
**ACCESS BY A GIRL CHILD WITH PROFOUND VISUAL
CHALLENGES TO PRIMARY EDUCATION IN ZIMBABWE**

**BY
SAMUEL DEME**

Supervisor: Professor J. Stewart

**A Dissertation submitted in partial fulfilment of the requirements for a Masters in
Women's Law, Southern and Eastern African Regional Centre for Women's Law,
University of Zimbabwe**

2010

Abstract

For totally blind girl children the human right to primary education is the most essential human right to set them on the path to eventual economic and social independence, especially in the wake of Zimbabwe's recent economic meltdown. This dissertation explores how important it is to realise this right at the earliest educational stage in the lives of these girls which also happens to occur when, in the course of their natural lives, they are also at their most vulnerable. For this purpose, it identifies and traces the multiple forms of discrimination (on the grounds of, *inter alia*, disability, sex, gender, age, culture and poverty) which combine and operate to prevent them from accessing this right or to frustrate their full enjoyment of it. Written by a compassionate and highly-motivated partially-sighted lawyer, this dissertation offers valuable insights into the unique challenges that must be overcome in the process of offering educative solutions to this sadly neglected group of children. The high-impact value of these insights is captured by the writer's skilful use in the research process of the unique Women's Law Approach in combination with other gender-sensitive methodologies, especially the Grounded and Human Rights Approaches. Using these methodologies, he scientifically collects and analyses a wide range of material and relevant data (including, relevant laws, literature and verbal evidence from respondent girl children and their relatives, teaching staff and government and NGO officials) which he endeavours to present within the context of the 'lived realities' of affected girls themselves (some taken from the case study based at his former Primary School). In his conclusion, the writer (who has experienced Zimbabwe's various institutional educational options available to blind students), suggests that several legal and non-legal recommendations be implemented. In particular, and in accordance with Zimbabwe's international Human Right commitments, the country ought to (1) develop a comprehensive national policy (i.e., plan of immediate action) and legal HR framework to guarantee and protect compulsory free primary education for these girls; (2) develop close co-operational ties with the donor community (to help secure the purchase and maintenance of reading/writing aids for the blind and the training of teaching personnel) and (3) construct more integrated schools (which cater for a mixture of children with and without special needs.) (The main work is also supplemented with an appendix offering important technical and practical information about available reading and writing equipment for the blind).

Acknowledgements

I would like to express my special thanks to all the respondents who provided essential information that I used in coming up with this field research report.

I would like to express my gratitude to the Norwegian Ministry of Foreign Affairs and Oslo University for investing in my academic career,

I would like to thank my supervisor Professor J. Stewart for offering me academic guidance and direction.

To the SEARCWL staff, Dr Tsanga, Ms Rudo Bonzo, Ms Blessing Tsomondo, Ms Sesedzai Munyaradzi, Johnson Chingozhoro, Cecilia Mariri for being readily available whenever their assistance was needed.

To my spouse, Mwanyara Kasuza, I would like to thank her for her assistance during the research preparation.

List of Human Rights Instruments cited

African Charter on Human and Peoples' Rights

African Charter on the Rights and Welfare of the Child

Convention on the Elimination of all forms of Discrimination Against Women

Convention on the Rights of Persons with Disabilities

Convention on the Rights of the Child

International Convention on the Elimination of all forms of Racial Discrimination

International Covenant on Civil and Political Rights

International Covenant on Economic, Social and Cultural Rights

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

SADC Protocol on Gender and Development

Salamanca Statements and Framework for Action

United Nations Standard Rules on the Equalisation of Opportunities for Persons with Disabilities

Universal Declaration of Human Rights

List of Statutes cited

Class Action Act (Zimbabwe)

Constitution of Zimbabwe

Constitution of Uganda

Criminal Law (Codification and Reform) Act (Zimbabwe)

Customary Marriages Act (Zimbabwe)

Draft Constitution of Zimbabwe (2000)

Disabled Persons Act (Zimbabwe)

Education Act (Zimbabwe)

Kariba Draft Constitution (2007) (Zimbabwe)

Marriage Act (Zimbabwe)

Prevention of Discrimination Act (Zimbabwe)

University of Zimbabwe Act

TABLE OF CONTENTS

Acknowledgements.....	3
List of Human Rights Instruments cited.....	4
List of Statutes cited.....	5
TABLE OF CONTENTS.....	6
CHAPTER 1	8
1.0 INTRODUCTION.....	8
1.1 Background.....	8
1.2 Demarcation of the Research	15
1.3 Objectives	16
CHAPTER 2	18
2.0 RESEARCH METHODOLOGY AND METHODS OF DATA COLLECTION	18
2.1 Research Assumptions.....	18
2.2 Research Questions	19
2.3 METHODOLOGIES OR THEORETICAL FRAMEWORKS.....	20
2.3.1 <i>The Women's Law and Grounded Theory Approaches</i>	<i>20</i>
2.3.2 <i>The Human Rights Approach.....</i>	<i>22</i>
2.3.3 <i>The Gender and Development Approach.....</i>	<i>22</i>
2.3.4 <i>Experiential Data.....</i>	<i>23</i>
2.3.5 <i>A Critical Analysis of the Methodological Approaches.....</i>	<i>24</i>
2.4 RESEARCH METHODS OR METHODS OF DATA COLLECTION.....	25
2.4.1 <i>Key Informants.....</i>	<i>25</i>
2.4.2 <i>Random Sampling</i>	<i>26</i>
2.4.3 <i>In-depth Interviews.....</i>	<i>26</i>
2.4.4 <i>Group Interviews.....</i>	<i>27</i>
2.4.5 <i>Observation</i>	<i>27</i>
2.4.6 <i>Desk Research.....</i>	<i>28</i>
2.5 Methodological Challenges.....	31
2.5.1 <i>Attitudes.....</i>	<i>31</i>
2.5.2 <i>My Visual Condition.....</i>	<i>31</i>

CHAPTER 3	33
3.0 A DISCUSSION AND ANALYSIS OF THE STRUCTURE, LEGAL AND HUMAN RIGHTS FRAMEWORK OF SPECIAL EDUCATION IN ZIMBABWE.....	33
3.1 The Pattern of Special Education in Zimbabwe	33
3.2 The Legal Regime of Education in Zimbabwe	41
3.3 An Analysis of the Legal Regime of Education in Zimbabwe	44
3.4 Human Rights Compliance	49
CHAPTER 4	55
4.0 BARRIERS FACED BY A CHILD WITH SEVERE VISUAL CHALLENGES IN PRIMARY EDUCATION.....	55
4.1 The Shortage of Schools for Children with Profound Visual Challenges.....	55
4.2 The Inability to Raise School Fees.....	57
4.3 The Shortage of Braille Textbooks and other Learning Facilities.....	58
4.4 Challenges Faced by the Examination Board.....	62
4.5 Challenges faced by Institutions which train Specialist Teachers	66
4.6 Late Entry into School.....	67
4.7 Poor Identification of Potential Pupils	69
4.8 The Abandonment of Children at Boarding Schools.....	71
4.9 The Lack of a Comprehensive Primary Education Policy.....	72
4.10 The Lack of a Curriculum that is Responsive to Societal Needs	73
4.11 Poverty.....	75
CHAPTER 5	78
5.0 SPECIFIC CHALLENGES FACED BY THE GIRL CHILD IN PRIMARY EDUCATION	78
CHAPTER 6	85
6.0 RECOMMENDATIONS AND CONCLUSION.....	85
6.1 Recommendations	85
6.1.1 <i>Non-Legal Recommendations</i>	85
6.1.2 <i>Legal Recommendations</i>	88
6.2 Conclusion.....	91
BIBLIOGRAPHY.....	92
Appendix.....	95

CHAPTER 1

1.0 INTRODUCTION

1.1 Background

The right to education is a right established in terms of:

- Articles 13-14 of the International Covenant on Economic, Social and Cultural Rights;
- Article 10 of the Convention on the Elimination of all forms of Discrimination Against Women;
- Article 12 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa ('The African Charter on Women's Rights');
- Articles 28-29 of the Convention on the Rights of the Child;
- Article 26 of the Universal Declaration of Human Rights;
- Article 11 of the African Charter on the Rights and Welfare of the Child;
- Article 24 of the Convention on the Rights of Persons with Disabilities;
- Article 14 of the SADC Protocol on Gender and Development;
- Rule No. 6 for the United Nations Standard Rules on the Equalisation of Opportunities for Persons with Disabilities; and
- Article 17 of African Charter on Human and Peoples' Rights.

