
**ENSURING THE RIGHT TO EDUCATION FOR PREGNANT AND PARENTING
GIRLS:**

AN INVESTIGATION OF THE RE-ENTRY POLICY IN KWEKWE, ZIMBABWE

By

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Abstract

Despite the fact that Zimbabwe has been in possession of a school re-entry policy for almost two decades now, adolescent pregnancy has continued to feature in statistics as one of the leading causes of girls dropping out of school. Such a trend, if left unchecked, hampers female empowerment and the sustainable development of the nation. This research is thus aimed at identifying ways to increase the efficacy of Zimbabwe's policy on continuation and re-entry. In order to achieve this objective, provisions of the policy in question were analysed. In addition, several in-depth interviews with actors tasked to implement the policy in selected secondary schools in Kwekwe were carried out. Group discussions and interviews with members of the community in Kwekwe were also conducted. The research revealed that the provisions of the policy are inadequate to the task of ensuring the right of education for pregnant or mothering adolescents. Furthermore, it emerged that ignorance of the policy and its provisions as well as negative attitudes to re-entry and/or continuation within the community and among duty bearers hampered the efficacy of the policy. In response to these findings, it would be prudent to introduce a new re-entry and continuation policy. Furthermore, legislation which makes continuation and re-entry a right and which penalises failure by duty bearers to implement its provisions should be introduced as well. There is also a need for vigorous awareness raising within communities and gender sensitive training for duty bearers within schools in order to address negative attitudes as well as ignorance of the policy.

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Declaration

I Tsitsi Mtukwa do hereby declare that this dissertation is my original work and has not been presented or submitted anywhere else before.

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TSITSI MTUKWA

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DATE

Dedication

I dedicate this work to all the girls and women in Zimbabwe. May your full potential be realized.

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List of acronyms

ACHPR	African Charter on Human and Peoples' Rights
ACRWC	African Charter on the Rights and Welfare of the Child
CAMFED	Campaign for Female Education
CEDAW	Convention on the Elimination of All forms of Discrimination against Women
CRC	Convention on the Rights of the Child
FAWEZI	Forum for African Women Educationalists Zimbabwe Chapter
MoHCC	Ministry of Health and Child Care
UDHR	Universal Declaration of Human Rights
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund

List of international human rights instruments

African Charter on Human and Peoples' Rights (ACHPR)

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

African Charter on the Rights and Welfare of the Child (ACRWC)

Convention on the Elimination of All forms of Discrimination against Women (CEDAW)

Convention on the Rights of the Child (CRC)

Universal Declaration of Human Rights (UDHR)

List of legislation

Kenya

Care and Protection of Child and Parents Bill, 2016 (Kenya)

Zimbabwe

Constitution of Zimbabwe Amendment (No. 20) Act, 2013

Education Act [Chapter 25:04]

List of local policies

Circular Minute P.35 (Appendix 1)

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CHAPTER ONE

1.0 SETTING THE STAGE

“All children and young people of the world, with their individual strengths and weaknesses, with their hopes and expectations, have the right to education. It is not our education systems that have a right to certain types of children. Therefore, it is the school system of a country that must be adjusted to meet the needs of all children.” (B. Lindqvist, UN-Rapporteur, 1994) (UNESCO, 2005)

1.1 Introduction

In the first semester of studying Women’s Law, a group of my class mates and I embarked on a mini field research relating to the issue of child marriage in Zimbabwe. One of the issues that we were investigating in our research was the impact of child marriage on the educational attainment of the girl child. While we were interacting with the residents of Mabvuku, where our research was centred, a number of unexpected revelations emerged from our interviews and group discussions. In numerous instances when we enquired about the prevalence of child marriage in that area, a large proportion of our respondents informed us that underage sex and teenage pregnancy were rife within their community. Furthermore, many of the respondents commented that such pregnancies invariably led to girls dropping out of school. Although I found this all interesting, what truly caught my attention was the comment made by a teacher we interviewed who said that girls continued to drop out of school when they fell pregnant despite the existence of a re-entry policy in Zimbabwe.

I was surprised by this comment because I had personally never heard of a policy allowing pregnant or parenting girls to stay in school after they fell pregnant in Zimbabwe. Thinking that I was one of the few who were unaware of this progressive policy, I asked friends and family whether they knew about these provisions. All the people that I asked, including my younger sister who was in High School at the time, professed their ignorance of them and a number of people assured me that pregnancy within the formal school system was a one-way ticket to expulsion.

After reading some literature on the treatment of pregnant learners in Zimbabwe, I did find references to the topic of a policy of re-entry for pregnant and parenting students. However, my previous lack of awareness regarding this policy, coupled with the lack of awareness of the people I had asked, made me wonder how effectively this policy, which seemed to have

escaped the notice of sections of the public, was being implemented. As a result of this experience, the idea for the present research topic was born.

1.2 Background of the study

The importance of the right to education cannot be overstated. Since the earliest formal recognition of this right in the Universal Declaration of Human Rights (UDHR) in 1948, the right to education has continuously found its place in numerous international and regional human rights treaties the world over. According to the Committee on Economic, Social and Cultural Rights, education is not only a human right ‘in itself’, it is also ‘an empowerment right’ in that it allows an individual to realise other human rights. In other words, part of the value of the right to education lies in the way the right enables people to enjoy other human rights. The Committee further explained that education is the main means by which those who are economically and socially marginalised can escape poverty and also capacitate themselves to fully partake in community life. The right to education is thus indispensable to the empowerment of women (Committee on Economic Social and Cultural Rights, 1999: Paragraph 1).

The right to education is faceted and layered and there are a number of components necessary to its enjoyment. The interrelated and essential features of a right to education as propounded in Article 13(2) of the International Covenant on Economic, Social and Cultural Rights are availability, accessibility, adaptability and acceptability (Committee on Economic Social and Cultural Rights, 1999: Paragraph 6). The application of all the above qualities must be carried out with the paramountcy of the best interests of the student in mind. The elements of adaptability and accessibility are particularly relevant to this research.

Adaptability requires that education be malleable enough to adjust to the requirements of evolving communities and societies and meet the needs of socially and culturally diverse students (Committee on Economic Social and Cultural Rights, 1999: Paragraph 6). The education system should thus respond to the reality of pregnant and parenting adolescents and adjust itself to the needs of these girls. Denying education to such girls cannot be justified by schools claiming that their institutions are not structured to cope with such students. Instead, schools must take the needs of such students into consideration and adjust accordingly (Committee on Economic Social and Cultural Rights, 1999: Paragraph 7).

Accessibility requires that the institutions and programmes of an educational nature be equally accessible to all within the state party's jurisdiction and this element prohibits discrimination (Committee on Economic Social and Cultural Rights, 1999: Paragraph 6). The intersecting dimensions of accessibility are non-discrimination, physical accessibility and economic accessibility. Naturally, non-discrimination is an issue of concern where pregnant girls are concerned. The element of non-discrimination demands *de facto* and *de jure* universal accessibility. In other words, it is not enough to have law and policy that prohibit discrimination, it is also necessary to assure equality on the ground. Non-discrimination also requires that particular care is taken to include the most vulnerable members of society (Committee on Economic Social and Cultural Rights, 1999: Paragraph 6).

Discrimination within education is shown when certain sections of the community find themselves unable to fully enjoy this universal and inalienable right. The Committee on the Elimination of All forms of Discrimination Against Women (CEDAW) has noted that girls and women face disproportional discrimination “during the schooling process in access, retention, completion, treatment, learning outcomes as well as in career choices,”and this leads to girls and women suffering disadvantage in numerous other spheres of their lives (Committee on the Elimination of Discrimination against Women, 2017: 2). Pregnant or parenting adolescents are an example of a group that has often found itself excluded from enjoying its right to an education. Numerous countries have in the past, and even to this day, expelled girls who they have discovered to be pregnant. The introduction of continuation/re-admission/re-entry policies was born out of the need to ensure that pregnant or parenting girls are not prevented from fully enjoying their right to education.

In 1999, Zimbabwe introduced a provision within a circular (Circular Minute P.35) relating to discipline in schools that seemingly allowed pregnant girls to take leave from school to give birth before returning to continue their education. Despite the existence of this provision and years later, pregnancy still continues to feature prominently as one of the factors that causes girls to drop out of school.

1.3 Statement of the Problem

In terms of Circular Minute P.35, pregnant school girls in Zimbabwe are in a position to take leave from school in order to give birth and later re-enrol in the same grade or form that they were in before taking leave. The re-admission and continuation of pregnant and parenting girls is supported by Constitutional, legislative and human rights provisions which guarantee

the right to education for all children and prohibit discrimination on grounds such as pregnancy. In addition, the Ministry of Primary and Secondary Education counts the provision of inclusive Secondary Education as a part of its mission. Despite the existence of these provisions, statistics often place pregnancy among the top three causes of girls dropping out of school. In response to this problem, this research investigates the ways in which Circular Minute P.35 is being implemented in secondary schools in Kwekwe with the intention of identifying barriers to its effective implementation and making suitable recommendations to improve the lot of pregnant and parenting secondary school learners.

1.4 Objectives of the study

The objectives of this research are therefore to assess the effectiveness of Zimbabwe's re-entry policy as a means of ensuring that pregnant and mothering adolescents continue their schooling. In assessing the effectiveness of this policy, I aim to identify obstacles to keeping such girls in school and thus recommend ways in which the system should be improved. In order to achieve these objectives, I formulated the following research assumptions and questions.

1.4.1 Research Assumptions

1. That all girls have a human right entitlement to education.
2. That the response to teenage pregnancies of high school girls in Zimbabwe perpetuates gender inequality.
3. That Zimbabwe has a policy (circular) that allows pregnant or mothering high school learners to continue their education as a strategy to keep girls in school.
4. That despite the existence of the re-entry policy, teenage pregnancy is still one of the main causes of girls dropping out of (high) school in Zimbabwe because of societal attitudes and attitudes of government officials that prevent girls from returning to school.
5. That communities are not sufficiently aware/informed about the re-entry policy.
6. That the re-entry policy is not being fully implemented and utilised in schools.

The corresponding research questions are as follows.

1.4.2 Research Questions

1. Do all girls have a human right entitlement to education?

2. Is gender inequality perpetuated by the response to teenage pregnancies of high school girls?
3. Does Zimbabwe have a policy (circular) that allows pregnant/mothering high school learners to continue their education as a strategy to keep girls in school?
4. Despite the existence of the re-entry policy, is teenage pregnancy still one of the main causes of girls dropping out of (high) school in Zimbabwe because of societal attitudes and attitudes of government officials that prevent girls from returning to school?
5. Are communities sufficiently aware of/informed about the re-entry policy?
6. Is the re-entry policy being fully implemented and utilised in schools?

1.5 Study Demarcation

This research was largely confined to the Kwekwe urban area. The six schools that I visited were either located in Kwekwe town or the high density area in Kwekwe and the individual interviews and focus group discussion took place in Kwekwe town or in Mbizo, a high density area in Kwekwe.

Besides the school staff that I interviewed, the majority of the other key respondents were also located in Kwekwe such as officials at the Ministry of Primary and Secondary Education Kwekwe District Office as well as an official at the Ministry of Women Affairs, Gender and Development. There were only two exceptions regarding this research being confined to Kwekwe. The first of these is the interview that I conducted at the Forum for African Women Educationalists Zimbabwe Chapter¹ (FAWEZI) which has its main offices in Harare, hence the need to carry out the interview in Harare. The other exception was a lady living in Harare who had also carried out research on the re-entry policy from whom I hoped to gain more insight into the research topic.

1.6 Study Limitations

This research is limited to the right to education of girls who drop out of school due to pregnancy. The situation of adolescent fathers is not considered, except to the extent it relates to adolescent mothers, since research shows that girls are disproportionately affected by adolescent pregnancy. The right to education is made up of numerous elements but this work focuses on the particularly applicable elements of accessibility and adaptability in relation to of the right for pregnant or mothering girls.

¹ Called FAWEZI.

The girls I focus on are children² who are in secondary school. Since children in Zimbabwe usually start secondary school at the age of thirteen and complete upper secondary school at the age of eighteen, I focused on children aged between thirteen and eighteen. Therefore, references in this work to adolescents and teenagers refer to girls and boys falling within this age group.

In considering the right to education of these girls, I concentrate on investigation and analysis of the content, implementation and utilisation of Zimbabwe's policy on re-entry, particularly in the light of human rights principles. Although Zimbabwe has put in place non-formal/second chance education as an alternative pathway to learners who have never attended school or have dropped out, this research is limited to consideration of the formal education system and the re-entry policy since the policy specifically applies to pregnancy related school drop outs.

1.7 Chapter Summary

This research is divided into five chapters as follows. This chapter sets out the general background and context of the research including its objectives, assumptions and questions. Chapter 2 outlines the theoretical framework that formed the foundation of this research and provided a guide for analysing the research problem and findings, and the methodology which guided the research process. Chapter 3 sets out the legal basis of the human right entitlement of pregnant and mothering girls to an education. Chapter 4 consists of a presentation, discussion and analysis of the findings I made regarding the content of the policy and the manner in which the provisions of this policy are being implemented in the selected schools in Kwekwe. Building upon the investigation of the implementation of the policy in the previous chapter, Chapter 5 considers some of the obstacles that may hamper the full utilisation and implementation of the policy. Finally chapter 6 states the conclusions and recommendations drawn from the research findings.

² Section 81(1) of the Constitution of Zimbabwe Amendment (No. 20) Act, 2013 (called the Constitution) recognizes a child as a boy or girl under the age of eighteen.

CHAPTER TWO

2.0 THEORETICAL AND METHODOLOGICAL FRAMEWORK

2.1 Introduction

The previous chapter set the stage of this research by indicating the inspiration for this work, the significance of the right to education in the empowerment of women and what I hope to achieve through the findings. In this chapter I will set out the key concepts used in this research and the theoretical framework that I utilised to explain the existence of the research problem, namely, why teenage pregnancies continue to cause girls to drop out of school despite the existence of a re-entry policy. This chapter also presents the methodological framework of this research which indicates the processes that influenced the nature of the data that I ultimately collected.

Due to the focus of this study on gender inequality and the rights of girls and the decision to adopt a human rights approach to the right to education of adolescent mothers, feminist theories such as radical feminism and social construction feminism, a gender and sex analysis and the human rights and actors and structures approach will be used to consider and explain the plight of school girls who fall pregnant. The concept of legal pluralism will also be particularly useful in locating the research problem within the context of the continuous struggle for dominance between the rules generated by state law and those generated by semi-autonomous social fields. Lastly, this chapter will also take a look at the various data collection methods chosen to carry out the research and their utility in gathering the required data.

2.2 Definition of key concepts

Gender and sex. Sex refers to the physical and biological characteristics that distinguish males from females while gender refers to roles, behaviours, activities and attributes considered suitable for men and women within a particular society at a particular time (UN Women). In other words, gender is a social construct that attributes certain traits to either sex as the acceptable/preferred norm. Understanding these two concepts forms an important background to this research since the argument is made that gender roles lead to child care being disproportionately borne by girls.

Gender Equality. This refers to the equal rights, responsibilities and opportunities of women and men and girls and boys (UN Women). In the context of the present research, I mainly considered this concept from the perspective of according equal responsibilities to both parents where pregnancy occurs and allowing adolescent mothers equal rights and opportunities in and through education, as adolescent fathers and other children generally.

Government School. According to section 2 of the Education Act [Chapter 25:04], a Government school is one that is “administered and controlled by the Ministry.”

Inclusion. The concept of inclusion in the context of taking a rights-based approach to education requires the state to acknowledge its responsibility to provide the right to education to all children without exception.

Non-Government School. According to section 2 of the Education Act, a non-Government school “means any school which is not a Government school, whether or not it receives aid from the State.”

Patriarchy. The term patriarchy refers to a traditional way of arranging society which is frequently seen as forming the basis for gender inequality. A patriarchal social system accords importance to perceived masculine attributes as compared to perceived feminine ones.

