

Development Coordinators and to state whether there are mechanisms in place to monitor their activities.

*[Deferred from 12<sup>th</sup> June, 2019]*

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**NOTICE OF AMENDMENTS**

*Education Amendment Bill, (H B 1, 2019)*

**BY HON. MISIHAIRAMBWI-MUSHONGA CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON PRIMARY AND SECONDARY EDUCATION.**

**Insertion of Preamble to Cap 25:04**

The Principal Act is amended by the insertion after the long title of the following preamble and enacting formula—

“WHEREAS section 75 of the Constitution provides as follows:

**75 Right to education**

*(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).*

NOW, THEREFORE, be it enacted by the Parliament and the President of Zimbabwe as follows—”.

**Amendment of clause 2**

Clause 2 of the Bill is amended—

(a) by the deletion of the definition of “basic state funded education” and the substitution of—

“basic state funded education” means

(a) education from early childhood education up to form four; or

(b) adult education up to form four; or

(c) any other category as may be declared as such by the Minister by Notice in the *Gazette* from time to time:

for which pupils shall not be required to pay fees or levies and the State shall provide them with learning and teaching material, facilities, infrastructure and resources subject to the provisions of section 75 of the constitution;”;

(b) by the insertion of the following definitions;

“child” means a boy or girl under the age of eighteen years;

“public school” means a school established and maintained by the government, including schools run by local authorities; registered private voluntary organisations or faith based organisations to provide education to the public without profit;”;

(c) by the repeal of the definition of “government school” and the substitution of the following—

““Government school” means a school administered and controlled by the national

Government, local authority or any tier of government as established in section 5 of the Constitution;”.

### **Amendment of clause 3**

Clause 3 of the Bill is deleted and substituted by the following—

#### **“3 Amendment of section 4 of Cap 25:04**

Section 4 (“Children’s fundamental right to education in Zimbabwe”) is amended—

(a) by the insertion of the following subsection after subsection (1)—

“(1a) The State shall ensure the provision of sanitary wear and other menstrual health facilities to girls in all schools to promote menstrual health.”.

(b) subsection (2) (b) of the Principal Act is repealed and substituted with the following—

(b) be discriminated against by the imposition of onerous terms and conditions in regard to his or her admission to, suspended, excluded or expelled from any school on the grounds of his or her nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status, or whether they were born in or out of wedlock.”.

### **Amendment of clause 4**

Clause 4 is deleted and substituted by the following—

#### **“4 New section substituted for section 5 of Cap 25:04**

Section 5 (“Compulsory education”), of the Principal Act is repealed and substituted with the following—

#### **5 Compulsory Education**

(1) Every child shall be entitled to compulsory basic state funded education.

(2) Any parent who deprives their child the right to basic state funded education shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding two years.”.

### **Amendment of clause 6**

Clause 6 is amended by the deletion of paragraph (ii) to the proviso of the subsection (3) and the substitution of the following—

“(ii) the head of the school who has not issued a certificate in terms of paragraph (i) shall enrol the child despite his or her being fully enrolled.”.

### **Amendment of clause 9**

Clause 9 is amended by the deletion of subsection (7) and the substitution of the following—

“(7) Every school other than public school shall pay a registration and an annual fee as may be prescribed from time to time by the Minister.

(8) Any person or responsible authority who operates a school other than a public school without paying the registration and annual fees as prescribed in subsection (7) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding two years.”.

### **Amendment of clause 10**

Clause 10 is deleted and the following is substituted—

#### **“10 Amendment of section 25 of Cap 25:04**

Section 25(“Adult education”) of the Principal Act is repealed and substituted by the following—

#### **25 Adult Education**

(1) The Minister shall, subject to the available resources, provide facilities and infrastructure for adult education and other non-formal education.

(2) Every school shall, subject to the available resources, offer adult education and other non-formal education.”.

### **Amendment of clause 12**

Clause 12 is amended by the deletion of paragraph (a) in line 10 and the substitution of the following—

“(a) teach, in addition to English and sign language, any other officially recognised language prescribed for the region in which the school is situated by the Minister from time to time;”.

### **Amendment of clause 14**

Clause 14 is amended by the insertion of the following paragraph after paragraph (n3) in line 32 on page 4—

“(n4) handling of sexual abuse cases in schools.”.

### **Amendment of clause 15**

Clause 15 is amended—

(a) by the deletion of subsection (5) in line 11 on page 5 and the substitution of the following—

“No child shall be subjected to corporal punishment, and whoever administers corporal punishment shall be guilty of an offence and liable upon conviction to a fine

not exceeding level six or to imprisonment for a period not exceeding two years.”.

- (b) by the deletion of sections 68B, 68C and 68D between lines 12 and 32 of page 5 of the Bill and the substitution of the following—

**“68B Pupil with disability**

(1) Every school shall provide infrastructure, learning and teaching materials, facilities and resources, subject to the availability of resources, suitable for use by pupils with disabilities.

(2) The Secretary shall monitor and enter premises of every school for the purposes of ascertaining whether the rights of pupils with disabilities are taken into account during teaching and learning.

(3) Pupils with disabilities, their parents and other interested parties have the right to participate in the planning, implementation and monitoring, including by making presentations to the responsible authority and Secretary, on the infrastructure, facilities, resources and learning and teaching materials suitable for pupils with disabilities.

(4) For the purposes of fees approval, the secretary shall require every registered school to submit a plan highlighting how the school shall advance the rights of pupils with disabilities.