Children including children with disabilities are entitled to enjoy the right to education which is internationally recognized. The girl child with profound visual challenges faces discrimination on various fronts. This discrimination is based on gender, sex, age, disability and poverty in many cases. This, in turn, limits access by a girl child with profound visual challenges to primary education in Zimbabwe.

Disability is an evolving concept and that it results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders persons with disabilities' full and effective participation in society on an equal basis with others.

This is established in terms of Paragraph (E) of the Preamble for the Convention on the Rights of Persons with Disabilities. In view of this, it is apparent that persons with disabilities face many barriers which limit their potential of participating in society on an equal basis. Children with disabilities are also affected by these barriers in their attempt to access primary education.

Children with disabilities bear the names which reflect the negative thinking about their disability Mashiri (2000). This means discrimination starts as early as childbirth for the children who are born with disabilities. Names such as (Nhamburo) a Shona name which means “strife”, (Chiramwiwa), a Shona name which means “the forsaken one”, (Zvidzai), a Shona name which means “treat with contempt” and (Musekiwa), a Shona name which means “the cursed one” are such names which are given to the children who are born with disabilities, Mashiri (2000). These names perpetuate the prejudices and stereotypes against children with disabilities. These practices constitute barriers for children with disabilities in life including in the field of education. Similarly, the girl child with profound visual challenges is also affected in her attempt to access primary education by these stereotypes and prejudices hidden in the naming of children with disabilities.

For purposes of this research, the term the *girl child with profound visual challenges* is used to refer to the girl child who has totally lost her vision. This term has been used to promote the rights of the girl child rather than identifying her as a *profoundly visually challenged girl* child. The latter suggests her ability to function as a human being has been profoundly challenged. In turn, this promotes prejudices against the girl child. She is supposed to be identified as a human being before her disability is identified. The use of this term has been influenced by Paragraph 4 of General Comment No. 5 of the Committee on Economic, Social

and Cultural Rights where it was stressed that the use of the term (person with disability) is preferred over the term (disabled person). The Committee further observed that the use of the term (disabled person) suggests that one's ability to function as a human being has been disabled.

Those who attended primary education when the Zimbabwean economy was stable in the 1980s had an advantage because its schools had many more resources than they have today. Education was on the rise. The literacy rate in Zimbabwe rose to more than 90 percent, one of the highest rates in the world, UNICEF (2006).

The investment in education by the government of Zimbabwe has seen many countries benefiting from this educational policy as many Zimbabweans went into Diaspora in search of better employment when the economy began to decline. The brains of the Zimbabweans have proved to be some of the best in the world.

Towards the end of the 1990s, education in Zimbabwe began to register a serious decline. The worst decline of education in Zimbabwe was in 2008 when teachers downed their tools demanding for better remuneration and working conditions. Pupils were detrimentally affected by this. Many teachers left for greener pastures during this time, as the government turned a deaf ear to their demands. Some could opt to go and work on the South African farms where they could earn around R300 per month which was far better than what they were getting from the government of Zimbabwe for being teachers. Their salaries from the government of Zimbabwe were, at one time, as little as one U.S. Dollar which is around R7, 5 per month. This caused the closure of many schools as there was inadequate staff to manage the schools. Some visually challenged teachers left for South Africa in order to practise the dehumanizing act of begging on the roads. Some visually challenged students dropped out of university and left for South Africa in order to beg for assistance on the roads.

Integrated schools were affected by the job action by teachers of 2008. Integrated schools refer to those schools which enroll the children with disabilities together with those without disabilities. Specialist teachers, whose duty is to ensure that children with disabilities are fully integrated in integrated schools, also left for greener pastures. Borrowed Braille textbooks from Dorothy Duncan got lost during this era as observed by Mr. Mutambisi who works for Dorothy Duncan. Many integrated schools were removed from the register as a result of failure to return borrowed Braille textbooks to Dorothy Duncan. This seriously affected access to primary education for the girl child with profound visual challenges as textbooks constitute a very important part of education in Zimbabwe. Examinations are set based on the information in textbooks.

Education plays multiple roles in the society. These roles are established in terms of Paragraph 1 of General Comment No. 13 for the Committee on the Economic, Social and Cultural Rights which reads as follows:

Education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth. Increasingly, education is recognized as one of the best financial investments States can make. But the importance of education is not just practical: a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence.

In light of this, it is apparent that a country which ignores educating its citizens can only do so at its own peril. This quotation summarises the importance of education. A closer analysis of this quotation discloses the following issues:

- * Education is a right.
- * Education is an indispensable means through which other rights are realized.

- * Education is an empowerment right.
- * Education provides a poverty alleviation mechanism.
- * Education empowers women and children to resist all forms of exploitation.
- * Education empowers people to participate in communities.
- * Education promotes human rights.
- * Education promotes democracy.
- * Education provides the mechanisms through which population growth can be arrested.
- * Education promotes environmental protection.
- * Education can be described as the best financial investment States Parties can make.
- * Education allows people to wander freely and widely thereby enjoying the right to liberty and freedom of movement established in terms of Articles 3 and 13 of the Universal Declaration of Human Rights respectively.

To this end, the importance of education inspired me to research the right to primary education for the girl child with profound visual challenges in order to investigate how she is managing primary education in this harsh economic climate.

Worldwide, it is estimated that about 500 million to 650 million people are affected with various disabilities. This is stressed in Paragraph 1 of General Comment No. 9 for the Committee on the Rights of the Child. In terms of this Paragraph, it is estimated that about 150 million are children with disabilities. Further it is estimated that about 80 percent are living in developing countries. The Committee further underscored that most of the disabilities are preventable especially those disabilities which result from poverty, illnesses and wars. In the same paragraph, the Committee on the Rights of the Child further lamented that the majority of the children in the developing world are out of school and hence are illiterate.

It is estimated that about 45 million people have visual challenges, Sightsavers (2009?). 1, 4 million are children with visual challenges who are under the age of sixteen in the whole

world, Sightsavers (2009?). About 98 percent of these children in the developing world do not go to school, Sightsavers (2009?). There are around 500 000 new cases of childhood blindness every year which translates to roughly one case per minute, Sightsavers (2009?). Blindness has been described as the condition of lacking visual perception due to physiological or neurological factors, Blindness - Wikipedia, (2009?). For purposes of this research, the term blindness has not been regularly used. Instead, the term visual challenges has been used.

By 2004, 2 635 children with visual impairment were attending schools in Zimbabwe, See Ministry of Education, Sports and Culture (2004) and Mutepfa M.M. et al, (2007). This number is very small in view of the fact that the number of visually challenged people is more than 100 000 in Zimbabwe. These are only estimates as there was no attempt to carry out census of the people with visual challenges according to Mr. Mateta who works for the League for the Blind. This low enrolment seems to confirm global statistics which suggest that about 3 percent of the children with disabilities attend school in the developing world, UNICEF (2003). The severity of the problems for the child with disability has inspired me to do my research on the girl child with profound visual challenges in order to demonstrate the extent of the problem and to demonstrate the state obligations.