Teenage/Adolescent Pregnancy. According to UNICEF, ‘teenage pregnancy’ is defined as a girl, usually within the ages of 13-19 becoming pregnant. They also note that within everyday speech the term refers to girls who become pregnant before reaching legal adulthood (UNICEF, 2008: 1). In a report on the state of the world’s children by UNICEF, individuals between the ages of 10-19 were referred to as adolescents (UNICEF, 2011: 2).

In this work, considering the fact that in Zimbabwe a child is anyone under the age of eighteen³ and the fact that secondary school pupils usually fall between the ages of 13 and 18, reference to teenage or adolescent pregnancy refers to pregnancy of children falling within this age group.

³ Section 81(1) of the Constitution.

2.3 Theoretical Framework: Feminist Theories

2.3.1 Radical Feminism: The Myth of Biological Motherhood

According to radical feminism, the cause of gender inequality is patriarchy which refers to the prevalent oppression and exploitation of women by men (Lorber: 16). Patriarchy is founded on the belief that women are different from and inferior to men and since this belief is allegedly entrenched in most men's consciousness, patriarchy is difficult to eradicate (Lorber: 16). The patriarchal system, characterised by 'power, dominance, hierarchy and competition' must be completely uprooted and this necessitates overturning not only patriarchy's legal and political structures but also social and cultural institutions such as the family, the church and the academy (Tong, 1989: 3).

Some radical feminists have made a case against biological motherhood as the source of the oppression of women. Ann Oakley viewed motherhood as a myth based on beliefs that, "all women need to be mothers, all mothers need their children, all children need their mothers" (Tong, 1989: 84-85).

The assertion that 'all women need to be mothers' stems from the argument that girls are socialised - in the way they are given dolls to play with; in the way motherhood is praised through churches, schools and the media; in the way attempts are made to transform 'masculine' girls who do not relish the idea of motherhood into 'feminine' girls who welcome the opportunity to be mothers - so that they perceive motherhood as a prerequisite to experiencing a feeling of self-worth. The claim that all mothers need their children presupposes that all women experience the desire to biologically give birth or that mothers are drawn to their babies after birth by hormones. This assertion takes for granted the existence of a maternal instinct in all women. Oakley on the other hand argues that the need to mother is a culturally induced instinct (Tong, 1989: 85). According to Oakley, the most oppressive feature of this myth of biological motherhood is found in the third and last assertion that children need their mothers. Three assumptions underpin this assertion. Firstly, there is the assumption that children must be cared for by biological as opposed to social mothers. Secondly, the assumption is that children, especially the young, cannot do without the dedicated care of their mothers as opposed to that of their fathers. Lastly, the assumption is that children only need one person to care for them (Tong, 1989: 85-86).

The second and third assumptions that impose the duty of childcare almost exclusively on biological mothers is what attracted my attention. The oppressive nature of the myth of

biological motherhood is likely to be experienced more keenly by a child who finds herself a mother. The burden of motherhood, which is exacting enough for an adult woman, is likely to be doubly challenging for a minor. This is because the myth of biological motherhood appears to be so strong that being a minor does not necessarily exempt a female from her perceived duty to care for her child. The belief that fathers are not qualified to provide the ‘dedicated’ care that a mother can may be one of the reasons why adolescent mothers find themselves disproportionately affected by parenthood as compared to adolescent fathers. As a result, when girls fall pregnant, the duties of motherhood may be one of the reasons that they need to drop out of school. As one respondent commented when I asked him whether girls who fall pregnant can continue going to school, ‘Even if the school authorities were to allow such a thing, it would be difficult for her to go since she is now a mother.’ However, this does not need to be case. Whether the father of the child is a fellow pupil or an older man, the duties of child care should not fall solely on the shoulders of the mother of the child. There is a need to challenge the assumptions that tie mothers to their children.

2.3.2 Social Construction Feminism: Law and policy versus the institution of Gender

Social construction feminism focuses on the ‘structure of the gendered social order as a whole’ and views gender as an institution that pervades the whole of society and forms part of the fabric of every key societal organisation (Lorber: 29). The distribution of privileges, economic resources and power are regulated by gender. Gender also informs norms and expectations that women and men internalise and allow to dictate their actions. The social differentiation between men and women becomes a tool to ‘justify’ discrimination between the sexes (Lorber: 29). This theory resonated deeply with me as I embarked on this research since I believed that girls who fell pregnant in schools were unfairly treated, especially in comparison to the treatment of boys who may have impregnated them, and that this unfair treatment was due to the gendered expectations attached to being female.

Social construction feminism identifies social processes that produce gender differences. An example of this is assigning certain tasks within the home, such as child care and housework, to women (Lorber: 30). Such gendered allocation of labour in the home can have far-reaching consequences. As far as the issue of adolescent pregnancy is concerned, the allocation of child care to women may mean that when girls fall pregnant in school the burden of looking after the child is likely to fall squarely/disproportionally on their shoulders as opposed to the

father of the child. This in turn may be a factor leading to pregnancy curtailing educational attainment for girls at a higher rate than it does for boys.

According to the social construction feminist perspective, ‘the processes of gender differentiation, approval of accepted gendered behaviour and appearance, and disapproval of deviations from established norms are all manifestations of power and social control’ (Lorber: 30). One of the tools used to prevent deviation from the *status quo* is religion which utilises moral condemnation and stigmatisation and labels such as ‘sinful’ to ensure social compliance (Lorber: 30). An interview that I conducted with a Reverend of an Anglican church illustrated the ways in which religion can express disapproval of the behaviour of ‘sinners’ who fall out of line. This may take the form of barring girls who fall pregnant outside of wedlock from joining church groups that they would have been eligible to join had they not fallen pregnant, such as the St Agnes Guild.

With regard to sexuality, social construction feminism scrutinizes the cultural and historical settings within which sexuality is learnt and the types that are approved. The theory notes that acceptable sexual behaviours and taboos differ for men and women in varying social groups depending on time and place. Thus cultural values and social pressures determine and enforce acceptable sexuality (Lorber: 30). In the case of girls who fall pregnant while still attending school, such pregnancies are generally frowned upon and may be considered an indication of poor moral fibre. However, the way in which sexual behaviours and taboos differ for men and women is exemplified by the more lenient attitude adopted towards the boy or man who caused the pregnancy.

Therefore, although there may be laws and policies in place that indicate that it is acceptable for pregnant and mothering girls to attend school, the social institution of gender will make it difficult for girls to do so since such behaviour flies in the face of acceptable cultural, social or religious norms. Those girls who attempt to access their rights may find themselves on the receiving end of overt disapproval from teachers at schools and merciless taunts from their peers. One of the respondents indicated that when she carried out her own research she was informed that pupils sometimes called girls who had returned to school after falling pregnant ‘jersey cows’. Such hurtful comments may cause some girls to opt out of school rather than endure then in their continued struggle to realise their right to education.

2.4 Methodological Framework

2.4.1 The Human Rights and Actors and Structures Approach

This research is underpinned by the idea that all children, including pregnant or mothering girls, have a human right entitlement to education and that some of these girls are being denied this right. As a result, the Human Rights Approach was a natural choice for this research.

The significance of the Human Rights Approach lay in considering teenage pregnancy from the perspective of the rights that pregnant and mothering adolescents (rights holders) have to their education, on the one hand, while considering the obligations placed on duty bearers (actors that are involved) such as the State and its organs to fulfil, protect and respect these rights, on the other. Viewing the state and its various organs and institutions as not only duty bearers with an obligation towards pregnant and mothering adolescents, but also as actors interacting with various structures in ways that may prohibit girls from accessing their education, led me to use the Actors and Structures Approach in conjunction with the Human Rights Approach.

In considering how actors such as school heads and teachers were interacting with the policy, I discovered that there were various reasons why the policy may not be implemented well by relevant actors. These reasons ranged from discovering that the Head of the Guidance and Counselling Department at one school was completely unaware of the role she was expected to play by the Ministry of Primary and Secondary Education in the implementation of the policy, to a complete lack of awareness of the policy by some teachers at other schools. The failure of certain actors to effectively implement the policy and thus facilitate the access by all girls to their human right entitlement to education will then naturally inhibit the state in fulfilling its obligations.

2.4.2 Gender and Sex Analysis

In this research, the Gender and Sex Analysis served as a tool to determine which sex is more affected when adolescents are impregnated in schools. According to the United Nations Entity for Gender Equality and Empowerment, gender denotes ‘social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys’ (UN Women). The attributes, opportunities and relationships referred to above are a social creation, which individuals acquire through processes of

socialisation (UN Women). The importance of gender can thus not be over-emphasised as it determines what is permitted, treasured and expected from both sexes in particular circumstances (UN Women).

Before I entered the field I assumed it was obvious that since girls are the ones who fall pregnant they are more affected by pregnancy than the male counterparts who impregnate them. My assumption that gender inequality is perpetuated by the response to adolescent teenage pregnancy in schools was informed by gender roles which make girls the primary care givers for children. The result of this is that when girls fall pregnant in school their responsibilities as mothers make it difficult for them to continue with their schooling.

Since this is what I had in mind, I asked respondents in the field about the treatment of boys who impregnate girls, as per the policy. Although I was informed at the Ministry of Primary and Secondary Education that both students are supposed to go on “maternity and paternity leave” while the girl is giving birth, a number of school heads and teachers informed me that in such situations the boy’s studies are not affected by the girl’s pregnancy. Boys are often able to continue their studies uninterrupted while girls are left to face the consequences of the pregnancy.

2.4.3 Legal pluralism

While studying post-colonial societies scholars have noted that the imposition of European colonial rule gave rise to a plurality of legal orders since colonised societies naturally possessed indigenous laws of self-regulation (Merry, 1988: 869). Legal pluralism has generally been defined as “a situation in which two or more legal systems co-exist in the same social field” (Merry, 1988: 870). Griffiths has made a distinction between the ‘weak sense’ and the ‘strong sense’ of legal pluralism. The weak sense exists within the ideology of legal centralism. According to this ideology, “law is and should be the law of the state, uniform for all persons, exclusive of all other law and administered by a single set of state institutions” (Griffiths, 1986: 3). Inferior normative orders, such as the church and family, are supposed to be and are in fact hierarchically subordinate to the law and institutions of the state (Griffiths, 1986: 3). According to the weak sense of legal pluralism, therefore, a pluralistic system is characterised by the recognition of different bodies of law for diverse sections of the population by the overarching and controlling state legal system (Griffiths, 1986: 5).

On the other hand, the strong sense of legal pluralism denotes the factual legal situation as opposed to the myth or ideal posed by the ideology of legal centralism. The strong sense of legal pluralism, with which this research is concerned, recognises that law is not systematic or uniform because not all law is state law or administered by a single set of state legal institutions (Griffiths, 1986: 5). A common conception of legal pluralism, the semi-autonomous social field, has been described by Moore as one that can produce its own rules, customs and symbols but is also susceptible to the influence of external rules and decisions which originate from the surrounding world (Moore, 1973: 720). The semi-autonomous social field not only has the capacity to make rules but also the wherewithal to induce or coerce compliance (Moore, 1973: 720). The importance of this concept lies in its emphasis on the existence of various legal orders which may influence the operation of each other. It has been noted that Africa's plural legal context often results in the efficacy of the law being restricted due to semi-autonomous social fields such as culture and religion (Tsanga and Stewart, 2011: 10).

The concept of strong legal pluralism generally, and the semi-autonomous social fields specifically, strongly influenced this research. Based on these concepts, I assumed that despite the existence of Constitutional provisions, human rights principles and a policy according to which pregnant or mothering girls have a right to education, normative orders, such as the church and the family, will affect access to education of pregnant adolescents. This assumption was based on the idea that despite these legal provisions, other legal orders exist which may restrict the efficacy of the law in ensuring this right. This assumption was confirmed by a number of respondents who informed me that having pregnant girls or mothers learning with 'innocent' children was culturally unacceptable. As a result, despite what state law was providing, there were in some instances culturally generated rules operating in opposition to the re-entry policy thus limiting its efficacy.

2.5 Data Collection Methods

2.5.1 In-depth Interviews with key respondents

In-depth interviews were carried out with respondents selected for the specialised knowledge they were likely to possess due to their employment or work that they had done concerning the re-entry policy. These interviews were aimed at gaining insight into the Zimbabwean government's approach in relation to girls who fall pregnant while still attending school. The interviews were also carried out in order to establish how effectively the policy was being

implemented by the various stakeholders involved within the education sector. The in-depth interviews I carried out are illustrated in Table 1.

Interviewees	Female	Male	Total
School Heads	1	3	4
Heads of Guidance and Counselling Departments	3	0	3
Teachers	2	2	4
Ministry of Primary and Secondary Education	0	2	2
Ministry of Women Affairs, Gender and Community Development	0	1	1
FAWEZI	1	0	1
Researcher	1	0	1
Total	8	8	16

Table 1: Key Respondents Interviewed

2.5.2 Individual Interviews

I carried out individual interviews with randomly selected interviewees mainly as a means of establishing the level of awareness within the community surrounding the Ministry policy. To carry out these interviews I approached members of the public within Kwekwe who were in their homes, walking in the streets or vending their goods. The interviews I carried out are reflected in the Table 2.

Interviewees	Female	Male	Total
Kwekwe Residents	7	3	10
Religious Leader	0	1	1
Total	7	4	11

Table 2 : Individual Interviews Conducted

2.5.3 Focus Group Discussion

I carried out a focus group discussion with five women who all work at the Kwekwe Magistrate’s Court as support staff. The respondents all had children who were either still attending high school and/or who had just finished their high school education. As parents of children who were at the age to be affected by adolescent pregnancy, I thought they would give me a good indication of the level of awareness among members of the community who should have a particular interest in the existence of such a policy. The group discussion was useful in that it gave the participants the chance to discuss and debate the issues at length thus giving deeper insight into the reasons for the opinions expressed.

2.5.4 Group Discussion

At one of the houses that I visited in Mbizo Section 16, I found a woman shelling maize on the veranda of her house and I asked her to grant me an interview. Within no time at all, what started out as an individual interview turned into a group discussion as two more people trickled out of the house and joined our conversation on the veranda. A young man in the house also joined our discussion, leaning eagerly out of a window overhanging the veranda to make sure that his view was also heard.

2.5.5 Observation

I mainly used observation at the schools and government ministries that I visited. As I moved around the schools I scrutinised their walls for posters or notices that spoke to the issue of teenage pregnancy and the re-entry policy. This was an attempt to gauge the attempts that were being made to raise awareness regarding these issues and to discover any evidence of awareness campaigns that the Ministries may have undertaken regarding the re-admission of

pregnant or mothering adolescents. I also considered the atmosphere in the schools and the relationships between staff and students hoping to see whether the atmosphere that was created at the schools was conducive to openness between students and their teachers on issues such as pregnancy. For example, at one school that I visited I found myself, along with other unsuspecting members of the public visiting the school, witnessing the public humiliation of a male and female pupil who had reportedly been seen kissing by other pupils. The way in which the matter was handled did not give me much confidence in the school's ability to handle delicate situations confidentially.

2.6 Assessment of methodology

The data collection methods mentioned above greatly assisted me in this research. The combination of the in-depth interviews with key respondents and the individual interviews that I carried out with randomly selected members of the public gave me an opportunity to triangulate the data quite effectively. For example, after discussing the issue of community awareness of the policy with one key respondent and being informed that the community in urban areas is well aware of the policy, it was interesting to find that none of the randomly picked interviewees were aware that there was a continuation and/or re-entry policy in Zimbabwe. Group discussions were particularly useful regarding the issue of societal attitudes to adolescent pregnancy because participants debated issues and revealed, in greater depth than individual interviewees did, the underlying rationale for their perceptions.

