State must ensure that the schools are *accessible* for example- within a physically safe and reasonable distance taking into account persons with disabilities. The school curriculum must be *adaptable* to respond specifically to the current environment and needs of children. Teacher- pupil ratio should be taken into consideration to ensure that the education delivered is *acceptable* and of good quality. Educational institutions must be of a sufficient number to match the population of Zimbabwe in order that education is available for all.

**Section 75 (4) states that 'The State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve progressive realisation of the right set out in subsection (1)'**

The term 'available resources' refers to resources both within the State and those available through international assistance and cooperation not from parents!! Resources for progressive realisation of the right to education must be prioritised in the State budget. Progressive realisation means that Zimbabwe has a specific and ongoing obligation to move as fast as possible. Zimbabwe must therefore at all times act in good faith to fulfil the obligations it has accepted under the Covenant to be accountable to its people.

The Laws relating to the right to education are all contained in the following

- a) The right to education enjoys protection in international law. Section 26 (1) of the *Universal Declaration of Human Rights (UDHR)* provides that, 'Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory...'
- b) The *International Covenant on Social, Economic and Cultural Rights (ICESCR)*, in Article 13(2) (a) and (b), obliges states parties to make primary education compulsory and free, whereas secondary education "shall be made generally available and accessible".
- c) The *Convention on the Rights of the Child (CRC)* provides for the right to education in Article 28. Article 28 (1) (a) places an obligation upon States parties to make primary education compulsory and free, whereas article 28(1) (b) requires states to make secondary education available and accessible to the child.
- d) Article 17 (1) of the *African Charter on Human and Peoples' Rights* stipulates that every individual shall have the right to education.
- e) Zimbabwe has canvassed these international law principles through domestication which means bring these international laws into local laws. The *Zimbabwean Constitution* provides for the right to education in Section 27 which states that '*the State shall take all practical measures to promote free and compulsory basic education for children...*' Further in the declaration of rights, Section 75 entitles '*every citizen and permanent resident of Zimbabwe to a basic State- funded education...*' The Education Act in Section 4 demands that '*every child in Zimbabwe shall have the right to school education*'.

**WOZA Call upon citizens to BOYCOTT paying school fees or levies until the Government of Zimbabwe convene a national dialogue to build consensus on official abolishment of fees and shows GOOD FAITH to progressively realise the right to education. Right now the Government is collecting over 100 million United States dollars from fees and using this to buy weapons to use against YOU. Citizens and Government should be at war together united against poverty and ignorance not FIGHTING EACH OTHER.**

**Recommendation to Government for urgent implementation**

1. Government should prioritise the right to education in the national budget including the convening of regional stakeholder platforms as a build up towards a national dialogue and plan to abolish school fees and levies. The clear and measurable action plan with stipulated time frames and periodic benchmarks for school fees abolition is a good things for the nation to do collectively;
2. Government should be humble in its approach to seek international cooperation and educations must be the PRIORITY for cooperation requests in line with ICESCR;
3. Government should improve existing educational facilities and roll-out a progressive program to construct new infrastructure in order to address such problems as hot seating, overcrowding in classrooms, dilapidated infrastructure, and reduction of teacher- pupil ratios;
4. Government should immediately cancel all primary school debts due to failure by government to respect the right to compulsory free primary education;
5. With immediate effect the government should investigate and penalise teachers or school heads who practice discrimination by chasing children who can't pay fees from schools and allow accessibility by all children;
6. Immediately notify by official communication channels all School Development Committees of Government obligation to fulfil and make available the right to education through a process of engagement with citizens. Instruct them to write off from their books all imposed levies.
7. Tertiary **fees must fall by 2017**, by then the government would have had ample to time to find the looters of the USD 15 billion which should be adequate to realise full enjoyment of this right.