Children with visual challenges are not attending school due to various reasons. This means that the people with visual challenges are not keeping up with the rest of the country whose literacy rate is more than 90 percent; UNICEF (2006) and Mutepfa M.M. et al (2007). They are failing to harness the benefits of a country with high literacy and numeracy rates due to the visual challenges. This, therefore, needs research in order to investigate why there are so few children with visual challenges attending school.

My own experiences of how difficult it is to access education when one is severely visually impaired influenced me to choose this topic. After experiencing various obstacles, I then

chose to discover how the completely visually impaired girl children are managing to address the problems in accessing education.

After realizing that gender roles impact on the girl child, I decided also to explore how gender, disability, age, sex and poverty conspire to exacerbate the life situation for the girl child with profound visual challenges in primary education. In light of this, the urgent need to map the way forward for the betterment of the disadvantaged girl child with profound visual challenges has influenced me to do research on this area.

The access to primary education of a girl child with severe visual challenges is crucial in defining the rest of her life. One cannot just start by researching on tertiary education or any other higher level of education without tracing the trends of access to primary education for the girl child with severe visual challenges. The research would be insufficient as there would be a lot of gaps. When I visited the Disability Resource Centre, a special University of Zimbabwe department which addresses the needs of university students with disabilities, I discovered that there were only two ladies with profound visual challenges who were pursuing their education at the University of Zimbabwe in October 2009. On the other hand, there were sixteen gentlemen with profound visual challenges. This irregularity is an interesting area which requires adequate research in order to deduce why there is such inconsistency. This research is important as it will help to establish why girl children with profound visual challenges fail to proceed to higher level of education on an equal footing with the boy children with profound visual challenges.

Education is an enabling and an empowering right that allows one to access other rights. This research seeks to demonstrate this assertion. The research is intended to highlight the importance of primary education as the foundation of the educational career for the girl child with profound visual challenges.

The present research is geared towards exposing the barriers faced by the girl child with severe visual challenges in the field of primary education in the hope of influencing all the players, government, non-governmental world and other relevant players on the need to take appropriate action targeted at remedying the situation for the benefit of the girl child with severe visual challenges.

1.2 Demarcation of the Research

This research largely covers the right to primary education for the girl child with severe visual challenges. The boy child with severe visual challenges is covered in Chapter 4 where there was a need to demonstrate general problems faced by all pupils that are profoundly visually challenged. This is done as the foundation for the analysis of the access by a girl child with profound visual challenges. Other levels of education may be mentioned only where certain examples are needed in order to support a particular assertion. My personal experiences will be used to support certain points.

The research is territorially limited to Zimbabwe. Practices from other countries may be mentioned in order to demonstrate certain points.

This research covers largely girl child with severe visual challenges who is in the academic sphere. It will not address those in the non-academic sphere neither will it address girl child who is partially sighted. The girl child with profound visual challenges seems to be more disadvantaged in many ways more than the partially sighted girl child. This narrowing of the area for research allows a critical analysis of the respective constituency. Girl child with profound visual challenges in the non-academic stream and the partially sighted girl child can be a subject matter of future research. Where relevant, the non-academic sphere may be referred to.

1.3 Objectives

The objectives of this research are as follows:

Rights, Overall Access and National Educational Policy

1. To critically analyse whether the government adequately implements the right to primary education for the girl child with severe visual challenges according to the best international practices in terms of human rights.
2. To assess the extent to which the girl child with severe visual challenges accesses primary education.

Efficacy of Education Programmes and Opportunities

1. To assess the adequacy of primary schools for the girl child with severe visual challenges.
2. To assess the extent to which schools have facilities for the girl child with severe visual challenges in primary education.

Opportunities Barriers and Constraints

1. To critically analyse the obstacles faced by a girl child with severe visual challenges in her primary education.
2. To assess the role of religion in the primary education for the girl child with severe visual challenges.

3. To investigate the appropriateness of boarding schools for the girl child with severe visual challenges.

CHAPTER 2

2.0 RESEARCH METHODOLOGY AND METHODS OF DATA COLLECTION

This chapter seeks to expose Assumptions and matching Research Questions that influenced me to research this area. Theories used for purposes of this research will be discussed. Research methods used in the field have also been demonstrated. Challenges that I faced in the field research are also demonstrated in the last segment.

2.1 Research Assumptions

This research was based on the following assumptions:

Rights, Overall Access and National Educational Policy

1. Primary education is necessary to the girl child with profound visual challenges.
2. The government does not adequately implement the right to primary education for the girl child with profound visual challenges in accordance with international human rights standards.
3. Access to primary education for the girl child with profound visual challenges is limited.

Efficacy of Education Programmes and Opportunities

1. There are limited primary schools for the girl child with profound visual challenges.
2. Schools have limited facilities for the girl child with profound visual challenges in primary education.

Opportunities, Barriers and Constraints

1. Geographical, economic, religious and social factors may bar the girl child with profound visual challenges from accessing primary education.
2. Religion may sometimes facilitate and sometimes constrain the provision of primary education to the girl child with profound visual challenges.
3. Boarding schools may detach a girl child with profound visual challenges from her family.

In the field research, all the assumptions were confirmed. However, this constitutes bad news on the part of the girl child with profound visual challenges because most of the assumptions are negative with the exception of the first assumption and part of the seventh assumption.

2.2 Research Questions

The following are the matching research questions for this research:

Rights, Overall Access and National Educational Policy

1. How appropriate is primary education to the girl child with profound visual challenges?
2. How far does the government implement the right to primary education for a girl child with profound visual challenges?
3. To what extent does a girl child with profound visual challenges have access to primary education?

Efficacy of Education Programmes and Opportunities

1. How adequate are the primary schools that provide primary education to the girl child with profound visual challenges?
2. What facilities do primary schools have for girl child with profound visual challenges?

Opportunities, barriers and constraints; curriculum options

1. What are the factors that limit access to primary education for the girl child with profound visual challenges?
2. What role does religion play in primary education for the girl child with profound visual challenges?
3. How appropriate are boarding schools to the girl child with profound visual challenges?

2.3 METHODOLOGIES OR THEORETICAL FRAMEWORKS

Various theories have been carefully chosen with the purpose of carrying out this research. These theories are very sensitive to the needs of the girl child with profound visual challenges.

2.3.1 The Women's Law and Grounded Theory Approaches

The application of this approach meant going to the grassroots level and meeting girl children with profound visual challenges from all walks of life. In other words, I took a women's law approach to achieve a holistic picture on the situation of girl child with profound visual challenges in relation to primary education. This allowed me to understand the lived realities of girl child with profound visual challenges. This approach is informative to policy and law makers.

Such an approach involves building up legal and social science knowledge which encompasses the practices and perceptions of women and men.....

See Bentzon A.W. et al (1998: 25). This allows one to engage empirical knowledge about gender relations and local practices and procedures in a constant dialogue with theoretical generalization and concept building. See (Bentzon A.W. 1998: 25).

Legal concepts and theories need to be critically analysed through the medium of women's and men's lived experiences. To do these legal researchers need to have first hand knowledge of local practices and procedures in the area they are researching. This requires lawyers to acquire skills in data collection, fieldwork methods, and interpretation of fieldwork data and integration of the findings into a framework of legal analysis.