2.7 Conclusion

This chapter illustrated some of the foundational aspects that provided a theoretical and methodological framework for this research. Key concepts to be used in this work were also defined. I laid the foundation for my enquiry into societal attitudes as a barrier to the successful implementation of the policy by considering the effects of patriarchy and the 'myth of biological motherhood' which traps women in roles of child care and maternity on educational access for pregnant learners. I also utilised the theory of social construction feminism to interrogate gender as a social institution which dictates the distribution of rights and responsibilities. Similar to legal pluralism, which argues that the existence of semi-autonomous social fields may limit the efficacy of state law, social construction feminism also identifies religion and culture as tools that can be used to ensure compliance with rules generated within fields. I used these arguments to proffer possible reasons why the policy may not be having the desired results. The gender and sex analysis was closely linked to

these theories and it encouraged me to investigate how adolescent mothers may be treated differently from adolescent fathers by the education sector.

The human rights approach and actors and structures approach not only directed me towards the responsible duty bearers that I would need to engage with but it also suggested the 'rights-based approach' to education as a model that I could use in analysing the education sector's response in Zimbabwe. Having set out the theoretical and methodological framework in this chapter, the next chapter will illustrate how the rights-based approach assisted in interrogating the right to education for pregnant and mothering adolescents.

CHAPTER THREE

3.0 EDUCATION AS A HUMAN RIGHT ENTITLEMENT FOR ALL GIRLS

3.1 Introduction

In the previous chapter I considered the theories and methods that underpin this research. The present chapter seeks to indicate the basis of the right of all children to an education. In order to achieve this, I will explain and adopt a rights-based approach to education and subsequently look at the legal framework in Zimbabwe in light of the obligations imposed by such an approach. I will also consider the various human rights instruments ratified by Zimbabwe that entitle all girls to education.

3.2 A rights-based approach to education

It may seem obvious that all children, including pregnant or mothering girls, are entitled to pursue an education. However, despite the various legal provisions and human rights instruments that attest to this, one might be surprised to find that for some girls falling pregnant sounds the death knell for their educational aspirations. In order to ensure that individuals enjoy their human right entitlement to education, UNICEF and UNESCO have recommended a rights-based approach to education. Such an approach concentrates on each person's inalienable human rights and on the duty of the government to fulfil, protect and respect these human rights (UNICEF/UNESCO, 2007: 2). A human rights-based approach to children's education aims to guarantee a quality education that respects and upholds the right of every girl and boy to dignity and the highest level of development (UNICEF/UNESCO, 2007: 1). It necessitates formulating approaches that will extend education to even the most marginalised children (UNICEF/UNESCO, 2007: 2).

A number of principles inform a rights-based approach. One of them is the universality and inalienability of human rights. This means that human rights are inherent in every human being by virtue of their humanity and that they cannot be taken away or given up. In the present case the fact that a girl falls pregnant cannot nullify her entitlement to obtain an education since the right to education is not dependent on an individual acting or refraining from acting in a certain way in order to enjoy the right. Another principle informing the rights-based approach is that of equality and non-discrimination. Use of the rights-based approach necessitates specific attention to tackling discrimination and inequality

(UNICEF/UNESCO, 2007: 10). By virtue of the principle of equality and non-discrimination, pregnant and mothering girls have a right to education just like any other child who is not pregnant or not a mother and are entitled to this right without discrimination.

When considering the principles of equality and non-discrimination it is important to remember that, according to UNESCO, inclusion is also one of the principles upon which a rights-based approach to education is established (UNESCO, 2005: 12). The process of inclusion aims at addressing and responding to the myriad requirements of the totality of learners. Inclusion naturally also necessitates the reduction of exclusion from and within education (UNESCO, 2005: 13). In order to achieve inclusion, content, methods, structures and policies must be altered and adjusted in line with the belief and principle that the regular system is the one that holds the responsibility to provide the right to education to every single child (UNESCO, 2005: 13). The self-proclaimed mission of the Ministry of Primary and Secondary Education in Zimbabwe is to “promote and facilitate the provision of high quality, *inclusive* and relevant ... Secondary Education” (Ministry of Primary and Secondary Education, Zimbabwe, 2018). This mission thus requires that the Ministry keep in mind what is required by the principle of inclusivity as it has been envisioned in relation to the right to education.

Zimbabwe has ratified a considerable number of international and regional human rights instruments that relate to the right to education. By ratifying these human rights instruments, Zimbabwe has adopted obligations towards the rights holders to fulfil, respect and protect their right to education. Fulfilment of the right to education requires the state to guarantee the availability of education for all children and the adoption of positive measures to enable children to benefit from education (UNICEF/UNESCO, 2007: 39). Respecting the right to education obliges the state to avoid acts that thwart children’s access to education (UNICEF/UNESCO, 2007: 39). In order to protect the right to education the state must do what is necessary to eliminate the obstacles to education emanating from individuals and communities such as cultural barriers or mistreatment in the school setting. One of the ways to satisfy the above obligations is by the creation of a robust legislative framework. (UNICEF/UNESCO, 2007: 39).

3.3 The Zimbabwean Legal Framework

A number of legislative measures are recommended in order to establish a robust legislative framework. Some examples are providing education as a right for all children, addressing the

elimination of discrimination, and introducing the principle of the best interests of the child into the relevant legislation (UNICEF/UNESCO, 2007: 52)

The supreme law of the land in Zimbabwe, the Constitution of Zimbabwe Amendment (No.20) Act 2013 (the Constitution) recognises the equal right of *all* children to an education. Section 81(1)(f) of the Constitution provides that every child has the right to education. The section specifies that a child is any girl and boy under the age of eighteen years. By making education a right for all children, this provision satisfies one of the elements required for a robust legislative framework.

The right to equality is enshrined in section 56 of the Constitution which recognises the equality of every person and prohibits, in section 56(3), unfair discrimination on grounds of pregnancy, sex, gender and marital status, among others. The addition of pregnancy as a forbidden ground is clearly important as far as the entitlement of pregnant girls to an education is concerned. Read together, sections 81 and 56 of the Constitution prohibit the expulsion and exclusion of girls from schools on the ground of pregnancy unless this can be proven to be “fair, reasonable and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom”.

The principle of the best interest of the child is also enshrined in the Zimbabwean Constitution with section 81(2) stating that ‘a child’s best interests are paramount in every matter concerning the child’. Along with strengthening Zimbabwe’s legal framework in relation to the right to education, the above provisions clearly establish a human right entitlement to education for pregnant and mothering girls.

Apart from the abovementioned provisions of the Constitution, pregnant and mothering girls in Zimbabwe are further entitled to an education in terms of section 4 of the Education Act [Chapter 25:04] which accords *every child in Zimbabwe*⁴ the fundamental right to school education. Outside the ambit of Zimbabwe’s local legislation, the country has ratified numerous human rights instruments that place an obligation on the country to respect, protect and fulfil the right to education for all children.

3.4 Regional human rights instruments

Within the African context, the rights to an education, equality and non-discrimination and the principle of the best interests of the child have been enshrined in numerous African

⁴ My emphasis.

human rights instruments. Article 17 of the African Charter on Human and Peoples Rights⁵ and Article 11 of African Charter on the Rights and Welfare of the Child⁶ recognise the right of every individual and every child to education, respectively. Article 2 of the ACHPR recognises the entitlement of every individual to enjoy the rights in the Charter without distinction of any kind. Article 3 of the ACRWC entitles all children to the rights contained therein irrespective of any status. Article 4(1) of the ACRWC protects the best interests of the child as the primary consideration in actions concerning the child undertaken by any person or authority. The effect of these instruments is to guarantee girls who fall pregnant the right to education and the consideration of their best interests in responses to their situation by the education sector.

3.5 International human rights instruments

Within the international arena, the adoption of the Universal Declaration of Human Rights (UDHR) in 1948 heralded the formal acknowledgement of education as a human right (UNICEF/UNESCO, 2007: 6). Article 26 of this Declaration provides that everyone has the right to education. The recognition of education as a human right has subsequently been affirmed in various subsequent international treaties. Article 13(1) of the International Covenant on Economic and Social Rights and Article 28(1) of the Convention on the Rights of the Child⁷ recognise the right of everyone and the child to education, respectively. The concept of the right to education is reinforced by the CRC which requires consideration of the four core principles of the Convention in its implementation.

The core principles of the CRC are “non-discrimination; the best interests of the child; the right to life, survival and development of the child to the maximum extent of possible; and the right of children to express their views in all matters affecting them and for their views to be given due weight in accordance with their age and maturity” (UNICEF/UNESCO, 2007: 8). Article 2(1) of the CRC specifically makes provision for non-discrimination by obliging States Parties to respect and ensure the rights in the treaty to all children in their countries without distinction of any kind. Therefore, the right of the child to education recognised in article 28 of the Convention must be accorded to all children without distinction being made on any grounds, for instance, the pregnancy of the child. Article 3 of the CRC stipulates that

⁵ Called the ACHPR.

⁶ Called the ACRWC.

⁷ Called the CRC.

the best interests of the child shall be the primary consideration in all actions of administrative authorities and other bodies concerning children.

The Convention on the Elimination of All forms of Discrimination against Women (CEDAW) provides in article 2 that states parties are to speedily pursue a policy of eliminating discrimination against women and undertake to avoid any act or practice of discrimination against women. The State is also to hold public authorities and institutions to this standard. In Article 10 of CEDAW, States Parties have undertaken to act to eliminate discrimination against women in order to ensure them equal rights with men in the field of education. According to the CEDAW Committee in General Recommendation No. 36, in order for education to be non-discriminatory it must be equally accessible to every girl and woman, including the disadvantaged and marginalized, without discrimination on any forbidden ground (Committee on the Elimination of Discrimination against Women, 2017: 5).

3.6 Conclusion

This chapter considered the numerous sources of the entitlement to education for adolescent mothers. As required by a rights-based approach to education, Zimbabwe has established a robust legislative framework by providing education as a right for *all* children, providing for non-discrimination and introducing the best interests of the child in the Zimbabwe Constitution and legislation. Having established the existence in Zimbabwe of a legal framework according the right to education to girls who fall pregnant, the next chapter considers the provisions of the re-entry policy, the manner in which it is being implemented in schools and whether this implementation promotes gender inequality. The extent to which the policy is being utilised by the targeted beneficiaries will also be considered.

CHAPTER FOUR

4.0 A CLOSER LOOK AT CONTINUATION AND RE-ADMISSION IN ZIMBABWE

4.1 Introduction

The previous chapter established that adolescent mothers in Zimbabwe are entitled to an education based on the right to education, the right to non-discrimination and equality, as well as the principle of the best interests of the child which are contained in the Zimbabwean Constitution, local legislation and in human rights treaties ratified by the country. Although it is clear from the previous chapter that all children, including pregnant and mothering girls, have the right to an education, it is necessary to determine whether this translates into such girls being able to enjoy this right in reality.

In General Recommendation No. 36, the CEDAW Committee noted that the definition of discrimination in CEDAW⁸ requires states parties to go beyond ensuring the recognition of education as a human right. They are also required to engender a suitable environment for the full and free enjoyment and exercise of this right by girls and women (Committee on the Elimination of Discrimination against Women, 2017: 5). The present chapter will analyse the extent to which Zimbabwe has been able to take measures beyond recognising the right to education in order to ensure that pregnant girls enjoy equality of access to the right to education. This will be done by studying the provisions of the re-entry policy as well as considering the manner in which these provisions are finding application in the schools I visited in Kwekwe in order to determine whether the policy is fully implemented and utilised as well as whether the education sector's response is aiding or hindering gender equality.

4.2 The re-entry policy in Zimbabwe

4.2.1 Rationale for putting a re-entry policy in place

Human rights instruments on both the regional and international level have called for state intervention in order to tackle the issue of girls dropping out of school and to encourage regular school attendance. The African Charter on the Rights and Welfare of the Child

⁸ Article 1 of CEDAW defines discrimination as 'any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.'

(ACRWC) makes comprehensive provisions in this regard. Article 11(d) and (e) of the ACRWC enjoins State Parties to act to encourage regular attendance at schools and the reduction of dropout rates as well as to take special measures in respect of female children to achieve equal access to education for all sections of the community. In addition, Article 11(6) provides that states parties shall act so that pregnant girls shall have an opportunity to continue their education on the basis of their individual ability.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa also makes provisions in this regard. According to Article 12(1)(a), States Parties shall take all appropriate measures to eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training. Article 12(2)(c) then calls for specific positive action to promote the enrolment and retention of girls in schools and the organisation of programmes for women who leave school prematurely.

International treaties such as the CRC similarly make provision relating to keeping pregnant or parenting girls in school. Article 28, in calling for the recognition of the right of the child to education, actually specifies that this should be achieved on the basis of equal opportunity and as such calls upon states parties to encourage regular school attendance and minimize drop-out rates. Article 10(f) of CEDAW also reflects the concept of non-discriminatory education by requiring states parties to ensure the reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely.

The above provisions are reflected in the increasingly common introduction of measures allowing for the re-enrolment and continued enrolment of pregnant learners at schools as a response to the lack of gender parity/equality in educational access, participation and completion (Runhare and Vandeyar, 2011: 4101). Desk research that I carried out before I entered the field indicated that Zimbabwe had also put such measures in place.

4.2.2 Zimbabwe's policy on re-entry: Circular Minute P. 35

The policy framework relating to re-entry and continuation in Zimbabwe is provided for through Circular Minute P. 35, Ref: G/61/4/&G/1/3, dated 20 April, 1999. This circular generally relates to discipline in schools and specifically addresses suspension, exclusion and corporal punishment. A copy of the relevant extract of Circular Minute P. 35 is found in Appendix 1.

Right off the bat, the fact that provisions on re-entry are contained in a document that relates to the administration of discipline in schools did not bode well for the intended beneficiaries of this policy. The message that comes across from placing these provisions in this document is that pregnant learners are miscreants who need to be punished. In addition, the fact that the document was just shy of being two decades old, having been put in place in 1999, raised concerns that it may not be reflective of the Constitutional provisions heralded by Zimbabwe's 2013 Constitution. The following is a closer look at the provisions of the policy.

4.2.2.1 Categorisation of school girl pregnancies

Paragraph 5.0 of Circular Minute P. 35 (Appendix 1) is entitled 'Procedure to be followed when a school girl falls pregnant'. Paragraph 5.1 divides school girl pregnancies into two categories, namely pregnancy resulting from rape and pregnancy which results from a mutually agreed upon sexual relationship between the female learner and a fellow pupil or any other male person. According to paragraph 5.2, pregnancy resulting from rape necessitates consultation between the Head and the parents/guardians of the girl. A transfer of the student may only take place with the express agreement of the parents/guardians and the Head must assist in the placement of the girl at another school. Even where a transfer is agreed upon, the Head must counsel the parents and victim of rape. The policy provides that the pregnant girl must receive assistance so she stays at school as long as possible before she needs to deliver her baby. She is permitted to return to school within three months following the pregnancy but this is dependent upon the parents requesting her return. Returning before this stipulated three months is possible if the pupil is ready to come back for exams.

Paragraph 5.3 of the Circular deals with the category of pregnancies which result from a mutually agreed upon sexual relationship between the female learner and a fellow pupil or any other male person. On paper, paragraph 5.2 of the policy generally seems more generous than paragraph 5.3 in its treatment of the learner. For instance, the provisions relating to a pregnancy resulting from rape instruct that the pupil be assisted to stay on as long as possible before she leaves to deliver. Paragraph 5.3, on the other hand, makes no mention of this need for assistance and instead makes a vague statement about leave of the pregnant student being in the interest of the school, learner and unborn child. In addition, paragraph 5.3 of the Circular does not mention a stipulated period for a learner whose pregnancy results from a 'consensual' sexual relationship to return to school in the way paragraph 5.2 provides.

One could argue that the above distinctions mean that where pregnancy is not a result of rape, the school is free to require that the learner stay out of the school for a longer period after weighing the interests of the school, learner and her unborn child. Admittedly, when I enquired about the policy at the District Office of the Ministry of Primary and Secondary Education in Kwekwe, the officials there did not make any distinction between the two categories set out in the policy and stated that pregnant girls are allowed to go on 90 days 'maternity leave' before returning to school. The manner in which it is worded in the policy however brought to mind the comment of one of the officials that the policy Circular regarding re-entry was unclear regarding instructions on how to treat pregnant learners. It would be beneficial to make it clear in the actual policy document that these provisions in 5.2 apply equally in 5.3 as duty bearers may give a more sympathetic reading in cases of girls who have been raped. Authorities may construe it to mean that the requirement to give their utmost assistance to help girls attend school as long as possible before they give birth is limited to girls who have had the misfortune of being raped. Indeed, the construction that victims of rape must be treated more beneficially than other students may even be drawn from the creation of separate classes of pregnant learners in the policy. This categorisation seems unnecessary since the policy does not make any provisions that should only be applicable to victims of rape.