**68C Basic education fund**

An Act of Parliament shall provide for an Education Fund.

**68D Non exclusion of pupils from school**

(1) No pupil shall be excluded from school for non-payment of school fees.

(2) No pupil shall be excluded from school on the basis of pregnancy or disability.

(3) Any person who contravenes subsections (1) and (2) shall be guilty of an offence and liable upon conviction to a fine not exceeding level six or to imprisonment for a period not exceeding two years.

**68E Prohibition of political activities during school time**

(1) No political party activities may be conducted at a school during school time determined by the governing body of the school.

(2) The political party activities contemplated in subsection (1) include, but are not limited to—

(a) campaigning;

(b) conducting rallies;

(c) the distribution of pamphlets and fliers; and

(d) the hanging or putting up of posters and banners.

(3) A member of a political party may not, for the purposes of conducting political party activities encroach on school time.

(4) A school may not allow the display of material of a political party nature on its premises unless such political party material is related to the curriculum at the school.

**68 F Norms and standards for basic infrastructure and capacity in public schools**

(1) The Minister may, after consultation with the Minister of Finance and the Council of Education Ministers, by regulation prescribe minimum uniform norms and standards for—

- (a) school infrastructure;
- (b) capacity of a school in respect of the number of learners a school can admit; and
- (c) the provision of learning and teaching support material.

(2) The norms and standards contemplated in subsection (1) must provide for, but not be limited to, the following—

- (a) in respect of school infrastructure, the availability of—
  - (i) classrooms;
  - (ii) electricity;
  - (iii) water;
  - (iv) sanitation;
  - (v) a library;
  - (vi) laboratories for science, technology, mathematics and life science;
  - (vii) sport and recreational facilities;
  - (viii) electronic connectivity at schools; and
  - (ix) perimeter security;
- (b) in respect of the capacity of a school—
  - (i) the number of teachers and the class size;
  - (ii) quality of performance of a school;
  - (iii) curriculum and extra-curricular choices;
  - (iv) classroom size;
  - (v) utilisation of available classrooms of a school;
- (c) in respect of the provision of learning and teaching support material, the availability of—
  - (i) stationary and supplies;
  - (ii) learning material;
  - (iii) teaching material and equipment;
  - (iv) science, technology, mathematics and life sciences apparatus;
  - (v) electronic equipment; and
  - (vi) school furniture and other school equipment.”.

#### **16 New section inserted in Cap 25:04**

The Principal Act is amended by the insertion of the following section after section 70—

#### **“71 Guiding Principles**

Basic education shall be guided by the principles set out in the Schedule.”.

#### **17 New Schedule to Cap 25:04**

The Principal Act is amended by the insertion of the following Schedule after section 71—

#### **“SCHEDULE (Section 71)**

#### **GUIDING PRINCIPLES**

The provision of basic education shall be guided by the following values and principles—

- (a) the right of every child to free and compulsory basic education;
- (b) equitable access for the youth to basic education and equal access to education or institutions;
- (c) promotion of quality and relevance;
- (d) accountability and democratic decision making within the institutions of basic education;
- (e) protection of every child against discrimination within or by an education department or education or institution on any ground whatsoever;
- (f) protection of the right of every child in a public school to equal standards of education including the medium of instructions used in schools for all children of the same educational level;
- (g) without prejudice to paragraph (f) above, advancement and protection of every child in pre-primary and lower primary level of education to be instructed in the language of his or her choice where this is reasonably practicable;
- (h) encouraging independent and critical thinking; and cultivating skills, disciplines and capacities for reconstruction and development;
- (i) promotion of peace, integration, cohesion, tolerance, and inclusion as an objective in the provision of basic education;
- (j) elimination of hate speech and tribalism through instructions that promote the proper appreciation of ethnic diversity and culture in society;
- (k) imparting relevant knowledge, skills, attitudes and values to learners to foster the spirit and sense of patriotism, nationhood, unity of purpose, togetherness, and respect;
- (l) promotion of good governance, participation and inclusiveness of parents, communities, private sector and other stakeholders in the development and management of basic education;
- (m) transparency and cost effective use of educational resources and sustainable implementation of educational services;
- (n) ensuring human dignity and integrity of persons engaged in the management of basic education;
- (o) promoting the respect for the right of the child's opinion in matters that affect the child;
- (p) elimination of gender discrimination, corporal punishment or any form of cruel and inhuman treatment or torture;
- (q) promoting the protection of the right of the child to protection, participation, development and survival;
- (r) promotion of innovativeness, inventiveness, creativity, technology transfer and an entrepreneurial culture;
- (s) non-discrimination, encouragement and protection of the marginalised, persons with disabilities and those with special needs;

- (t) enhancement of co-operation, consultation and collaboration among the Secretary for Education, Teachers Unions, the National Education Board, the education and training institutions and other related stakeholders on matters related to education; and
  - (u) provision of appropriate human resource, funds, equipment, infrastructure and related resources that meet the needs of every child in basic education.
  - (v) best interests of the children should also take into account the interest of teachers.
  - (w) parents who become members of the School Parents Assembly and School Development Committee shall remain in office for two years for the purpose of continuity.
  - (x) handling pregnant pupils.
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**BILL UNDER CONSIDERATION BY THE PARLIAMENTARY LEGAL  
COMMITTEE**

*Maintenance of Peace and Order Bill-(H.B. 3, 2019)-The Minister of Home Affairs and  
Cultural Heritage (Referred 9th May, 2019).*