See Bentzon A.W. et al (1998:25)

This is a woman centred legal discipline which takes women's actual lived experiences and life situations based in sexuality, birth, care and domestic work as starting point for an analysis of the position of women in law and society. See Bentzon A.W. et al (1998: 91). The existence of biological, social and cultural differences between women and men are not regarded as the main problem in women's lives, but rather law and society's systematic under valuation of female activities and values are seen as the main causes of women's problems. Dahl (1987: 13) Bentzon A.W. et al (1998: 91).

In employing this approach, I collected empirical data about the actual lived experiences and the life situations regarding access to primary education for the girl child with profound visual challenges. I interviewed three girl children with profound visual challenges at Copota who were attending primary education. They offered a general starting point for the analysis of the position of girl child with profound visual challenges in the context of the current law on primary education. Perceptions and views of men and other women were also analyzed.

2.3.2 The Human Rights Approach

Issues for persons with disabilities have been traditionally treated as aspects of charity. People with disabilities have been treated as recipients of charity, those who survive according to the dictates of the well wishers. This approach disempowers the persons with disabilities. Similarly, the girl child with profound visual challenges is affected by this approach.

Recently, the charity approach has been overtaken by the human rights approach which emphasizes that equality and non-discrimination of all beings is the foundation of this approach. See Tomasevski (1993). To amplify this position, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa ('The African Protocol on Women's Rights) and the Convention on the Elimination of all forms of Discrimination against Women and other conventions will be used. Under this approach, persons with disabilities will be viewed as rights holders. This is an empowering approach. In other words, the girl child with profound visual challenges will be treated as a rights holder under human rights approach rather than as a charity recipient under the charity approach. In light of this, the question of access to primary education for the girl child with profound visual challenges will be addressed from a human rights dimension.

2.3.3 The Gender and Development Approach

This approach recognizes the fact that gender roles can have adverse effects upon women and girl children in their lives. Gender has been described as a socially ascribed role, Bentzon A.W. et al (1998: 82). Gender is seen as a concept that involves cultural interpretations. See Bentzon A.W. et al (1998: 83):

Gender thus entails, on the other hand, men's and women's active roles in society and on the other hand ingrained social ideas about femininity and masculinity, Bentzon A.W. et al (1998). On the other hand, Sex is based on the physical distinctions between men and women. Bentzon A.W. et al (1998: 82.)

The confusion between sex and gender can do a lot of harm to the girl child with profound visual challenges. This can result in the denial of girl child's access to primary education through the man-made barriers or gender stereotypical assumptions that characterize a particular role for a particular sex.

Sometimes, gender stereotypical assumptions are instilled into the children in early childhood. This is usually demonstrated by the types of games and toys which the different sexes are culturally expected to use. For example, girls are expected to play with dolls where boys are to play with toy guns. According to one author Garrett S. (1998) girls' toys prepare them for domesticity and motherhood where boys' toys offer them fantasy, excitement and intellectual stimulation.

The effects of gender must be conceptualized in the context of other forces like sex, age, disability and poverty. These forces in combination with gender worsen the life for the girl child with profound visual challenges. Gender cannot just be understood in isolation from these forces. Ignoring this can result in untold suffering on the part of the girl child.

To this end, gender stereotypical assumptions and other forces have to be arrested if access to primary education for the girl child with profound visual challenges is to improve. The removal of such barriers could see many more girls with profound visual challenges accessing primary education.

2.3.4 Experiential Data

Experiential data refers to the context where the writer relies on his or her personal experiences. Personal experiences of others may be recorded for this purpose. Being profoundly visually challenged, I contributed my various personal experiences to this work. These experiences would help readers to appreciate certain patterns of life especially where

the particular life situation is not common to many people. The readers would be informed of certain aspects of the primary education from an experiential perspective.

My personal experiences would help policy makers and planners to take these experiences into account since they reveal the situation on the ground and not on a theoretical basis. This will help them to evaluate policies and laws if there are any. On a positive note, my personal experiences will also help the policy makers and planners on the strengths of particular policies, laws and practices.

In light of this, it is apparent that experiential data provides the basis for providing valid lived realities. Substantive reference will be made to my personal experiences to demonstrate certain points where necessary.

2.3.5 A Critical Analysis of the Methodological Approaches

The above methodological approaches were very important to my field research report. These acted as my compass that gave me the direction to take throughout the field research. These offered me a practical approach to a range of theories.

The majority of the methodological approaches are gender sensitive. Further, these approaches are very sensitive to human rights. Gender and human rights experts may find the information in this field research report very useful.

These approaches are less idealized. Direct voices of the Respondents were recorded to confirm their feelings about particular positions. Unlike desk research, through the above methodological approaches, I was able to get first hand information which is more informative and less theoretical. The methodological approaches enrich the readers since they get reliable information.

2.4 RESEARCH METHODS OR METHODS OF DATA COLLECTION

2.4.1 Key Informants

The purpose of targeting key informants is to have focus in the research. Research without key informants can be less informative; it is like a ship without destination. Key informants provide the basic framework of the research as they are better placed to know the relevant structures that are important for the provision of primary education to the girl child with profound visual challenges.

I interviewed Mr. Mutambisi at Dorothy Duncan who informed me that Dorothy Duncan gives Braille textbooks to schools on loan for a specific time. He is a key informant as the production of Braille textbooks is critical to the education of the girl child with profound visual challenges.

I also interviewed Ms Chihuri at St. Giles who emphasized many problems faced by the school in the attempt to educate the girl child with profound visual challenges. Her information was significant in that she underlined the basic framework of the educational structure and the challenges experienced by schools.

Ms Sithole who works for School Psychological Services and Special Needs Education at Curriculum Development Unit also demonstrated various complications faced in an attempt to produce textbooks. She is the acting Deputy Director of this Department. She also revealed the government's plans to make all schools accommodative to pupils with various disabilities. This was important information in assessing and analyzing the government's commitment to promote the right to primary education for the girl child with profound visual challenges.

At the University of Zimbabwe, I also interviewed Mr. Hapanyengwi, the Chairman for the Department of Educational Foundations. He explained for me the basic framework of special education and the difficulties faced by the Department in the process of training teachers.

At the provincial office of Zimbabwe Schools Examination Council in Masvingo I also interviewed Mr. Mwale who also explained how Braille examinations for grade seven are prepared. He also described the way in which answer scripts are marked.

2.4.2 Random Sampling

Random sampling is where respondents are selected without targeting specific individuals. This helps to confirm or otherwise the version of key informants. Random sampling reflects the rough picture on the ground. At Copota Primary School, I randomly identified children for interviews without prior arrangement with these children. At the Disability Resource Centre, I randomly identified some informants without prior arrangement who provided me with vital information for my research.

Random sampling has the potential of avoiding planned lying under certain circumstances especially where it is not planned. This has the capacity to obtain the truth from the informant.

2.4.3 In-depth Interviews

In-depth interviews refers to interviews where researcher interviews the Respondent at a greater depth with the purpose of getting vital information for purposes of acquiring information for the research. Normally key informants need to be interviewed in this way. I planned this in advance with the aim of targeting key informants or any other individuals in order to get vital information. Normally, I would make an appointment so that the business of

the Respondent would not be inordinately disturbed. This approach requires more time to execute; for example, I spent one and half hours interviewing Mr. Mwale who works for the Zimbabwe Schools Examination Council.

2.4.4 Group Interviews

I held group interviews at Copota where I interviewed the children, student teachers and other teachers. Group interviews gave me an advantage of saving time as it was difficult to interview all teachers at Copota Primary School within the short space of time. In a group, people had the confidence to speak freely and openly. Group interviews also helped me as the informants would help each other in clarifying issues that would arise in the discussions.