The manner in which distinctions are seemingly made between different types of pregnancies in this circular is inconsistent with the principle of non-discrimination and the related principle of inclusion, which are necessary to achieving the right to education for all. As noted in the last chapter, inclusion is a process aimed at addressing and responding to the myriad requirements of the totality of learners. Policies must thus be altered to reflect the responsibility of the regular education system to cater to every single child's right to education. Achieving this is unlikely if the level of assistance offered by the education system is determined by the cause of the pregnancy, as is seemingly reflected in the circular.

4.2.2.2 Absence of the principle of the best interests of the child

Paragraph 5.3 of the policy stipulates that the pregnant learner should be allowed to take leave. According to this section, this 'is in the interests of the school, the learner herself and also the interests of the unborn child'. Paragraph 5.2, relating to pregnancy resulting from rape, does not mention the interests of the learner at all. Although the policy does not specifically say so, one would assume that the interests of the pregnant learner must be paramount in accordance with Constitutional provisions in Zimbabwe to this effect.

However, in an article that was published by the Rozaria Memorial Trust, it was commented that the guidelines of the Circular promote the best interests of the school principle as opposed to best interests of the child (Rozaria Memorial Trust, 2017). If this is the case, this is naturally a cause for concern since the interests of the pregnant girl to stay in school may be outweighed, in the eyes of the school authorities, by their perception of the harm that her presence might cause to the school. For example, the abovementioned article by Rozaria Memorial Trust recounted how a girl was refused enrolment at the school closest to her home because, “she may be a bad influence for other girls, when they see her in uniform as a married woman.” This was despite the fact that section 10 of the Education Act entitles every child of school-going age to enrol at the school closest to their residence unless it is fully enrolled. The fact that this incident took place in 2014, after the introduction Zimbabwe’s latest Constitution which prioritises the best interests of the child in any matter concerning her and also prohibits discrimination on the ground of pregnancy, shows that these legal provisions are not always applied by duty bearers.

4.2.2.3 Schools’ passivity in encouraging re-enrolment

According to paragraph 5.3 of the Circular, *if the former learner and her parents wish for the learner to return to school*, the Head of the school which the pupil was attending before her leave must do everything in his/her power to ensure the placement of the pupil in the same form or grade she was in before she took her leave. The pupil in these circumstances must also be counselled before and after her leave to facilitate her adjustment to school life and to ensure she benefits as much as she can from school programmes.

When I was reading the circular I noted that paragraph 5.3 made the return of the learner to the school dependant on the parents and learner desiring the return of the pupil to school. It was unclear to what extent the school was expected to encourage the learner to continue and/or re-enrol in school. Although the provisions relating to counselling the student were positive, they did not indicate that the school was enjoined to encourage such girls and their parents to make sure she continues her education. In an interview conducted with the senior master of one government school, he told me that when a pregnant girl is identified within the school the procedure calls for her to be given counselling that “assures her of a better future and encourages her to pursue her education after giving birth.” Unfortunately, there was no indication in the interviews with other school staff that encouraging girls to pursue their education after giving birth was a universal practice.

A positive aspect contained in the provisions of the policy is related to the treatment of male students who impregnate their female colleagues. According to paragraph 5.3, in the case of another pupil being the father of the infant, the young man is also to be expelled from school for the same period of time that the mother is expelled. This provision was closely related to the assumption relating to gender inequality being perpetuated by the response to adolescent pregnancies in schools. The next section deals with findings made in relation to this provision and assumption.

4.3 A gendered response to teenage/adolescent pregnancy

One of the issues considered in this research was whether the response to teenage pregnancies of high school girls in Zimbabwe perpetuates gender inequality. The investigation of the ‘response’ to teenage pregnancies revolved around considering the treatment of adolescent mothers as opposed to adolescent fathers by duty bearers in schools and considering whether schools implemented the policy in a manner that encouraged girls to stay in school or whether duty bearers were responding in a way that contributed to cutting girls’ educational careers short. In this investigation the issue of gender equality was foremost in my mind.

4.3.1 The role of gender equality in continuation and re-entry

Gender equality has been defined as referring to “equal rights, responsibilities and opportunities of women and men and girls and boys” (UN Women). Equality means that the rights, responsibilities and opportunities of an individual will not be dependent on their sex at birth. Gender equality entails respect for the needs, interests and priorities of men and women while taking note of the lack of homogeneity in different groups of men and women (UN Women).

In order to create an appropriate environment for the full and free enjoyment and exercise of the right to education by pregnant and parenting girls there is a need to achieve gender equality with regard to every facet of the education system. This includes the implementation of gender sensitive policies and the creation of learning environments which respond to the needs of these girls (Committee on the Elimination of Discrimination against Women, 2017: 4). The CEDAW Committee has observed that education “plays a pivotal transformative and empowering role in promoting human rights values and is recognized as *the pathway to gender equality and women’s empowerment*”⁹(Committee on the Elimination of

⁹ My emphasis.

Discrimination against Women, 2017: 2). In other words, the failure to ensure the education of girls is a pathway to gender inequality and lack of empowerment of women.

One of Zimbabwe's national objectives, as expressed in section 27(2) of its Constitution, is for the state to take measures to ensure that girls are given the same opportunities that boys are given to obtain education at all levels. Section 27(2) thus envisions the facilitation of gender equality in access to education for both girls and boys. Despite this objective, the present research revealed that in reality pregnant or parenting mothers often find themselves unable to access education on an equal level with adolescent fathers.

4.3.2 Disproportionate effect of adolescent pregnancy on girls

It has been observed that although some adolescent boys who become fathers may drop out of school and face reduced life opportunities, available data shows that adolescent pregnancy and its negative consequences particularly affect girls (UNECOSO, 2017: 8). According to statistics regarding reasons for dropping out of schools in 2006, of the four percent of pupils who were found to have dropped out due to pregnancy, this percentage accounted for six percent of girls as opposed to 0.4 percent of boys (Ministry of Education Sports and Culture, 2007: 131).

As mentioned earlier while discussing Circular Minute P.35, paragraph 5.3 states that where another pupil is the father of the infant, the 'young man' shall also be expelled from school for the same period of time as the girl. In interviews with officials from the Ministry of Primary and Secondary Education in Kwekwe, they confirmed that this was how the policy was meant to be implemented and as one official put it, "boys who impregnate girls also go on the 'maternity leave' so that they are equally disadvantaged together." While this has been praised by some as a means of recognising gender equality (Moyana, 2012: 16), the present research indicated that this provision is often not implemented.

At one government school that I visited, the school head commented that while girls usually drop out when they fall pregnant, most school boys who impregnate girls just continue with their studies. The head of the school commented that despite the provisions of the policy, "since most girls do not want to identify the culprit, he usually goes scot free. Where he is identified he usually just goes for counselling." It emerged from a discussion with another member of staff at the school that the failure to uphold the provisions of the policy may be due to ignorance by school officials about the provisions of the policy. An example of this was the senior woman at the school who confirmed that "when the girl is on maternity leave,

the boy continues with his studies.” She said, however, that this was what the policy dictated. Her assertion was worrying since she said that part of her role at the school is to address the girls’ concerns. If this is her role one would expect her to be intimately acquainted with the provisions of a policy which is so closely linked to the concerns of female students.

I was reassured at the next school I visited when the Head of the Guidance and Counselling Department said that, although they had not personally had an experience involving a male pupil having been the one to impregnate the girls concerned, when this happens then both pupils have to go on maternity leave and come back at the same time according to the policy. At the last government school I visited, however, I had cause for concern once again when the Head of the Guidance and Counselling Department stated that when a girl is impregnated by a fellow pupil, it is up to the parents of the children to come to an agreement on how the boy should be dealt with and the school must remain neutral on the matter. This was worrying since, naturally, the decisions that these parents may make would be coloured by societal perceptions of girls who fall pregnant in school. I would have thought that rather than the school remaining neutral, it needs to play a guiding role, advocating for just treatment of the girl and for her education to be interrupted as little as possible by her pregnancy. If instead the school opts to sit back and let the chips fall where they may, then there is a chance that the girl will not have the importance of her education considered as some people may consider that it is more important for male children to complete their schooling while girls perform the traditional roles of child caring.

After carrying out a number of interviews the pattern that seemed to be emerging was that adolescent fathers were largely not treated similarly to adolescent mothers as far as re-entry and continuation was concerned. This was in some situations due to ignorance of the provisions of the policy. In other words, in such situations the girl child is forced to face the full brunt of the repercussions that are the result of a sexual act performed by the two parties. This was what I unearthed in four out of the six schools that I visited. In the fifth school, there was a complete lack of awareness of the Ministry directive concerning the treatment of pregnant teenagers. As a result, it seems the general trend from these findings is for boys to be unaffected by their actions when they impregnate girls. A resident that I interviewed in Kwekwe summed up the plight of girls by commenting that, “since it is harder for the girl to conceal the pregnancy than for the boy to conceal the fact that he impregnated the girl, girls are at a disadvantage.” Since adolescent pregnancies are quite common in some communities and girls are disproportionately affected by them as compared to their male counterparts, this

may lead to female students being left behind and missing out on the development that comes from receiving an education.

The ways in which this differing treatment of boys and girls who are equally responsible for a pregnancy perpetuates gender inequality was aptly exemplified by an account I was given when I carried out an interview with Forum for African Women Educationalist Zimbabwe.¹⁰ In an interview with a member of the organisation, the interviewee revealed that when girls fall pregnant, the pregnancy creates a host of issues for the mother that are not a concern for the father of the baby. She said they had assisted a beneficiary who was fourteen when she fell pregnant. The girl had a traumatic experience as the baby did not survive since it failed to fully develop. In addition to this, the young mother had to undergo an operation due to the fact that she was so young. The interviewee then pointed out that early pregnancies affect girls differently from boys because girls may have to deal with difficulties surrounding the pregnancy such as ovary damage and other health implications. They also are affected by the stigma attached to their situation and issues such as attending school while your breasts are leaking milk. As for the boy, he is more fortunate. In the scenario she was earlier describing concerning the fourteen-year-old mother it emerged that the father of her baby was an ‘A’ Level student. While she was undergoing all these hardships, he just continued his education by simply denying paternity and nothing further could be done.

The repercussions to this young girl of the pregnancy are numerous. While she was struggling due to her pregnancy her schooling was interrupted. On the other hand, boys who are equally responsible for the pregnancy are in a position to shirk their responsibility and the system is as yet unable to hold them responsible for their actions. In these ways, boys are better placed to proceed with their education despite having indulged in sex and caused pregnancies while girls run the risk of falling to the educational wayside. Since gender equality necessitates equal rights and responsibilities for girls and boys, the failure of the education sector to apportion responsibility equally is problematic. It perpetuates the perception that the care of the child is the primary responsibility of the mother. Furthermore, if the girl is the only one left dealing with the repercussions of the pregnancy, it makes these girls the face of adolescent pregnancy and all the negative associations that may be attached to it. UNESCO has observed that, “early and unintended pregnancy is generally considered to

¹⁰ Called FAWEZI.

be a girl's problem, and boys and men are often left out of the equation despite their obvious role in a girl becoming pregnant" (UNESCO, 2014: 23).

The need for the father of the child to be included in the response by the education sector does not only apply in the situation where the father of the baby is a school pupil. A number of respondents indicated that in their personal experiences, most of the fathers of these babies were older males who were not of school going age. The Head of the Guidance and Counselling Department at one government school informed me that girls are usually impregnated by adults such as touts.¹¹ Similar sentiments were echoed at the next school I visited where the Guidance and Counselling Head informed me that, "In a mining town like Kwekwe it is not other students who usually impregnate girls, it is often illegal gold miners."

The education sector needs to take measures to challenge the perception that girls have a greater responsibility in relation to their pregnancies than the fathers of the baby. Furthermore, efforts must be made to support these girls as much as possible both financially and psychologically so that their pregnancy interrupts their schooling as little as possible.

4.4 Implementation and utilisation of the policy

According to a volume published by UNESCO in 2017, it is necessary to introduce re-entry and school resuming policies when girls fall pregnant and these policies should 'be well implemented to allow pregnant and parenting girls to fulfil their right to education' (UNESCO, 2017: 7). It has been noted that in a number of countries where policies of re-admission exist it is common for them to be haphazardly recognised and for them not to be implemented in schools (UNESCO, 2017: 21). As I carried out this research I discovered that the Zimbabwean policy was not exempt from inadequate implementation by duty bearers in schools, scant utilisation by the rights holders and a lack of systematic recognition in schools.

4.4.1 Self-expulsion as a hindrance to implementation

The first indication I received that the implementation of the policy was proving to be a challenge in schools was at the first school that I visited. The school head gave me a lengthy description of the procedure to be followed when girls fall pregnant. After watching me noting all this eagerly he then commented that, "All that I have said is just the ideal, the policy is rarely used. In fact, I have never had the opportunity to use it at this school.' The

¹¹ Commuter omnibuses or 'combis' as they are colloquially known, are a common mode of transport in these areas. Young men referred to as 'touts' usually direct customers to the appropriate 'combi' and also play the role of conductor by collecting fares from them during their journey.

school head then explained that although schools were instructed not to expel girls who fall pregnant, the general trend when girls fall pregnant is for them to withdraw. The trend of self-expulsion among pregnant students proved to be a common one among other key respondents in schools.

The Head of the Guidance and Counselling Department at the same school commented that it is rare for girls to confess to falling pregnant and that girls usually withdraw without revealing their pregnancies. The Senior Woman commented that girls may hide their pregnancies under jerseys and when they realise that the school may have caught on to their pregnancy then the girls will stop attending. The Head of the Guidance and Counselling Department at another school that I visited informed me that girls who have continued their education after falling pregnant were a minority at the school. She commented that usually the school does not realise the girls are pregnant and the girls just drop out 'due to shyness'.

In discussions with several interviewees regarding the low uptake of the provisions of the policy by the targeted beneficiaries, different reasons were proffered for the girls opting not to use the policy. One young man I randomly interviewed, who turned out to be a teacher by profession, said that when girls fall pregnant, despite the existence of the policy, the obvious occurrence is for them to drop out. When I asked him what he thought the education sector and the government should do to address this situation, he said that the government had already played its part by introducing the policy and girls are the ones who need to come to terms with the situation instead of carrying on the trend of self-expulsion.

Another teacher I interviewed commented that even with the policy there, 'for some unknown reason' girls tended to just drop out of school. All these interviews brought to mind the view point of social construction feminism that norms and expectations informed by gender are internalised by members of society and this dictates their actions. The negative perception held within some sections of society towards adolescent pregnancy and sex outside of wedlock, having been internalised by these girls who form part of the communities that hold these views, may prevent some girls from taking advantage of their right to education. This may also be why girls would rather just drop out than confess their pregnancy since they are already anticipating the socially dictated disapproval of their situation.

In addition to the trend of self-expulsion among students, some duty bearers seemed to be poorly informed regarding the roles that they were meant to play in the implementation of the policy. This led to some disparities between what Ministry of Primary and Secondary

Education expected school officials to be doing and what was actually occurring at schools. This phenomenon also proved to be an obstacle to the effective implementation of the policy.