2.4.5 Observation

I was forced to make certain conclusions based on conduct of the interviewees. For example, when I left Copota my friend who also teaches at Copota was asked by my informants whether I would use the information against them. I jumped to the conclusion that the informants could have omitted essential but sensitive information for fear of the unknown. This forced me to phone my friend in order to seek further clarification on some issues.

I also observed that in one of my group interviews, the teachers were not free to speak openly for fear of being victimized by the Deputy Head teacher who was also part of the group. Further, the wife of the headmaster was also part of the group and hence teachers feared that they may be victimised. At the time of the interview, I only managed to recognize the name of the lady Mrs Manjere. I was not sure whether she is the wife of the headmaster of Copota School. I later phoned my friend who confirmed that she is the wife of the headmaster.

2.4.6 Desk Research

I also used both ordinary and electronic libraries in order to research the relevant data in my field work. This provided me with theoretical framework. As a result, I managed to get the knowledge of the relevant literature, human rights instruments and statutes. Desk Research plays a complimentary role to the methods mentioned above.

The table below summarises the interview that I did. For each Respondent, the research method used is highlighted.

Name	Sex	Location	Occupation	Disability	Research method used
Mr. Gororo	Male	Copota School	Teacher	Visually challenged	In-depth interview, Key informant
Mrs. Sithole	Female	School Psychological Services	Acting Deputy Director	None	Key informant
Mr. Mutambisi	Male	Dorothy Duncan	Librarian	None	Key informant, in-depth interview
Vimbai Mudhuze	Female	Epworth	Not employed	Visually challenged	In-depth interview
Lovemore Matiza	Male	University of Zimbabwe	University student	Visually Challenged	Random sampling
Shamiso Baradza	Female	University of Zimbabwe	University student	Visually challenged	Observation,
Mr. Mapako	Male	University of Zimbabwe	Braille Technician	None	Key informant, in-depth interview
Mrs Chihuri	Female	St. Giles	Teacher	None	Key

					informant, observation
Mr. Chinyoka	Male	University of Zimbabwe	Braille Technician	Visually challenged	Key informant, in-depth interview
Ms Mutamisi	Female	St. Giles	Head Teacher	None	Key informant, observation
Leticia Moyo	Female	Legal Aid Directorate	Law Officer	None	In-depth interview, Random Sampling
Mr. Hapanyengwi	Male	University of Zimbabwe	Educational Foundations Chairman	None	Key informant
Ms Mudhuze	Female	Copota	Teacher	Visually challenged	Key informant
Ms Mambanje	Female	Copota	Deputy Head Teacher	None	Key informant
Mr. Mudhuze	Male	Copota	Teacher	Visually challenged	Key informant, In-depth interview
Fadzai	Female	Copota	Primary student	Visually challenged	Key informant
Prisca	Female	Copota	Primary Pupil	Visually challenged	Key informant, observation
Vimbai	Female	Copota	Primary Pupil	Visually challenged	Key informant, Observation
Mr. Chiparaushe	Male	University of Zimbabwe	Co-ordinator Disability Resource Centre	None	Observation
Ms Mazambani	Female	Copota	Worker	None	Key informant, Observation
Ms Mutamiri	Female	Copota	Worker at Braille Press	Visually challenged	Key informant, observation

Mr. Dube	Male	Copota	Worker at Braille Press	Visually challenged	Key informant, Observation
Mr. Mwale	Male	Masvingo Zimbabwe Schools Examination Council	Acting Braille Manager	None	Key informant, In-depth interview
Kudzai Mahachi	Female	Masvingo	Girl child's parent	None	Key informant, Random sampling
Trace	Female	Copota	Primary Pupil	Visually challenged	Random sampling
Mugove Dhlwayo	Male	Masvingo	Girl child's parent	Mild mental challenges	Random sampling
Respect	Female	Copota	Primary Pupil	Visually and mentally challenged	Random sampling
Rudo	Female	Copota	Student Teacher	None	Key informant
Juliet	Female	Copota	Secondary student	Visually Challenged	Random sampling
Sekai	Female	Copota	Student Teacher	None	Key informant
Mahere	Female	Copota	Student Teacher	None	Key informant
Ms Manjere	Female	Copota	Typing Teacher	None	Key informant
Ms Wekare	Female	Copota	Teacher	None	Key informant
Winnet Kanyerere	Female	Legal Aid Directorate	Law Officer	Visually challenged	Key informant
Simbarashe Chikengezha	Male	University of Zimbabwe	University Student	Visually Challenged	Key Informant
Hazvinei	Female	Gutu	Self employed	None	Random Sampling
Abraham Mateta	Male	Bulawayo	Programme officer League for the Blind	Visually impaired	Key
Tambudzai	Female	Harare	Not employed	Visually Challenged	Random sampling

Group of teachers	N.A	Copota	Teachers	None	Focus Group Interview Observation
Mr.	Male	Copota	Principal	None	Observation

2.5 Methodological Challenges

2.5.1 Attitudes

Some informants had negative views about this research. On two occasions, the name of this institute, Southern and Eastern Regional Centre for Women’s Law was mistaken for a political organization or a pressure group. I had to explain to the informants that in terms of the University of Zimbabwe Act, the University has powers to create centres and institutes. This is set up in terms of Section 16 of the Schedule to the University of Zimbabwe Act. After this assurance, it is difficult to gauge whether the truth came out of these informants who viewed the Centre with suspicion.

The informants at Copota Primary School viewed my supervisor as a donor. In light of this, possibilities are that some issues could have been exaggerated in order to win the sympathy of the potential donor.

2.5.2 My Visual Condition

I am profoundly visually impaired. It was difficult if not impossible for me to walk alone for purposes of this research. I always needed to be accompanied by someone.

At Mbare bus terminus, the digital recorder which I had borrowed from the Women’s Law Centre was stolen. The person took advantage of my visual condition. If I was able to see, I would have been able to see the culprit since I heard him searching me. By the time I told my wife, it was now difficult to trace him since the culprit could have heard me telling my wife to

look for the culprit. I made police report and the matter is still pending. However, the Police appear to be unco-operative. As a compensatory mechanism, during the supervised visit at Copota, my supervisor helped me with her digital recorder.

CHAPTER 3

3.0 A DISCUSSION AND ANALYSIS OF THE STRUCTURE, LEGAL AND HUMAN RIGHTS FRAMEWORK OF SPECIAL EDUCATION IN ZIMBABWE

3.1 The Pattern of Special Education in Zimbabwe

Special education refers to the education for pupils with various disabilities. Special education takes place on various fronts in Zimbabwe. The government and private players have varying versions of special education.

Before 1980, special education was done in a haphazard and uncoordinated manner, Hapanyengwi (2009). Religious and charitable organizations were each independently doing their own version of special education, Hapanyengwi (2009). This uncoordinated approach to special education was largely a result of the lack of national policy, Hapanyengwi (2009).

The early missionaries and such organizations as the Jairos Jiri Association were motivated more by religious and humanitarian considerations than by the recognition of the right of people living with disability to education. Basically, the curriculum was largely made up of Religious Education and training in practical skills in subjects like basketry, woodwork, leatherwork, sewing and cookery as well as building. Because the education of people with special educational needs was basically viewed as 'a moral and religious obligation', Hapanyengwi (2009).

This approach to special education was at the centre of addressing the issues of persons with disability during this time. The acts of assisting the persons with disabilities were viewed as the acts of charity. Human rights were still immature in Zimbabwe. This charity approach was overtaken by the human rights approach. The human rights approach views the persons with disabilities as rights holders rather than charity recipients. This human rights approach identifies the government as the key duty bearers in the promotion of rights of persons with

disabilities. Under this human rights approach, the organizations which were formerly known as charitable organizations should be identified as human rights based organizations because these promote the rights of persons with disabilities. This is the general feeling about major organizations for people with disabilities. Mr. Joshua Malinga, a former Chair Person of Disabled Persons International, is one of the advocates of this approach.

The government promotes special education through the Department of School Psychological Services and Special Needs Education. This Department used to be an independent board. However, since this year, 2010, the board will be affiliated to the Department of Quality Assurance which deals exclusively with primary education. According to Mrs Sithole (who is an Acting Deputy Director for School Psychological Services and Special Needs Education) this will create difficulties for the Department in that it will be difficult for the Department to address adequately secondary education for children with disabilities.

School Psychological Services and Special Needs Education used to run the National Braille Press which produced Braille textbooks for pupils in various schools. They also produced audio cassettes for the textbooks for the pupils in various schools. This Department is supposed to identify potential pupils for special education. They work in conjunction with traditional leaders and Councillors in the identification of children who qualify for special education. This Department advises government on the need to develop special education. This Department is also intending to introduce more integrated schools to cater for geographically scattered children with various disabilities. This approach of introducing inclusive education through the establishment of more integrated schools is in line with the Salamanca Statement and Framework for Action which advocates for inclusive education rather than education at special institutions. This is in accordance with Article 24 of the Convention on the Rights of Persons with Disabilities.

The government also established the training of specialist teachers at United College of Education which is based in Bulawayo. This programme was introduced in 1983,

34

Hapanyengwi (2009). At this institution, specialist teachers are taught how to read and write Braille and how to teach pupils with various disabilities. The University of Zimbabwe, through the Department of Educational Foundations offers degrees to specialist teachers. This was introduced in 1994, Hapanyengwi (2009). According to Mr. Hapanyengwi, there are plans to extend special education to all colleges so that all teachers will have knowledge of special education.

Schools that offer special education are either special schools where children with disabilities are exclusively accepted or integrated schools where children with disabilities become part of school of children without disabilities. Some schools try to mix the two versions.

Copota Primary School is an example of a special school. Previously, it used to exclusively enrol pupils with visual challenges. Some of them would be profoundly visually challenged and some would be partially sighted. Nowadays, the school now enrolls pupils with various disabilities. Copota is run by the Reformed Church in Zimbabwe. St. Giles is also in this category. It also offers education to pupils with various other disabilities as well.

Special schools have the advantage over integrated schools of being able to mobilize resources on behalf of children with disabilities in that they are more likely than integrated schools to attract donors. These resources are available to promote access to education for the girl child with profound visual challenges. Integrated schools may sometimes overlook the need to mobilize such resources as children with disabilities will be a minority group at such schools. For example, at Mutendi High School, children with profound visual challenges were not supposed to exceed fifteen per year. This was meant to avoid extreme pressure on the specialist teacher. Resource allocation is not normally done with the best interests of the minority groups such as children with profound visual challenges at integrated schools.

Further, special schools have the capacity to promote developmental skills for children with disabilities. Mr. Gororo, a teacher at Copota Primary School, stated that special schools can

promote skills like sports, social skills and other skills like washing, cooking and mobility for various disabilities. Teachers at special schools have the capacity to develop their skills of teaching children with disabilities as they compare notes on how to teach children with disabilities unlike at the integrated school where the specialist teacher has no-one to share experiences with. At Copota, I discovered that there are more special classes that are meant to develop different skills for pupils. There are separate classes for mobility, typing, Home Economics and one which specializes on teaching of different skills like basketry. Further, pupils are taught agricultural skills. There is a special class meant for slow learners and those with mental challenges. There is also a pre-school where pupils are taught Braille and other skills for the first time. There is a special class for the pupils with a combination of visual and hearing challenges. During my visit at Copota, this class had only one girl. All these specialist aspects are missing at an integrated school. This can be attributed to the lack of adequate resources by integrated schools and should not be mistaken as unwillingness on the part of integrated schools.

During my primary education at Copota, I benefited a lot from these skills. I was taught how to cook and wash in home economics. With the assistance of the organization based in Denmark, we were taught mobility skills in urban areas. Copota is no longer practicing these skills in urban areas. They are restricted these mobility skills to the school environment. This is largely due to harsh economic climate.

Special schools have the potential of promoting access to education for the girl child with profound visual challenges through the promotion of other skills that are important for the rest of her life. Hence, the government should be encouraged to support such special schools in order so that the girl child with profound visual challenges may learn to develop special skills which are crucial for the rest of her life in education and employment.

Children with learning difficulties are better off at special schools than at integrated schools. This is because at the integrated schools, teachers tend to ignore such pupils in the class.

During my interviews, Mr. Chinyoka¹ who attended integrated school was of the view that integrated school killed his ability to perform better in Mathematics in primary education as the class teacher largely used the blackboard to demonstrate calculations which excluded him. In light of this, special schools have the potential to promote access to education for the child with profound visual challenges who has learning difficulties.

Another category is that of integrated schools. Mutendi Primary School is an example of such schools. This mixes children with disabilities with those without disabilities. Pupils with visual challenges will be taught how to read and write Braille by a specialist teacher hired by the school for this purpose. The pupil with visual challenges will not join other pupils unless she or he is able to read and write Braille. Pupils with learning difficulties may take two or more years to be able to read and write Braille. There are more such schools which offer inclusive education; Bondolfi Primary School, Munene Primary School, Daramombe Primary School, Murehwa Primary School and Wadilove Primary School are examples of such schools which offer inclusive education. There are eleven such schools².

Inclusive education has the potential of discouraging discrimination within the society. This is in accordance with the Salamanca Statement and Framework for Action which advocates for inclusive education. Pupils without disabilities should develop the spirit of tolerance. They will be able to know that a pupil with disability is an ordinary human being. Inclusive education represents the natural way of life³. Children with disabilities will be able to mingle and mix with the rest of the community. They should have no problem in mingling with the rest of the community when they reach higher levels of education where they are expected to

¹ Mr. Chinyoka is a lawyer by profession who completed his Law Degree in 2002. However, due to economic challenges, he resigned from prosecution and is now working for the Disability Resource Centre as a Braille Technician. This offers him better security as the University of Zimbabwe gave him accommodation.

² Statistics provided by Mr. Mwale who works for Zimbabwe Schools Examination Council. He brailles examinations for the children with profound visual challenges.

³ This is the comment which was made by Mrs Sithole from School Psychological Services and Special Needs Education during my interviews.

mix with other students without disabilities, for example, at universities and colleges. They should have no problem in associating with other workers at the workplace.

During my primary education at Copota, I had problems in interacting with other children without disabilities. I had no skills to socialize with them. However, when I joined Mutendi High School, which is an integrated school, I acquired skills of how to associate with children without disabilities. My friend Mr. J. Mudhuze, who is profoundly visually challenged, was very important in my educational career as he introduced me to this type of inclusive education. When I was in Form 1, he was in Form 6 at Mutendi High School. He used to guide me in most educational issues. From him I quickly learnt how to interact with the rest of the students without disabilities. He also advised me that I was supposed to have strong socialization skills in order to acquire more friends who read for me. Below is Figure 1 where I am standing next to my friend who acted as my chief educational adviser.

Figure 1



I am standing on the far left. Next to me is Mr. Mudhuze. His friend, Mr. Chinyoka is standing next to him. Like Mr. Mudhuze, he is also a teacher by profession. Both of them work at Copota Primary School.

It became easy for me when I proceeded to Advanced Level at the same school. My friends who used to assist me at Ordinary Level sensitized other new students on how to share discussions with me. At this university, at the Faculty of Law, I was joined by my former Advanced Level classmate who sensitized the class about how to interact with me. I did not have problems in having new friends as a result of this. Further, at my workplace, I was joined by three former classmates who sensitized the rest of the workers on my position. To me the workplace seemed like the extension of class. In light of this, it appears that inclusive education represents the natural way of life as viewed by Mrs Sithole. Therefore, the government should put more effort in promoting inclusive education as it has the potential to promote the equality in society which is good for the girl child with profound visual challenges.