4.4.2 Poor synergy between the Ministry and Schools: A barrier to effective implementation

At the third government school that I visited, I made an interesting discovery when I asked the interviewee what the obstacles to effectively implementing the policy were. The interviewee informed me that government policy does not provide for teachers to ask students if they are pregnant even if they suspect this is the case, as this may cause the girls to abort or commit suicide. She said that they cannot react to the rumours of pregnancy and, “When girls drop out, we have no right to follow up but it’s a common occurrence for girls to drop out due to pregnancy.” The interviewee bemoaned the fact that they could not follow up on pupils as a school since she felt that it is important to look into the background (home life) of such children in order to assist them, for example, in situations where parents are out of the country and there is a lack of adequate supervision.

I left the school wondering how the policy could possibly be properly implemented if schools were not in a position to question students about whether they are pregnant or even follow up on those who had dropped out who they suspected to be pregnant. Imagine my surprise when I broached this subject at the Ministry of Primary and Secondary Education District Office in Kwekwe only to be informed by an official there that, “When students drop out of school, the Head of the Guidance and Counselling department has a role to follow up and find out why they dropout and they are encouraged to take advantage of other government departments, such as social welfare, in doing so”. The respondent then told me that there is actually a policy circular that sets this out. When I enquired about whether the school can ask students about issues such as whether they are pregnant, he told me that the Guidance and Counselling Departments are trained on how to approach the learner child, something they refer to as the ‘child seeking approach’. In essence therefore the school is supposed to be equipped to approach the student in a way that will not result in the learner feeling threatened.

After speaking to the Ministry official, I realised that there seemed to be a lack of harmony between the role the Ministry of Primary and Secondary Education expected school officials to be playing and the perception that some duty bearers held of their role in policy implementation. On one hand, you have the Guidance and Counselling Department convinced that it is prohibited from following up on students and, on the other, you have a

Ministry that seems to be under the impression that the Guidance and Counselling Department is in fact following up on students and approaching them with regard to issues of pregnancy. This situation bore testimony to the assertion that “where the Ministry of Education officials, teachers, adolescents and parents of adolescents do not clearly understand these policies, there is a significant body of evidence to show that girls who experience Early and Unintended Pregnancies have high rates of drop-out from school” (UNESCO, 2017: 22). I wondered whether the cause of this discrepancy between what was being done and what was meant to be done was that Guidance and Counselling staff had been insufficiently trained to carry out their roles or whether there was a failure by the Ministry to make it clear what was expected from these departments. Whatever the case, considering the important role that the Guidance and Counselling Department is meant to play in facilitating the smooth implementation of the policy, this situation clearly needs to be addressed.

Despite the general trend I noted of pregnant girls not utilising the policy and the challenge at some schools with following up investigations about these girls, the situation is not all pessimistic. At one government school I visited, the Head of the Guidance and Counselling Department informed me that there have been follow-up investigations by the Ministry to ensure the effective implementation of the policy. She told me that in June 2017 the Ministry of Primary and Secondary Education had worked in partnership with UNICEF and had visited schools instructing that students who had dropped out must be followed up. All the same, it would be more effective for schools to follow up on students who drop out on a regular basis instead of waiting for the Ministry to come to the school at intervals to follow up on such girls.

4.5 Conclusion

This chapter analysed some of the measures Zimbabwe has taken to ensure inclusion and equality for pregnant girls in the education sector. After indicating the Human Rights provisions that breathe life into the introduction of re-entry policies, I argued that the provisions of Circular Minute P.35, as it stands, are inadequate to the task of ensuring equality of access to education for pregnant girls. I based this argument on the location of the provisions in a punitive document (i.e., a circular relating to the administration of discipline in schools), the absence of principles relating to the best interests of the child; inclusion; and non-discrimination, as well as the failure to direct schools to take a more active role in ensuring the continuation and return of girls to school.

As far as the implementation of the circular's provisions in schools is concerned, I argued that as matters stand, the education sector response to adolescent pregnancy is perpetuating gender inequality due to the failure to hold adolescent fathers equally responsible for pregnancies. An investigation of the implementation of the policy in schools seemingly indicated poor collaboration between the Ministry of Primary and Secondary Education and some school officials, leading to non-performance of certain roles by duty bearers. Scant utilisation and implementation of the policy, possibly due to the aforementioned lack of synergy, as well as the failure to stipulate a more active role for school officials in the policy, also featured in the findings presented and analysed in this chapter.

Following the exposure of the poor implementation and utilisation of the policy in most of the schools researched, the following chapter will set out and analyse findings made in relation to some of the obstacles to implementation identified during this research.

CHAPTER FIVE

5.0 OBSTACLES TO EDUCATION FOR PREGNANT AND MOTHERING GIRLS

5.1 Introduction

Having established in the previous chapter that the re-entry policy in Zimbabwe, which turned out to be flawed in various respects, is neither fully utilised by targeted beneficiaries nor fully implemented by duty bearers in schools, this chapter seeks to reveal some of the obstacles to the full implementation of the policy. After indicating that adolescent pregnancy continues to feature prominently as a cause of girls dropping out of school, I will consider attitudes towards adolescent mothers attending school within various sections of the community and among duty bearers in schools. This will be done in an effort to identify the role of attitudes in impeding the education of these girls. Another possible obstacle to full implementation of the policy that I will analyse in this chapter is the level of awareness regarding the provisions of the policy and the policy in general among duty bearers and within the community at large.

5.2 Negative Attitudes: A cause of pregnant girls dropping out of school?

“Children’s opportunities to attend school will be influenced by parental recognition of their right to an education, the extent to which the school welcomes their attendance, and ... Children’s commitment to education will be influenced by ... the respect with which they are treated in the school” (UNICEF/UNESCO, 2007: 88).

One of the issues I was researching was whether, despite the existence of the re-entry policy, teenage pregnancy was still one of the main causes of girls dropping out of (high) school in Zimbabwe because of attitudes of school staff and government officials as well as societal attitudes that prevent girls from returning to school. As far as this assumption is concerned, I aimed to investigate the extent to which pregnancy causes girls to drop out of school and also the role of societal attitudes in this phenomenon.

5.2.1 Adolescent pregnancy as a cause of high school dropouts

The highest level of adolescent pregnancy is reportedly found in sub-Saharan Africa and adolescent pregnancy is said to be increasing in Zimbabwe although this country has one of the highest contraceptive prevalence rates in sub-Saharan Africa (Ministry of Health and

Child Care, 2016: v). As a result, ensuring the efficacy of a continuation and re-entry policy is particularly crucial at the moment. According to a 2016 study conducted in the ten provinces of Zimbabwe which was considering adolescents aged ten to nineteen years of age, 4.8 percent were not attending school due to having fallen pregnant (Ministry of Health and Child Care, 2016: 47). Of those sampled, 44.7 percent were not attending school because they could not afford the fees, 34.6 percent were not attending because they had completed their O/A' Level and 6.9 percent were not attending because they were married. Disregarding the percentage that had done with their schooling, then pregnancy is the third main cause of adolescent girls not attending school. Within the 10-14 age group, pregnancy was actually the second highest cause after the failure to pay fees.

The 2000-2006 Primary and Secondary Education Statistics Report noted that the major reasons that children in secondary schools were dropping out were lack of school fees, marriage, pregnancy, death, illness and expulsion, in that order. They also noted that the girl child was more affected by pregnancy and marriage than the boy child (Ministry of Education Sports and Culture, 2007: 131). The Report noted that in 2006 21,190 pupils dropped out of secondary school, 51 percent of which were female. Pregnancy related reasons, the third highest cause, was at 4 percent with it affecting 6 percent of girls as opposed to 0.4 percent of boys (Ministry of Education Sports and Culture, 2007: 131). These statistics are similar to the aforementioned 2016 study which also places pregnancy as the third highest cause of girls dropping out of school. In other words, this is a continuing trend.

The extent to which pregnancy still causes girls to drop out of school, despite the existence of the policy, was also confirmed by the comments of a number of people that I interviewed. When I asked an official at the Ministry of Primary and Secondary Education District Office what the main causes of girls dropping out of schools were, he cited teen marriage and teen pregnancy as leading causes. Unfortunately, he commented that they had no statistics or information concerning how many girls were able to return to school under the auspices of the re-entry policy. This makes it difficult to assess the effectiveness of the re-entry policy as far as keeping adolescent mothers in school is concerned. At one government school I visited the Head of Guidance and Counselling commented that there are many cases of girls falling pregnant and dropping out, perhaps as many as twenty per year. Another teacher at the school commented that since the school is very large it is not rare to hear that children have dropped out and for most of the girls who do so the cause is pregnancy or early marriages unlike boys who may drop out due to the intention to work.

After establishing that adolescent pregnancy was still playing a considerable role in the exclusion of certain girls from schools, I considered the role of the attitudes of school officials and communities in preventing girls from utilising the re-entry policy. I discovered that attitudes played a major role in the failure by rights holders to benefit from the policy. In order to gather information regarding the attitudes to adolescent mothers attending formal schools, I interviewed school officials, officials at the Ministry of Primary and Secondary Education and randomly selected members of the community in Kwekwe.

5.2.2 A religious perspective

One of the individuals interviewed was the Reverend of an Anglican Church in Kwekwe. He had a very positive attitude to pregnant and parenting girls staying in school as he commented that, “from a religious and parental perspective, the girl should be allowed to continue her studies especially since boys usually have an opportunity to continue with their education.” He said that the main obstacle to girls being allowed to continue their education after falling pregnant was the attitude of parents and society who may use degrading terms towards girls of school going age such as calling them whores/prostitutes and he suggested that there is a need for us to embrace that there is nothing wrong with such girls returning to school. The Reverend emphasised the importance of giving these girls another chance and emphasised that, “it is Godly to do so”.

In his view, part of the problem is the traditional perception of girls as mothers from a very young age. For example, from the time they are two or three years old, their families already say *'taana mai/ndi mai'* (meaning, ‘We now have a mother’) yet in English culture young girls are just viewed as children.

He also commented that attitudes in some churches towards ‘premature’ pregnancy is shown by the existence of guilds such as the St Agnes Guild, which will not accept a girl who falls pregnant at a young age. Instead, the girl would be expected to join the Mothers Union where she may feel out of place. According to the Reverend, the church thus has a large role to play regarding attitudes. The Reverend further illustrated his point by recounting how he knew a girl who fell pregnant in Form 4 while he was the youth chairperson. When her pregnancy was discovered he was told by the priest in charge not to accept her as a member of the youth. The Reverend’s examples show how some members of the religious community may react to adolescent pregnancies. By requiring a child to join the Mother’s Union because she fell pregnant one may as well be insinuating that the fact that she had a child means she herself is

no longer one since the Mother's Union often contains mature women. The refusal by the priest in charge to accept a girl who has fallen pregnant as a member of the youth also gives an important indication of the attitudes that may be directed towards adolescent mothers at schools. After all, the same people who may segregate in this way in the church setting will also form part of the school setting and will carry their prejudices into the schools. Furthermore, children will also apply the behaviour they have learned within the church setting to schools. This may result in fellow pupils alienating pregnant or mothering adolescents.

The Reverend's take on this issue surprised me since I had anticipated some resistance from the religious community. He however emphasised that there are numerous spheres within the community from which negative perceptions to a continuation and re-entry policy may emerge. On the other hand, his assertion that it would be "Godly" to give pregnant or parenting girls another chance indicated the way that this issue could be packaged so it is acceptable to the religious community. Using concepts such as love and forgiveness, which are pivotal tenets of Christianity and other religions, may be a way of facilitating the acceptance of such girls within their communities. The cultural aspect that the Reverend indicated by his comment that girl children are often viewed as mothers or in terms of their reproductive roles brought up another important issue. By viewing motherhood as the primary role of females' communities are likely to fail to see the importance of education and self-sufficiency for women. The value of women outside their reproductive capacity must be recognised by communities. However, the interview with the Reverend made me hopeful that there were others of a similar mind set within the community. I gained further illumination on the attitude of the community to adolescent pregnancy when I carried out a group discussion with five women who work as support staff at the Kwekwe Magistrates Court.

5.2.3 A mother's perspective

The five ladies who formed part of the group were all mothers of high school students. Part of the reason for selecting these ladies was to get an insight into the perspective of parents with daughters who may benefit from the existence of such a policy. When I asked how they think the issue of pregnancy amongst teens of a school going age ought to be handled, the respondents were divided regarding their response.

One respondent (respondent X) felt that such girls should not be allowed to continue with school once their pregnancy is detected and after they give birth they should not be allowed

to return to the same school. The same respondent said that there's no point in punishing boys by expelling them along with the female student because the boys who impregnate their female counterparts will not have the same negative influence that pregnant or previously pregnant girls will have on their colleagues. She further added that such girls would be a bad influence on the boys at the school as they would try to lure the boys into sexual activities.

The rest of the respondents however suggested that pregnant adolescent should be allowed a break when they need to give birth and then they should return to school. They also agreed that if the school decides to expel the girl, then male students who impregnate girls should be expelled as well. When the rest of the respondents advocated for the re-admission of parenting girls into school, respondent X rushed to caution that whatever policy is put in place should avoid encouraging girls to fall pregnant at school. The majority of the respondents however felt that a re-entry policy would be a viable means to assist girls in such a situation.

Although most of the respondents in the discussion responded positively to the idea of a continuation and re-entry policy, respondent X illustrated the kind of attitudes that can make it difficult for girls who fall pregnant to attend school. Her conviction that not only should adolescent fathers be treated preferentially, but also that pregnant or parenting girls would lure boys to partake in sexual activities was surprising. It was difficult to understand why she thought that boys who had impregnated fellow students would not be as likely to negatively influence their peers as girls who had fallen pregnant. As I mother of a teenage daughter, I would have thought she would be more sympathetic to the situation of such girls.

5.2.4 A general community perspective

Another group discussion that I held was an unplanned group discussion with two males and two females. When I asked the participants how they thought adolescent pregnancies should be handled by the education sector, the older lady, who looked to be in her sixties, said she felt that these girls should be expelled from school. A younger lady, who appeared to be in her thirties, argued that these girls should be allowed to return to school after giving birth. At this point, the older lady interjected loudly, asking the younger lady where the girl would have put the child she had given birth to while she returns to school. The younger lady argued that the grandmother of the child should look after it. The older lady scoffed then and asked what the grandmother would have done to deserve such a burden. The younger lady then said

that, in that case, abortion should be legalised so these girls can continue their schooling. The older lady disagreed with this arguing that, “women should look after their babies.”

When I asked how boys who impregnate girls should be treated the women agreed that they should also be expelled. At this point a teenager stuck his head out of the window and shouted that boys should be allowed to continue since girls often lie about who the father of their children is and it would not be fair to blame the boy where this is unclear. Another young man in his twenties came and sat close by and also agreed that girls these days are ‘*matsotsi*’ (meaning, ‘They are crooks’), so only they should be expelled when they fall pregnant. When I left the house the group was still engaged in a heated discussion of how this issue should be handled.

This discussion was interesting because it exposed different perceptions. The older lady expressed much more conservative attitudes than the younger lady. I particularly found the older lady’s assertion that women must look after their children interesting. This comment was reminiscent of the third belief underpinning the myth of biological motherhood. This is the belief that all children need their mothers. As a result, society cannot imagine anyone but the biological mother of a child being the primary caregiver of the child. The danger in this belief lies in the way that once a girl gives birth, her role as mother then apparently supersedes all other roles in her life. On the other hand, the suggestion by the younger lady that the grandmother should look after the child was interesting from the point of view that no one seemed to even consider the possibility of the father of the child assisting in caring for the child. The group discussion was also interesting to the extent that it revealed the attitudes of two young men, one who was clearly a teenager as well. The attitude of both these young men that only girls should be expelled from schools because one cannot trust their claims relating to the paternity of their children shed some light into one of the justifications used to assign complete responsibility for pregnancy to women.

In addition to fears expressed within the community that girls who fall pregnant would negatively influence peers and that girls who fall pregnant cannot attend school because they must now look after their babies, some school officials problematized the general stigma within the community to adolescent pregnancy. One school Head commented that a challenge to the successful implementation of the policy is “the cultural set up in our communities” that tends to disadvantage the girls who fall pregnant. According to the school Head, the girl “knows that she has done bad and cannot face the community in which she lives.” He

commented that people who are aware of the policy in the community hold the attitude that “*Kujaidza mwana*” (meaning, ‘This is spoiling the child.’)

The senior woman at the same school confirmed that there is a stigma attached to being discovered to be pregnant in school and both the girls and the parents do not want to be embarrassed. This is why they may not take advantage of the policy. She also confirmed that the community does not accept the policy and fear that the pregnant/formerly pregnant student will teach the other children mischief. According to the Senior Woman, “Culture plays a large role in successfully implementing the policy since such girls are viewed as being deviant.” At another school I visited, the senior master said that once these girls fall pregnant they do not want to be seen within the community at all due to being labelled loose.

These interviews exemplified the way that semi-autonomous social fields, in this case, culture, not only create rules but can also coerce compliance. The widely held social perspective that girls who have fallen pregnant are deviants who should not attend school is upheld by members of the community who make it so uncomfortable for these girls to attend school that they are forced to drop out due to the stigma surrounding their situation. Parents of the child, fearing embarrassment within the community, also find themselves giving in to the dictates of the community. Thus, despite the existence of a policy allowing re-entry, even where the community members are aware of its existence, some are unwilling to risk societal disapproval by keeping their daughters in school.

Officials at the Ministry of Primary and Secondary Education District Office confirmed that some parents who were aware of the policy were concerned that the policy perpetuates teen pregnancy and that keeping pregnant girls in school will negatively influence other students to fall pregnant as well. As one interviewee who had worked in the education sector for more than twenty years commented, “some people within the community are not happy to have pregnant girls mixing with their sons and daughters.” Although, as one official at the Ministry noted, these concerns are unconfirmed and have no basis in fact, the challenge lies in convincing ordinary members of the community.

One of the interviewees picked randomly within the Mbizo community commented that Zimbabweans are very conservative and they seem to view students who are pregnant as though they have a contagious disease, so they do not want them fraternising with their children. This comment was supported by another interviewee, a young man operating a tuck shop, who said he was not sure whether parenting girls should be allowed in schools since

they may badly influence other students. Another lady told me that it was good for pregnant girls to be expelled because if the schools do not do so, girls will not be serious about school and they will not fear falling pregnant since they will think that nothing will happen if they do fall pregnant. The existence of such negative views to pregnant girls attending formal schools explains why one lady I interviewed commented that “the only option if one falls pregnant in a government school is to move to a non-government school, leave the area where you stay and go where people do not know you.”

5.2.5 Attitudes among duty bearers

One school Head revealed that attitudes towards the policy were also negative among members of staff. He commented that when a certain girl who had fallen pregnant came to the school to write her exams the staff was visibly displeased even though they did not verbalise it. He also noted that even on higher levels within the government, at meetings with the Permanent Secretary and Minister, one can read between the lines that some officials in the higher echelons of government are not convinced that the right policy has been introduced. According to this interviewee, while pregnancy has been withdrawn from misconduct charges, this has led to the administration complaining that this is an attempt to anglicise our education and spoil our children. Such comments indicate how some duty bearers may view a more open-minded approach towards pregnant adolescents in school as un-African, culturally unacceptable or alien to African culture. The school head commented that it will take time for the policy to be implemented smoothly due to upbringing and culture.

A female teacher at another school commented that allowing girls to continue with school when pregnant is a gate pass for girls to fall pregnant and she suggested that girls should be allowed to re-enter but they should be prohibited from continuing their schooling while pregnant. The Head at the same school took the matter a step further by calling for the complete expulsion of pregnant girls from schools after pregnancy. When I met with the Headmaster in question to arrange an interview, he told me that he was very busy but that I should keep calling to see when he would be free. As he was seeing me out of the school, he suddenly turned to me and told me, in a confidential tone, that he was fully aware of the policy but that he personally did not approve of it. He illustrated what he viewed as the flaws of the policy by recounting an experience he had at the school.

The head told me that the school had a pupil who had returned after giving birth to continue her form two studies. She was allegedly seventeen at the time. Upon her return, he said that “she gave the other form two pupils alcohol and involved them with men to the extent that the father of one of the pupils, a pastor, came to see me.” According to the Headmaster, the irate father upbraided the Headmaster. The father complained about the school allowing ‘harlots’ into the school and the father felt particularly hard done by since he had, in his own estimation, been teaching his daughter good morals. The Headmaster told me that this is the reason he thinks that allowing mothers to return to school is likely to have a negative impact on the other pupils. Instead, he suggested that such girls should attend non-formal schools.

At this juncture I tentatively enquired whether this one negative experience could fairly be used as a representation of all pregnant or mothering girls. By this time, we had passed through the gates of the school but we stood outside as the Headmaster eagerly explained the reasoning for his point of view. According to him, “once girls give birth they are mentally, physiologically and intellectually on a different level from those who have not given birth. Such girls are now, for all intents and purposes, adults concerned with finding the means to fend for their baby and thus their mind set and the things they are willing to do to care for these babies” differ greatly from other girls or children who have not shared the same experiences. He concluded by stating that allowing formerly pregnant girls to mix with girls who have not given birth endangers other learners and leaves them open to negative experiences.

This was quite a revealing interview because it indicated that even among duty bearers, who are crucial to the successful implementation of the policy, there are some doubts concerning the suitability of the policy. The interviewee seemed quite convinced of his perspective and was unwilling to re-consider his opinion that all parenting adolescents will inevitably lead to the moral corruption of other pupils.

The conclusions to be drawn from these interviews seemed to be that perceptions within the community towards pregnant adolescents were a major barrier to the acceptance of the policy. Both ordinary members in the community as well as some school officials expressed disapproval of allowing pregnant girls to mix with other pupils. Since one school official even cast doubt on the approval of the policy by senior Ministry officials, the issue of attitudes is clearly an area that needs attention. Another obstacle to the implementation of the policy that I considered was the level of awareness regarding the policy.

5.3 A lack of awareness of the policy

It is not uncommon for policies to be formulated while implementers and beneficiaries are inadequately informed and empowered to effect the desired change (Runhare and Vandeyar, 2011: 4101).

One of the obstacles to the success of the re-entry policy that I investigated in this work was the level of awareness regarding the provisions of the policy among targeted beneficiaries and duty bearers. I discovered that both duty bearers and the community were not necessarily aware of the existence and/or provisions of this policy and this lack of awareness naturally affected the ability to make use of the policy.

5.3.1 Duty bearer's awareness

One of my concerns when I was carrying out this research was whether the schools, and more specifically school officials such as school heads and teachers, were fully playing their part in the implementation of the policy. Naturally, their ability to do so is impacted by how conversant they happen to be with the provisions of the policy in question. While researching I discovered varying levels of awareness among duty bearers in different schools, ranging from an inadequate level of knowledge regarding some of the provisions of the policy to complete ignorance regarding the existence of Circular Minute P. 35.

The senior woman at one government school in Kwekwe was aware that girls are meant to be allowed to attend school until they are due and then they can go on maternity leave before they return. Yet, as we continued to discuss the policy it emerged she was not fully aware of all its provisions. This became apparent when I asked in what way the policy could be improved and she suggested that “the Policy Maker should provide that both the boy and girl go on ‘maternity leave’ so the boys realise the disturbance that it causes.” This comment suggested that she had not read the policy which stipulates that a boy who impregnates a female student should go on leave for the same period that the mother does.

At another government school I visited one of the teachers told me that students may be allowed to come back after giving birth but when a learner is initially found to be pregnant she is immediately dismissed from the school. When I asked her for further clarification on the re-entry policy she said, “I have never personally seen the policy, what I know is from observing the administration, the senior master and the senior women.” She suggested that teachers should also be given access to this policy so that they are better informed. I found this interview quite worrying in two respects. Firstly, the lack of awareness of the teacher

struck me as strange, especially since an official at the Ministry of Primary and Secondary Education had told me that all teachers are supposed to be aware of the provisions of the policy. Secondly, her comment that all she knew was from observing the school administration made me wonder if they were implementing the policy correctly. In addition, this was the third school that I had visited and none of the interviewees were able to produce a copy of the policy. Some claimed that they had it somewhere but could not recall where it was and others, like this teacher, made it clear that they had never seen it in the first place.

The school Head at a non-Government school that I visited informed me that from his knowledge of the policy, when a girl was discovered to be pregnant she was sent home and only allowed to return after she had delivered. From this interview I started to note that a number of duty bearers held the view that if there is a policy regarding pregnancy in schools, it does not allow girls to continue with their schooling once the discovery that they are pregnant has been made. The interviewee in this case dispelled what little confidence I had regarding his knowledge of the policy when he asked me what the name of the policy was and whether I had a copy he could peruse. When I told him that I had actually been hoping that he would have a copy that would help to shed more light on the research, he sheepishly told me that the reason he did not have a copy was that it was a new policy which explained why schools may not have a copy of it yet. I wondered what he meant by saying this was a new policy since literature I had read on the subject at that point dated the policy to 1999. However, I discovered he was not the only school official under this impression.

The Senior Woman at a government school that I visited informed me that there is a new policy, introduced between 2005 and 2007, which provides that the child in question must remain in school and she can go on 'maternity leave' when she is due. She went on to say that this is a separate policy from the one that provides that after maternity leave/ dropping out the girl can return and school goes on as usual. She said this second policy is also fairly new, perhaps two years old or so, and awareness regarding this policy is still being spread within the community. After receiving all this information, I asked her to show me these policies but as had become the norm in these interactions, she informed me that she did not have any copies readily available. I did not find any information at the Ministry of Primary and Secondary Education or within the literature that I read to support any of these claims. My only conclusion was that the policy permitting continuation and re-entry was surrounded by a great deal of confusion. The fact that more than one school official said the policy is new

could indicate that efforts to inform school officials about the policy have been recent thus leading school officials to think that it is a new phenomenon.

The next interviewee was the Head of the Guidance and Counselling Department at another non-Government school. She told me that she was not very conversant with the current Ministry policy on pregnancies in schools but in the past she knew that both the girl and the boy who impregnated her at the school were expelled. In her experience there had been no awareness campaigns concerning the manner in which pregnant students are to be treated in schools and from what she knew, most schools act out of their own discretion. This was the first school I had found where the Head of Guidance and Counselling was completely unaware of a Ministry policy regarding the handling of adolescent pregnancy in schools. She said that they had never had students who fell pregnant and asked to come back, probably because of the stigma associated with being a pregnant student. She added that since the school was an expensive one, parents would be unlikely to be willing to incur the expense again. I wondered if the fact that they had never had a chance to use the policy contributed to the lack of awareness. I then recalled other schools I had visited where they had never had a chance to use the policy yet they still had an inkling that a policy existed. Since I was assured by an official at the Ministry of Primary and Secondary Education that this policy applies to all schools I knew that the fact that this was a non-Government school did not exempt them from utilising the policy.

At another non-Government school that I visited, the Head told me that there was no policy on dealing with pregnant teens. Despite her assertion, when I asked her how they handle such situations she informed me that they are supposed to communicate with the social welfare department which then allows them to let the learner go and give birth. After giving birth, the learner is allowed to re-join or get a transfer letter to learn elsewhere. She said that what usually happens is that the students stop coming to school and then they may bump into the students in town and then follow up their issue, and the social welfare can follow them home and let them know that they are allowed to return to school. She added that as a school, they have to follow up on girls who drop out of school. What became clear as the interview progressed was that she knew the procedure on how to deal with adolescent pregnancies in schools. It seems she was just unaware of the existence of Circular Minute P. 35.

Interviews with duty bearers thus revealed that some were completely clueless regarding any Ministry directive on handling pregnancies in schools. Where duty bearers were aware that a

policy existed, a large number of them were not clear on the exact provisions of the policy. This trend, combined with comments by a number of interviewees that this is a ‘new policy’ indicated once again that the Ministry of Primary and Secondary Education and school officials do not seem to be communicating adequately as far as the issue of continuation and re-entry is concerned. As may be expected, the lack of awareness among duty bearers paled in comparison to the lack of awareness in the community.

5.3.2 Community Awareness

Regarding community awareness, I wanted to determine the extent to which parents, high school students and the community in general had been made aware of the existence of a continuation and re-entry policy. In an interview with a retired teacher and school Head, who had worked in education for more than twenty years, I was informed that people in the community are largely aware of the existence of the re-entry policy because, at the time of introducing the policy, there was some consultation/awareness raising with members of the community. An official at the Ministry of Women Affairs, Gender and Community Development in Kwekwe also vouched for the level of community awareness by commenting that, “the community, particularly in the urban areas, are aware of the policy.” In fact, he was of the opinion that urban parents who do not take advantage of this policy prefer to marry off their daughter so that the baby is no longer their responsibility and that areas where people are likely to be unaware are the rural areas.

An official at the Ministry of Primary and Secondary Education also informed me that the community was aware of the policy because the Ministry has partners such as Plan International and CAMFED who assist them in raising awareness. On the other hand, another official said that the level of community awareness depends on the communities and their level of enlightenment. In the light of the claims to community awareness by these government departments, I requested further information on the information dissemination strategies they were using.

According to an official at the Ministry of Women Affairs, Gender and Community Development, their Ministry spreads awareness regarding continuation and re-entry when holding awareness campaigns against child marriage. At the Ministry of Primary and Secondary Education I was informed that workshops on re-entry have been held in Kwekwe District. Their Ministry also holds joint awareness campaigns with other Ministries such as

Social Welfare and the Ministry of Health. He mentioned that they had held a joint awareness campaign in September 2017.

When I enquired how they make sure that students know about the options open to them, an official at the Ministry of Primary and Secondary Education Kwekwe District Office said:

“The role of schools as far as the policy is concerned is to empower teachers and School Development Committees on what should happen when girls fall pregnant but the Ministry does not encourage the schools to preach among the learners, although parents are informed.”

The Senior Woman at a government school I visited confirmed that they do not tell students about the policy because “it may negatively influence these young children”. I also learnt at the Ministry that pupils are made aware of the policy due to the interventions taken by teachers and mentors through non-profit organisations.

As far as informing parents is concerned, the interviews carried out at the Ministry revealed that they encourage schools to inform parents about the policies at Annual General Meetings. Unfortunately, only one of the schools I visited claimed to share this information with parents at meetings. In fact, one teacher suggested that parents should be informed about the policy at School Development and Parents and Teacher meetings in order to address the low number of parents taking advantage of the policy, thus indicating that this was not the practice in their school.

Having been informed that awareness campaigns were being carried out, I resolved to also enquire about these in the following interviews. None of the respondents that I interviewed, whether they were school officials or ordinary members of the community, had ever observed any efforts towards awareness raising taking place in their communities. The general situation was summed up by one Head of Guidance and Counselling who commented that she had never seen or heard of any attempts on raising awareness about the issue within the community and suggested that perhaps this omission indicated reluctance by the Ministry.

As a means of assessing awareness I also kept my eyes out for posters in schools and government ministries that related to the issues of teenage pregnancy and re-admission for girls in schools. The only place I saw posters that came close to addressing such issues was at a non-Government school which had a number of posters on the wall in the entryway. The posters called for students to avoid peer pressure and teen pregnancy, STIs and HIV (National Family Planning of Zimbabwe, 2017). Another poster urged students to stay in

school and asked ‘if you drop out, where will you land?’ There was nothing specific to what students should do when they find themselves pregnant, the posters were all preventative in nature. This was the first and only school where I found posters that even alluded to such matters.

Within the wider community, the interviews I carried out failed to unearth any people, unrelated to the education sector, who were aware of the policy. The Reverend of an Anglican Church in Kwekwe informed me that he had never heard of a re-entry policy and that from his knowledge girls who fell pregnant were usually expelled and can no longer attend government schools. He noted that their church ran some schools and he had never heard of the policy. He used the awareness that has been raised concerning issues such as HIV and cholera as a comparator of the lack of similar awareness raising as far re-entry is concerned. I had selected this particular interviewee in the hope of discovering whether key stake holders like the religious sector had been made aware of the policy. The fact that the Reverend had been based in Kwekwe for eight years and their church ran schools and yet he had never heard of re-entry neither in his capacity as a Reverend nor in his private capacity seemed to me to be an indicator that not enough had been done so far to raise awareness.