Some special schools try to adopt inclusive education in a unique way. Jairos Jiri which is based in Kadoma is one such special school. It enters into agreements with other schools in the area in terms of which some of its pupils be sent to them for the childrens' daily educational needs. I established this when I interviewed Mr. I. Chinyoka and Mr. L. Matiza both of whom are former students of Jairos Jiri. Lovemore Matiza advised me that during his primary school years there were four schools identified as partners by Jairos Jiri for this purpose. Pupils with visual challenges would attend such schools during the day. These integrated schools would hire a specialist teacher to attend to the special needs of the pupils with visual challenges. At the end of the day these pupils would go back to Jairos Jiri. In other words, Jairos Jiri gave them their accommodation and meals.

This approach of mixing the two versions of special school approach and inclusive education has its advantages. Pupils with ability would be identified and be sent to integrated schools. Those with learning difficulties will remain at the special school and get the necessary attention from the special school. If these pupils with learning difficulties improve, school authorities at the special school can decide to send them to integrated schools. The approach allows the school authorities to constantly evaluate whether their pupils at the integrated schools are benefiting from this type of education. This will allow them to improve on areas of weaknesses. This method strikes a balance between two regimes, education at special institutions and education at integrated schools.

Jairos Jiri, unlike Copota is based in an urban area where there are other primary schools in the vicinity. Copota has only one neighbouring primary school. Even if Copota wanted to introduce this type of education, it may be difficult since there are not many primary schools nearby. The number of the beneficiaries may be limited since the identified schools do not ordinarily take more than fifteen pupils per year in order to minimize pressure on the specialist teacher.

The Jairos Jiri model represents the best form of special education in Zimbabwe so far. Inclusive education like that which is practised at schools like Mutendi Primary School seems to be the best form of special education after this approach by Jairos Jiri. The approach of Copota seems to be the last preference as it has the danger of institutionalizing disability. This leads to the dumping of children with disabilities at these types of schools by parents or guardians. I discovered that there are ten children with disabilities adopted by Copota who have been dumped there by their parents or guardians.

3.2 The Legal Regime of Education in Zimbabwe

The right to education is not constitutionally guaranteed in Zimbabwe. The right to education falls within the class of Economic, Social and Cultural Rights established in terms of International Covenant on Economic, Social and Cultural Rights. All such rights are excluded from the Constitution of Zimbabwe. The Constitution only recognizes Civil and Political Rights established in terms of International Covenant on Civil and Political Rights.

The rejected Draft Constitution of 2000 had a clause which addressed education. However, this duty by the state was to be subject to availability of resources in terms of Section 28(2). Provision of education to the children by the state was part of the national objectives. It was not part of fundamental freedoms and human rights. Section 35(1)(D) of the Draft Constitution establishes that in interpreting the rights, the court shall pay due regard to objectives and principles. Section 28 of the Draft Constitution was inherited without amendment by the Kariba Draft which was agreed by Zimbabwe African National Union Patriotic Front and Movement for Democratic Change in 2007 in the resort town of Kariba.

In terms of Section 23 of the present Constitution of Zimbabwe, no person may be discriminated upon various grounds including physical disability, age, gender and sex. The

current Constitution has no particular section which addresses specifically and exclusively the rights of persons with disabilities.

Section 24 of the Draft Constitution establishes that the rights of persons with disabilities are to be respected. This only expressly covers physical and mental disabilities. Other disabilities are only identified as “other”. The Kariba Draft also inherited this Section without amendments.

The Draft Constitution addressed issues of gender and children in separate sections. Section 22 of the Draft Constitution encourages the state to respect the rights of children, including the right to education, subject to availability of resources. Section 21 of the Draft Constitution calls for gender balance in all matters. These sections form part of the objectives.

All people are entitled to the freedom of association and assembly. This is established in terms of Section 21 of the Constitution of Zimbabwe. The Education Act discourages discrimination of pupils upon various grounds including gender, tribe, race, ethnic origin. This is established in terms of Section 4(2) (A)-(B) of the Education Act. Section 4(1) of the Education Act establishes the right to education for all children.

It is the government’s objective to make primary education compulsory. This is established in terms of Section 5 of the Education Act. In terms of this Section, parents have a duty to ensure that their children attend primary education. Further, the Education Act has no provision for free primary education.

The Education Act is silent on how Special Education should be run, Hapanyengwi (2009). There is no other legislation which addresses the special education Mpofu E. (2004). The regime of special education is governed by a series of circulars. Worth mentioning is the Education Secretary’s Policy Circular NO. P36 of 1990 which discourages the discrimination of pupils upon various grounds including disability. The Nziramasanga Commission (1999)

also discovered that the practice of special education is run by School Psychological Services without a clear policy.

The Disabled Persons Act, which addresses other rights of persons with disabilities, has no reference to the right to education for persons with disabilities. The Act is administered by the Ministry of Labour and Social Services.

3.3 An Analysis of the Legal Regime of Education in Zimbabwe

Failure to guarantee the right to education in terms of the Constitution is a serious omission on the part of Zimbabwe. The right to education falls within the class of economic, social and cultural rights established in terms of International Covenant on Economic, Social and Cultural Rights. All such rights are excluded from the Constitution of Zimbabwe despite the fact that Zimbabwe is a signatory to this Covenant. The Constitution only guarantees civil and political rights established in terms of International Covenant on Civil and Political Rights.

Section 28 of the draft Constitution provides for education as a state objective which is subject to the availability of resources. This creates a convenient opportunity for the state to escape its duty to provide education to its citizens. Subjecting the Chapter of Objectives to the interpretation of the courts in terms of Section 35 of the Draft Constitution does not adequately protect the rights of the citizens. Rights must be created and protected in terms of the Constitution. It is not the duty of the courts to create the rights. This attempt to constitutionally provide for education must be improved in the current constitution making process by moving this section (Section 28) of the Draft Constitution into the chapter on fundamental rights and freedoms so that the right to education will become enforceable. Further, under the proposed new constitution, the provision must not be subject to the availability of resources as this creates an undesirable claw back clause. It will then become too tempting and easy for the state to fall back on such clause when faced with a legal suit. Making the right to education unconditionally justiciable will benefit the girl child with profound visual challenges a great deal as she will be able to enforce her right to education where the state is expected to protect, promote, respect or fulfill her right to education.

The regime of non-discrimination established in terms of Section 23 sets the tone for equality which is crucial for the girl child with profound visual challenges in her access to primary education. The Constitution is the supreme law of the land and any law that is inconsistent

with it is null and void to the extent of any inconsistency. This is established in terms of Section 3 of the Constitution of Zimbabwe.

This non-discriminatory dimension established in terms of Section 23 arguably excludes other forms of disabilities like visual and hearing challenges. However, some have argued that as long as an individual can be physically identified as having some form of disability then that person qualifies as a physically disabled person. Still this argument falls far short of addressing other disabilities like epilepsy which makes it difficult for one to be physically identified as such.

Addressing the issues of persons with disabilities in the chapter on objectives by the Draft Constitution makes it difficult for the persons with disabilities to enforce their rights. Further, the Section avoids expressly mentioning other disabilities which creates problems for the courts to interpret this Section. It only expressly covers physical and mental disabilities. Other disabilities are only identified as “other”. This has the potential of creating problems for girl child with profound visual challenges if she attempts to enforce her rights including the right to education. The court may decline to treat her as being covered by this section. However, jurisprudentially, the girl child with profound visual challenges can be covered as she qualifies to be “other”; the Kariba Draft also inherited this Section without amendments.