In a bid to establish whether the parents of adolescent girls (who I reasoned had a particular interest in such knowledge) were aware of the policy, I carried out a group discussion with five females who fell between the ages of forty to fifty. Each of the participants either had teenage daughters attending government high schools or their daughters had recently completed their high school education in government schools. When I asked these ladies how the education sector dealt with pregnancies in schools their unanimous response was that girls are either expelled from school when the school authorities find out or withdrawn by their parents before the school authorities detect the pregnancy. They told me that both the girl and the boy who impregnated her, if discovered, would be expelled. All the respondents admitted that they had never heard of a re-entry policy or of girls being allowed to continue their education after falling pregnant.

From random interviews with the rest of the community I noted that a number of people were unsure of the current position. Three different women told me they did not know what happened when girls were found to be pregnant but all three suggested that they were probably expelled. A young man working at a tuck shop echoed this assessment. Other respondents were certain that pregnancy led to expulsion with one lady telling me that the

only option upon falling pregnant was to move to a school and area where you were unknown. Another woman that I interviewed said that it is obvious that if a girl falls pregnant while attending a government school, she will be expelled. She said that this must be the case because she had never seen pregnant girls on their way to formal schools.

Two women who formed part of an impromptu group discussion also expressed certainty that pregnancy led to expulsion. According to these ladies, sometimes the learner just quits on her own, but schools also do not allow such girls to stay in school. While the older lady was commenting that she did not think pregnant adolescents were permitted to be in school, the younger lady spoke over her saying of course such learners are prohibited from going to school because “*Mitemo yemuZimbabwe hayibvumidzi izvozvo*” (meaning, “The law in Zimbabwe does not permit such a thing.”)

In one of the rare situations where I found a member of the community who was aware of the policy, I asked him how he had discovered this information and he explained that he was a teacher by profession. I asked him what he thought the level of community awareness on the issue was and he told me that he thought most people were not aware of the existence of the policy provisions. When I considered all the respondents that I interviewed I realised that the ones who knew about the policy knew about it because they were teachers or had worked in the education sector at some point. In fact, in some circumstances, even teachers at schools could turn out to be ignorant concerning the policy.

5.4 Conclusion

This chapter set out and analysed findings relating to two suggested obstacles to the full implementation of Circular Minute P.35. Regarding the first obstacle, negative attitudes, I discovered that the existence of semi-autonomous social fields such as religion and culture sometimes militate against provisions regarding re-entry. Beliefs held within the community of what is culturally acceptable meant that pregnant girls may withdraw from school without the authorities expelling them due to fear of ridicule and stigma attached to their situation. Common refrains within the field as to why such girls must be excluded included the fear that they would negatively influence their peers and the need for these girls to look after their new baby. Predictably, duty bearers were not exempt from disapproval of the re-entry policy with one memorable interviewee going as far as to say that such girls are a danger to other pupils since they are no longer children once they have babies.

Regarding ignorance of the re-entry policy, it emerged that despite information dissemination allegedly carried out by the relevant ministries, the community largely exhibited ignorance of the provisions permitting continuation and re-entry. More worrying still, numerous members of staff within schools also showed varying degrees of ignorance concerning the policy ranging from total ignorance of its existence to inadequate knowledge of all the provisions of the policy.

In the light of the findings made and analysed in this work revealing that Circular Minute P.35 is inadequately framed, that the policy is not fully implemented and that information dissemination and awareness raising has seemingly not borne fruit within the targeted communities, the following chapter sets out some recommendations to address the situation.

CHAPTER SIX

6.0 TAKING THE NEXT STEP

6.1 Introduction

In the previous chapter I discussed the role of religious and cultural attitudes as well as inadequate awareness regarding the re-entry policy in impeding the full and effective implementation of this policy. I was able to establish, at the schools and within the community where this research took place, that attitudes and ignorance truly played a large role in hampering the implementation of Circular Minute P.35. In line with the objective of this research *to assess the effectiveness of the re-entry policy, identify obstacles to its implementation and suggest ways to improve the education sector response to adolescent pregnancies*; this chapter presents concluding findings and the accompanying recommendations.

6.2 Conclusions

6.2.1 An educational entitlement for all girls

Zimbabwe has an ample basis upon which to ensure that parenting and pregnant girls are not excluded from the enjoyment of the right to education. The provisions on education, non-discrimination, children's rights and the paramountcy of the best interests of the child entrenched in the Zimbabwean Constitution, combined with the provisions of the regional and international instruments ratified by the country, offer fertile ground for girls who fall pregnant to bring their educational aspirations to fruition. However, as a country we could afford to go a few steps further in order to create a more robust legislative framework that ensures the inclusion of such girls within the education system.

6.2.2 Zimbabwe's Re-entry policy

The provisions relating to continuation and re-entry are found in Circular Minute P.35. The Circular in question is designed to provide guidance on the administration of discipline in schools and the issue of re-entry is just a short section of the document. This section unjustifiably categorises pregnancies as either resulting from rape or from a consensual sexual relationship and the section on pregnancy resulting from rape seems more favourable to targeted beneficiaries than the section concerning pregnancy due to a sexual relationship. This may be inferred from the policy where Heads of schools are encouraged to do all within

their power to assist victims of rape to stay in school for as long as possible prior to giving birth. Furthermore, the section on victims of rape clearly stipulates that students can return from maternity leave after three months or earlier in order to write exams. These two provisions are left out in the paragraph relating to pregnancies resulting from consensual relationships making it unclear, from a strict reading of the policy, how long leave for this second category of students must be and whether school Heads are obliged to exert themselves to assist these girls to stay in school for as long as possible prior to giving birth as well. The policy also fails to overtly task school officials with an active role in encouraging girls to continue with their schooling.

6.2.3 Full Implementation of the policy

Investigation into the extent that the policy was implemented by school officials and the extent to which right holders utilised it revealed a disappointing level of implementation and utilisation. The general trend that I observed was that, due to self-expulsion by pregnant learners, schools often did not get the opportunity to make use of the policy. In addition, it seemed that there was a lack of synergy between the Ministry of Primary and Secondary Education and school officials. This led to school officials failing to carry their respective roles in facilitating policy implementation. An example given in this research recounted how a teacher at one school claimed that they were not empowered to approach learners they suspected to be pregnant and the school was also not permitted to follow up on learners who had dropped out. An official at the Ministry of Primary and Secondary Education revealed that schools were not only empowered, but expected to follow up on students who drop out and furthermore the Guidance and Counselling Departments were trained on how to approach learners when they needed to establish issues like whether they were pregnant. This lack of harmony between the Ministry and the school contributed to poor policy implementation.

6.2.4 A gendered response to adolescent pregnancy

This research revealed that despite the policy stipulating that boys should go on leave for the same period as the girls whom they impregnate, this is often not applied practically. This can be due to the ignorance of schools regarding this provision or the denial by the father of paternity. The result of this is that girls often find themselves shouldering the full responsibility for the pregnancy thus contributing to their inability to continue attending school. This in turn may lead to the inability to empower themselves through improved future job prospects. Even where the pregnancy is caused by an older man as opposed to a fellow

student, the responsibility for the care of the baby may still disproportionately accrue to the girl thus making it difficult for her to continue her schooling.

6.2.5 Attitudes: A cause of pregnant girls dropping out of school?

The interviews and discussions that I carried out revealed that negative attitudes towards pregnant adolescents in schools are found both among duty bearers, such as school Heads and teachers, and the community at large. This is no surprise since school officials are drawn from the wider community so they may bring their negative perceptions to affect the manner in which they implement the policy. Sentiments that pregnant students would negatively affect other pupils by their pregnancy were widely held among members of the community and even among some school staff. Respondents also argued that pregnant girls must be barred from school to fulfil their child care responsibilities.

6.2.6 A lack of awareness regarding the policy

The findings relating to awareness indicated that a large proportion of the community, including some teachers in schools, were completely unaware that girls are permitted to continue and return to school despite falling pregnant. The belief that pregnancy led to expulsion was widely held within the community. In fact, the only members of the public that were aware of the policy turned out to have found out about it within their professional capacities as teachers. None of the school staff or the members of the community, including those aware of the policy, had ever witnessed any efforts being made to inform the public about re-admission into schools for pregnant pupils.

6.3 Recommendations

6.3.1 Strengthening the legal educational entitlement of girls who fall pregnant

It has been recognised that anti-discrimination legislation prohibiting indirect or direct discrimination in policy and practice cannot sufficiently address exclusion and segregation in all its forms (UNICEF/UNESCO, 2007: 54). The suggestion has been made for the introduction of legislation that imposes a positive obligation to promote an atmosphere of inclusivity in schools. Although one can infer that the principle of inclusivity forms part of our legal framework from the provisions of the Constitution and the Education Act when they call for education for all children without discrimination, it may be advisable to increase the justiciability of the right to education by overtly and prominently including the issue of inclusion for pregnant learners in legislation in a comprehensive manner. Legislation should

impose an obligation on educational authorities to ensure the inclusion of pregnant and parenting adolescents in schools and stipulate that the commission of actions that act as barriers to the education of girls will meet with appropriate sanctions for the offending official. The State could also offer incentives that encourage inclusive school environments (UNICEF/UNESCO, 54: 2007). This could be the provision to schools who have shown a record of re-integrating pregnant learners of improved learning facilities such as refurbished and new buildings in the school or the donation of computers and other Information Technology to the school. Such positive discrimination may assist schools to perceive pregnant adolescents differently and can be viewed as fulfilment of the obligation to eliminate gender discrimination.

In order to achieve inclusivity in schools, Zimbabwe may also benefit from considering the steps being taken by its African sisters and brothers. Kenya, for example, has been contemplating a bill entitled *The Care and Protection of Child and Parents Bill, 2016*¹² which, among other objectives, is designed “to provide a framework through which an expectant girl child or a child parent may actualise their right to basic education and at the same time ensure the care of their children” (The Care and Protection of Child and Parents Bill, 2016: 189). The Bill has comprehensive provisions setting out the way in which the situation of pregnant students should be handled. In this section I shall mention a few of the provisions from which I think the Education sector in Zimbabwe could benefit.

Part III of the Bill (which I have provided in Appendix 2) deals with School Dropout Prevention and Re-Entry Programmes. Article 7 of this part obliges schools to develop management plans in relation to supporting girls who fall pregnant in schools. The Management Boards of the school is mandated to treat cases of pregnancy within schools confidentially and professionally. Such an approach is likely to give girls the confidence to confide in the school authorities when they find themselves pregnant as opposed to fleeing the school or risking their health by hiding the pregnancy for as long as possible, which seems to have been the trend of behaviour from the interviews conducted in this research.

The Management Board of the school is also meant to ensure that it upholds the interests of the child when it is crafting or establishing responses and interventions to children dropping out. Zimbabwe also needs to reiterate the principle of the best interests of the child in an instrument crafted specifically to address adolescent pregnancy and dropout. This is

¹² Called the Bill.

particularly important in light of paragraph 5.3 of Circular Minute P.35 which vaguely refers to the ‘interests of the school, the pupil herself and the child to be born’ in having the pregnant learner take leave. This sentence seems open to interpretation of the appropriate course of action and seems vulnerable to manipulation by school authorities claiming that the continued attendance by the pregnant learner is not in the interests of the school.

Section 8 of the Bill also makes it a right for pregnant girls to be readmitted to schools and section 12 requires unconditional re-admission into the level the girl was at prior to dropping out. Another provision within the Kenyan Bill which is particularly important is section 16 which makes it an offence for school heads and other education officials/administration to refuse to re-admit a child and makes the offender liable to a fine or imprisonment. The above provisions illustrate the inadequacy of policies as opposed to legislation. If Zimbabwe turns re-admission into a clear right and introduces legal consequences for the failure to administer the right to education of children who have fallen pregnant, then this naturally infuses both the right to education and the principle of inclusivity with greater enforceability and encourages accountability.

This whole section of the Bill need not be adopted wholesale. For example, the requirement that a child only be re-admitted after a year is too stringent considering that respondents at the Ministry of Primary and Secondary Education in Zimbabwe indicated that it was possible for a learner to be re-admitted after three months. However, Zimbabwe would benefit from introducing legislation that addresses re-entry for pregnant learners comprehensively and the Kenyan Bill may be helpful in crafting a suitable model.

6.3.2 Amendment and accessibility/availability of the re-entry policy

It is crucial that the re-entry policy be made more readily available to both the duty bearers and members of the public. The fact that a number of teachers seemed not to have it readily available or had never seen a copy of it casts doubt on the dedication of the Ministry and the State in implementing this policy. In order to reflect their dedication towards improving the situation of adolescents who fall pregnant in schools the policy on re-entry needs to be more visible. As far as accessibility to the public is concerned, I noted that the Ministry of Primary and Secondary Education website has a section that purports to have availed Ministry of Education Circulars and Education Policies and Documents to the public. However, the policy is nowhere to be found on the site and attempts to access any other documents that

seem to have been uploaded on the site has proven to be a futile exercise. The internet would be one way that the Ministry could increase the availability of the policy to the public.

In addition, the policy that was put in place is now clearly obsolete and needs to be amended to reflect the principles of the Constitutional dispensation under which we are now living. Principles such as the best interests of the child, inclusivity and non-discrimination need to be reflected clearly in the policy. Furthermore, there needs to be a document or policy specifically dealing with the issue of adolescent pregnancy as opposed having the procedure dealing with adolescent pregnancy located within a document that relates to the administration of discipline in schools. This merely increases the negative connotations associated with adolescent mothers.

6.3.3 Increasing effective implementation and utilisation of the policy

The low up-take of the policy could be addressed by the introduction of a monitoring mechanism for the policy. When I interviewed a lady who had previously carried out research on re-entry in Zimbabwe, we discussed the lack of a monitoring mechanism for the policy which she had mentioned in her research. She informed me that by a lack of a monitoring mechanism she had been referring to the failure of someone to follow up on girls who drop out of school due to pregnancy. A monitoring mechanism could involve schools being obliged to take note of girls who drop out due to pregnancy and making this information available to the Ministry. In order for this to be done however the issue of ignorance on the part of some duty holders as to their role in the implementation of the policy needs to be addressed.

Since this research revealed that some duty bearers, such as some Guidance and Counselling Departments, incorrectly believed that they were prohibited from following up on students who have dropped out and that they were prohibited from engaging with students as to whether they were pregnant, there is a dire need for training. Duty bearers need to be trained regarding their roles in the implementation of the policy. A Ministry official informed me that the Guidance and Counselling Department has been trained regarding these issues. If this is indeed the case, then their training needs to be revisited. This is crucial to the success of a monitoring mechanism as schools are in a unique position to identify students who have dropped out due to pregnancy and who have made use of the policy.

In order for girls to utilise the policy more, an enabling environment needs to be created within schools where girls feel comfortable enough to utilise the policy. To achieve this, the

confidentiality surrounding the policy needs to be addressed in schools and girls need to be fully aware that if they fall pregnant they do not need to fear expulsion or recriminations from the school. In addition, students need to be treated with the respect due to their right to dignity. Publicly humiliating students as I noted being done at one school does not create an enabling environment for students to confide in authorities.

6.3.4 A gender sensitive response to adolescent pregnancy

Steps need to be taken to ensure that, whether the father of the baby is a pupil or an adult male, there is a fair apportionment of responsibility for the baby. Schools could contribute to this by ensuring they correctly apply the provision in the Circular regarding the father of the child going on leave for the same period as the mother. This may give the boy a sense of responsibility for his actions and fatherhood as well as serve as a possible discouragement in the future. In addition, the Circular should also stipulate that counselling is a necessity for those boys found to be responsible for the pregnancy which may also give the boy a sense of responsibility for his actions. Any counselling should include impressing upon him the need to assist in his duties regarding his child.

In addition, there is a need for the State to introduce measures that enable girls to go to school and address the gender inequality that usually results from the burden of care resting on their shoulders. This could be achieved by introducing a form of social protection for such girls which provides a grant and the provision of care services so these girls are free to pursue their education.

6.3.5 Attitudes and Awareness: Vigorous awareness raising

Social construction feminism is cognisant of the necessity to alter both institutions and individual awareness and attitudes in order to create gender equality (Lorber: 32). Although efforts have been made to achieve gender equality within government and institutions such as schools, one finds that societal attitudes continue to have a huge bearing both within and from outside such institutions. Denigration of pregnant learners by teachers and peers at school as well as negative attitudes at home or within the community to pregnant girls attending classes converge to make pregnant or parenting girls less likely to attempt to going to school. In the context of Zimbabwe, the apparent secrecy in which the policy is shrouded only worsens the issue as it makes it seem like a taboo issue that cannot be openly discussed. The Ministry's practice of not informing students of the existence of the policy causes more harm than good because a large proportion of the community still seems to be under the impression that

pregnancy equates to immediate expulsion. This merely fuels the negative attitudes towards adolescent mothers as immediate expulsion seems to connote a rejection by society for wrong doing.

In order to address both the issue of ignorance of the policy and changing attitudes towards it, there needs to be vigorous awareness campaigns regarding the existence of the policy and the need for pregnant adolescents to be accepted into the community. Emphasis must be placed on addressing the stigma that surrounds adolescent mothers. Female pupils need to be made aware of their rights and, as one teacher at a school suggested, the provisions of the policy could be included in the curriculum for Guidance and Counselling. Although both the Ministry of Primary and Secondary Education and the Ministry of Women Affairs, Gender and Community Development indicated that they had held campaigns and workshops in partnership with non-profit organisations, there clearly is still quite some work to be done in order to publicise the policy. Radio and television campaigns could be utilised to spread the message further. Furthermore, schools could send all parents circulars that inform them of the provisions of the policy which would thus empower parents to assist their children if they should fall pregnant. The Ministry of Primary and Secondary Education should also take advantage of their website to post circulars and notices regarding re-entry.

Bibliography

Committee on the Elimination of Discrimination against Women (2017). *General recommendation No. 36 (2017) on the right of girls and women to education*. CEDAW Committee. (Available online at: http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_36_8422_E.pdf Accessed on 15 February 2018)

Committee on Economic, Social and Cultural Rights (1999). *Implementation of the International Covenant on Economic, Social and Cultural Rights. General Comment No. 13*. CESCR. (Available online at: http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CESCR_General_Comment_13_en.pdf Accessed on 16 March 2018)

Griffiths, J. (1986). "What is Legal Pluralism?" In: *Journal of Legal Pluralism*, 1986-nr.24. (Available online at: <http://commission-on-legal-pluralism.com/volumes/24/griffiths-art.pdf> Accessed on 24 March 2018)

Lorber, J. *The Variety of Feminisms and their Contribution to Gender Equality*. (Available online at: <http://diglib.bis.uni-oldenburg.de/pub/unireden/ur97/kap1.pdf> Accessed on 4 March 2018)

Merry, S.E. (1988). "Legal Pluralism." In: *Law & Society Review*, Vol.22, No. 5(1988). (Available online at: https://www.jstor.org/stable/3053638?seq=1#page_scan_tab_contents Accessed on 24 March 2018)

Ministry of Education, Sport and Culture (2007). *Primary and Secondary Education Statistics Report 2000-2006*. Unpublished

Ministry of Health and Child Care (2016). *Zimbabwe National Adolescent Fertility Study, Harare: MoHCC Technical Report*. (Available online at: <https://zimbabwe.unfpa.org/sites/default/files/pub-pdf/UNFPA%20NAFS%20Main%20Report%20%202016%20For%20Web.pdf> Accessed on 9 March 2018)

Ministry of Primary and Secondary Education, Zimbabwe (2018). (Available online at: <http://www.mopse.gov.zw/index.php/about-ministry/> Accessed on 18 March 2018)

Moore, S. F. (1973). "Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study." *In: Law & Society Review*, Vol. 7, No. 4 (Summer, 1973). (Available online at: https://www.jstor.org/stable/3052967?seq=1#page_scan_tab_contents Accessed on 27 March 2018)

Moyana, R. (2012). *The re-entry policy for drop-out girls owing to pregnancy in the secondary schools of Zimbabwe*. Unpublished

Rozaria Memorial Trust (2017). "Re-entry to school for 50 married Zimbabwean girls." (Available online at: <https://www.globalgiving.org/projects/unleashing-potential-of-100-vulnerable-girls/updates/> Accessed on 10 February 2018)

Runhare, T and Vandeyar S. (2011). "Loss of learning space within a legally inclusive education system: Institutional responsiveness to mainstreaming of pregnant learners in formal education." *In: Gender and Behaviour*, Volume 9 Number 2. (Available online at: [https://repository.up.ac.za/bitstream/handle/2263/17653/Runhare_Loss\(2011\).pdf?sequence=1](https://repository.up.ac.za/bitstream/handle/2263/17653/Runhare_Loss(2011).pdf?sequence=1) Accessed on 8 February 2018)

Tong, R. (1989). *Feminist Thought. A Comprehensive Introduction*. United States of America, Westview Press Inc.

Tsanga, A.S. and Stewart, J.E., eds. (2011). *Women & law: innovative approaches to teaching, research and analysis*. Harare, Weaver Press in association with Southern and Eastern African Regional Centre for Women's Law, University of Zimbabwe.

UN Women. Concepts and definitions. (Available online at: <http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm> Accessed on 3 March 2018)

UNESCO (2017). *Early and unintended pregnancy and the education sector. Evidence review and recommendations*. Paris, UNESCO. (Available online at: <http://unesdoc.unesco.org/images/0025/002515/251509E.pdf> Accessed on 12 February 2018)

UNESCO (2014). *Developing an education sector response to early and unintended pregnancy*. (Available online at: <http://unesdoc.unesco.org/images/0023/002305/230510e.pdf> Accessed on 12 February 2018)

UNESCO (2005). *Guidelines for Inclusion: Ensuring Access to Education for All*. Paris, UNESCO. (Available online at: <http://unesdoc.unesco.org/images/0014/001402/140224e.pdf> Accessed on 12 March 2018)

UNICEF (2011). *The State of the World's Children 2011*. (Available online at: https://www.unicef.org/adolescence/files/SOWC_2011_Main_Report_EN_02092011.pdf Accessed on 31 March 2018)

UNICEF(2008). *FACT SHEET*. (Available online at: https://www.unicef.org/malaysia/Teenage_Pregnancies_-_Overview.pdf Accessed on 31 March 2018)

UNICEF/UNESCO (2007). *A Human Rights-Based Approach to Education for All. A framework for the realization of children's right to education and rights within education*. (Available online at: https://www.unicef.org/publications/files/A_Human_Rights_Based_Approach_to_Education_for_All.pdf Accessed on 12 February 2018)

Zimbabwe National Statistics Agency (2014). *Education Report 2013*. (Available online at: http://www.zimstat.co.zw/sites/default/files/img/publications/Education/Education_Report.pdf Accessed on 12 February 2018)

Appendix 1: Extract from Circular Minute P. 35

5.1. For the purpose of this Circular, school girl pregnancies are divided into two categories–

- Pregnancy resulting from rape; and
- Pregnancy resulting from a mutually agreed sexual relationship between a school girl and a male person, whether a pupil or not a pupil.

5.2. Where pregnancy is due to rape the Head shall consult the parents/guardians. After necessary consultations, a transfer of the school girl may be arranged with the express agreement of the parents/guardians. The Head is, under these circumstances, obliged to counsel the parents and the victim of rape even if a transfer has been agreed to by the parents. The Head shall facilitate the placement of the pupil at another school. The pregnant girl must be assisted to stay on for as long as is possible before taking leave to deliver and can come back 3 months after, provided her parents request it. However, if the pupil is ready to come back for examination earlier than the stipulated 3 months she can do so.

5.3. Where pregnancy is due to a relationship between a school girl and a male person, it is in the interest of the school, the pupil herself and the child to be born that the female pupil be allowed to take leave from school. If the young mother (former pupil) wishes to come back to school and her parents/guardians have indicated their wish for their daughter to come back to school, the Head of the school at which the pupil was before she went away to give birth to her child shall do everything possible to facilitate her re-enrolment in the same grade/form in which she was before she took leave to deliver her child.

Once again, in these circumstances, the pupil shall be counselled both before and after leave so that she can adjust to normal school life and get maximum benefit from the school programmes. In the case of another pupil being the father of the infant, the young man shall also be expelled from school for the same period of time.

**PART III – SCHOOL DROPOUT PREVENTION
AND RE-ENTRY PROGRAMMES**

6. (1) The National and county governments shall –

Role of national
and county
governments in

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- (a) formulate policies for the re-admission and integration of children who have dropped out of school by reason of pregnancy; the prevention of drop out.
- (b) put in place programmes and interventions—
 - (i) for the identification of factors leading to teenage pregnancies and the dropping out of institutions of basic education, by children; and
 - (ii) that prevent the dropping out of children from institutions of basic education; and
- (c) put in place programmes for the assistance and education of vulnerable children and children in areas identified as having a high dropout rate owing to child pregnancy;
- (d) collaborate with the relevant stakeholders in the establishment of dropout prevention programmes that provide information and education that build upon the children's own knowledge, skills, values and attitudes; and
- (e) put in place programmes for the capacity building of teenage parents that aim at imparting skills including entrepreneurial skills to ensure that they practice responsible family life and that they are able to support their family.

(2) Prevention programmes established under subsection (1) shall –

- (a) involve the parents and guardians of the children in the governance of institutions of basic education and in the development of the code of conduct of the institution and strategies to prevent teenage pregnancies;
- (b) encompass the provision of relevant information and support for the prevention of teenage pregnancies;
- (c) include the sensitization of children and their parents on issues that have a negative impact the attendance of children;
- (d) create linkages between institutions of basic education and the communities they serve with the aim of encouraging school attendance,

sensitization and collaboration on issues affecting school attendance; and

- (e) promote healthy lifestyles through positive role modelling and encouraging children to participate in activities and advocacy and awareness programmes that have a positive impact and encourage a healthy lifestyle.

7. (1) Each institution of basic education shall develop a management plan for the support of any child who falls pregnant while in school.

Management plans.

(2) The management board of an institution of basic education shall –

- (a) put in place programmes with the aim of preventing teenage pregnancies and encouraging positive sexual behaviour amongst children in the institution;
- (b) treat each case of a child who falls pregnant while in an institution of basic education confidentially and professionally;
- (c) adopt an inclusive approach that involves the support of the child and parents or guardians of the affected child or children who are at risk of dropping out of school; and
- (d) in putting in place interventions or responses in situations of child drop out, ensure that the educational interests of the child are upheld.

8. (1) Every girl who –

- (a) while in an institution of basic education, falls pregnant and as a result, drops out of school; or
- (b) is of school going age but falls pregnant while out of school,

shall have the right to be readmitted or enrolled into an institution of basic education.

(2) Every girl under subsection (1) shall have the right to –

- (a) remain in school and to receive the necessary support to continue their education and participate fully during their pregnancy or as a parent student;

Rights of pregnant and parenting students.

- (b) fully participate in educational programs and activities of the institution of basic education; and
- (c) guidance and support to enable the child to return to her regular education programme after delivery and after the baby is weaned.

9. (1) The National and county governments shall —

- (a) develop and implement a plan for identifying and re-engaging —
 - (i) children who have dropped out of institutions of basic education owing to teenage pregnancies; and
 - (ii) vulnerable children who are have dropped out of, or who are likely to drop out of institutions of basic education owing to factors beyond their control,

in order to ensure that they are readmitted and integrated into the education system;

- (b) establish partnerships with community based organizations, education providers and other relevant stakeholders in order to —
 - (i) provide a broad range of educational options and services for children who drop out of school under this Part, including persons who are beyond eighteen years of age; and
 - (ii) counsel children in schools on adolescent sexuality, responsible behaviour and the consequence of teenage pregnancies; and
- (c) ensure that the education system in place takes into account the best interests of children who fall pregnant while in school.

(2) In this section, a “vulnerable child” means a child who faces circumstances that increase the likelihood of dropping out of an institution of basic education owing to teenage pregnancy.

10. (1) Where a child falls pregnant or a teacher or person in authority within the school has a reason to believe that a child within an institution of basic education is pregnant, the matter shall be referred to the principal of the institution.

Role of governments in ensuring re-admission of drop out children.

Management of teenage pregnancies in school.

(2) The child shall, where the principal of the institution of basic education is of the opinion that child may be pregnant, the principal shall refer the child to a health institution for a medical examination and such other health examination as may be necessary to determine the status of the child.

(3) A child shall not be compelled to undergo a medical examination where she refuses to undergo the examination.

(4) Where a child refuses to undergo a medical examination under subsection (3), the institution of basic education shall not be held liable for any consequences that may arise from the failure by the child to undergo the medical examination.

(5) The health professionals under subsection (2) shall provide the child with pre and post-natal health information and such other information as may be necessary, including any risks that may arise, to ensure the health and best welfare of the child is maintained.

(6) The school shall provide the necessary counselling services to the pregnant child and to her parents or guardians regarding the management of the pregnancy, the provision of support services to the child and the parents to ensure the child's emotional stability and well being the child during and after pregnancy and the importance of continuing with education after delivery.

11. (1) Every case of a child who falls pregnant which in an institution of basic education shall, subject to subsection (3), be handled by the management of the institution of basic education confidentially.

Confidentiality.

(2) The management of an institution of basic education shall not inform the parents or guardians of a child who, while in the institution, falls pregnant unless the child has been consulted on the matter.

(3) The provision of subsection (1) shall not apply where the welfare of the child or of other children in the institution of basic education is at risk.

12. (1) Every child who drops out of school by reason of pregnancy shall, subject to the provisions of this Act, be admitted back into an institution of basic education

Right to re-admission.

unconditionally and shall be allowed to join at the level at which she left prior to dropping out.

(2) The National Education Board shall issue guidelines for the conditions for the re-admission of children into institutions of basic education under subsection (1).

13. (1) Before returning to school, a child shall produce a medical report declaring that she is fit to resume classes.

Re-admission.

(2) An institution of basic education shall ensure that the rights of a newly born baby are protected and shall not readmit a child to school unless it is satisfied that proper arrangements have been made for the care and safety of the child.

(3) An institution of basic education shall not discriminate against a child who falls pregnant while in school or who is readmitted in school and shall put in place measures to ensure the re-integration of the child back into the school.

14. (1) A parent or guardian of a child who falls pregnant shall not be discharged from their responsibilities regarding the pregnant child and shall collaborate with the institution of basic education in supporting and monitoring the health of the child and ensuring that the child continues with her education after delivery and the baby is weaned.

Obligations of parents and guardians.

(2) For the purposes of subsection (1), a child shall not be re-admitted to the institution of basic education unless a period of twelve months has lapsed from the date the child delivers the baby.

15. (1) The management of an institution of basic education shall—

Obligations of the institution of basic education.

- (a) allow a child who falls pregnant while in school to continue with classes for as long as possible prior to delivery;
- (b) counsel the child and her parents or guardians on the importance of ensuring good outcome of the pregnancy by attending ante-natal clinic and ensuring safe delivery, and the possibilities of continuing with education after delivery;

- (c) provide academic support, parenting and life skills classes and strategies to prevent future unplanned pregnancies; and
- (d) assist pregnant and parenting students to gain access to affordable child care facilities.

(2) The management of an institution of basic education shall not discriminate against a child who falls pregnant while in school and shall put in place, enforceable rules and such other mechanisms to ensure that the other children within the school do not mistreat or in any way discriminate against the child.

(3) The management of an institution of basic education shall not exclude a child under this part from any programmes of the school or force the child to attend different programs from those of her peers only for the reason of the child being pregnant.

(4) A child who falls pregnant while in school shall be given an opportunity to make up for any missed classes or examinations in the case of pregnancy-related absences.

16. Where an institution of basic education refuses to re-admit a child under this Part, the principal and each member of the management board of the institution commits an offence and shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

Offence.