Under the current constitution making exercise, the government is urged to adopt adequately the rights of persons in the appropriate chapter of fundamental rights and freedoms and not in the chapter of objectives. The constitution must not single out some disabilities at the expense of others as this can potentially create problems for the omitted classes.

Condemning discrimination on the basis of age, gender and sex in terms of Section 23 of the Constitution is a positive move for the girl child with profound visual challenges. These forces combine to exacerbate the life situation for the girl child with profound visual challenges. These make a deadly combination with disability to complicate the life of the girl

child with profound visual challenges. She will fall back on such provision if she faces discrimination in the field of education based on age, gender or sex.

Dealing with matters of gender and children in the chapter of objectives as is the case in the Draft Constitution is not a wise move. If these are transferred to the rights Chapter, they have the potential of promoting access to education for the girl child with profound visual challenges. Gender balance will provide women with an opportunity to address their concerns including access to education for the girl child with profound visual challenges.

Guaranteeing freedom of association in terms of Section 21 of the Constitution of Zimbabwe is a giant step in the right direction. This fundamental freedom sets the right tone for pupils with disabilities to be accommodated in other schools without discrimination. This has the potential of promoting access by a girl child with profound visual challenges to primary education.

Section 4(2) of the Education Act condemns discrimination in the field of education. Interestingly, disability has not been included as one of the grounds upon which discrimination is prohibited. However, it can be jurisprudentially argued that disability falls within the class of the grounds set therein.

Section 4(1) of the Education Act purports to create the right to education. This purported right appears to be cosmetic as the right is not constitutionally guaranteed. Rights are created in terms of the Constitution and not in terms of the Act of Parliament.

The government establishes an objective that primary education is supposed to be compulsory in terms of Section 5 of the Education Act. This Section shows government's lack of commitment in ensuring that primary education is realized by all children. It has placed the duty upon parents. The Act does not define the role of the government in the provision of

primary education. The government is supposed to assist parents in ensuring children attend primary education.

Further, the Education Act has no provision for free primary education contrary to international human rights standards. In terms of Article 28 of the Convention on the Rights of the Child, primary education is supposed to be free. Zimbabwe is a signatory to this Convention. The government was reminded by the Committee on the Right of the Child in Paragraph 19 of 1996 Concluding Observations where it stated:

The Committee is concerned that primary education is neither free nor compulsory. Moreover, it expresses its concern at the lack of learning and teaching facilities.

Although these concluding Observations were made fourteen years ago, the government has put no effort in making primary education compulsory and free. This negatively affects girl child with profound visual challenges in her access to primary education.

Failure by the Education Act to address special education demonstrates a lack of commitment on the part of the government in the field of education for persons with disabilities. This will leave the private players with an option of running special education in an uncoordinated fashion. Although the Nziramasanga Commission demonstrated that there is no policy for special education eleven years ago, the government has done nothing to address these concerns, Nziramasanga Commission (1999). This demonstrates government's lack of commitment towards the promotion of the right to education for children with disabilities. This seriously impacts negatively on the right to primary education for the girl child with profound visual challenges.

The failure by the Disabled Persons Act to address special education is a chief source of concern. If this Act fails to address education for persons with disabilities, it is difficult to imagine that other Acts of Parliament would address special education. The Prevention of

Discrimination Act which condemns discrimination on various grounds does not condemn discrimination in the field of education.

The Marriage Act legalizes child marriage. In terms of Section 22 of the Marriage Act, the minimum age for marriage for a girl child is sixteen provided that guardian's consent has been obtained. The minimum age for marriage for a man is eighteen. This means that boy child marriage is illegal where girl child marriage is legal. This Act further legalizes the marriage of the girl child who is under sixteen years old and boy child who is under eighteen years old provided ministerial consent has been obtained. This is established in terms of Section 22(1) of the Marriage Act.

This position flies in the face of the provisions of Criminal Law (Codification and Reform) Act. Section 70(4) (i) makes it illegal for a person to have sexual intercourse with a girl child below the age of twelve. It further, illegalizes the act of having sexual intercourse with a girl who is above twelve years of age but is below sixteen years old under Section 70(4) (iv) of the same Act. Both acts constitute the common law crime of rape. Marriage with ministerial consent legalises the rape of the minors through the back door and has the potential of impacting negatively on the right to primary education for the girl child with profound visual challenges.

This is an omission of international human rights standards which discourages child marriage established in terms of Article 16(2) of the Convention on the Elimination of all forms of Discrimination against Women. The child is defined as any person under the age of eighteen. This is established in terms of Article 1 of the Convention on the Rights of the Child and Article 2 of the African Charter on the Rights and Welfare of the Child. The Customary Marriages Act is silent on the minimum age of marriage. This gap can result in the omission of observing the girl child's rights married under the regime of customary marriage.

3.4 Human Rights Compliance

The government has demonstrated a degree of commitment in the promotion of the right to education for the girl child with profound visual challenges. The government has established the Department of School Psychological Services and Special Needs Education which addresses the right to education for children with disabilities which also includes obviously the girl child with profound visual challenges. Plans by the School Psychological Services and Special Needs Education to introduce more integrated schools is a step towards the right direction for the promotion of the right to education for the girl child with profound visual challenges. Promotion of inclusive education is in accordance with international human rights standards. See Salamanca Statement and Framework for Action, Article 24 of the Convention on the Rights of Persons with Disabilities and Rule No. 6 of United Nations Standard Rules on the Equalisation of Opportunities for Persons with Disabilities.

The introduction of special education at United College of Education and at the University of Zimbabwe and other universities and colleges must be commended for the government's effort to promote the right to education for the girl child with profound visual challenges.

States are under obligation to adopt a non-discriminatory approach in the provision of primary education. This non-discrimination approach was emphasized by Committee on the Economic, Social and Cultural Rights in Paragraph 6[B] of General Comment No. 13. Section 4(2) of the Education Act prohibits discrimination in education. In this way, the government has complied with international standards.

The regime of non-discrimination is the foundation of all conventions. See Articles 2 of the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, African Charter on Human and People's Rights, African Charter on the Rights and Welfare of the Child, Convention on the Rights of the Child, Protocol to the African Charter on Human and People's Rights on the

Rights of Women in Africa, Convention on the Elimination of all forms of Discrimination Against Women, Article 5 of the Convention on the Rights of Persons with Disabilities and Article 4 of the International Convention on the Elimination of all forms of Racial Discrimination.

The government is under an obligation to sign and subsequently domesticate the Convention on the Rights of Persons with Disabilities. The government has not yet done this. This Convention sets the international minimum standards expected to be observed by the States Parties. Article 24 of this Convention provides for the right to education for persons with disabilities. Domesticating this Convention has the potential of promoting access to primary education for the girl child with profound visual challenges.

Despite being a signatory to the Convention on the Rights of the Child, Convention on the Elimination of all forms of Discrimination against Women and International Covenant on Economic, Social and Cultural Rights, all of which guarantee the right to education, Zimbabwe has omitted its contractual obligations under these conventions to constitutionally guarantee the right to education. The government has also neglected its duty to domesticate these Conventions in terms of Section 111(B) of the Constitution which states that international treaties should not become domestic law unless they have been ratified by the Parliament. This seriously impacts negatively on the right to primary education for the girl child with profound visual challenges.

The right to education must be economically accessible to all. This is established in terms of Paragraph 6(B) of General Comment No. 13 for the Committee on the Economic, Social and Cultural Rights. This means that education must be affordable. To this end, the government has failed to honour its duty to make special education economically accessible to the girl child with profound visual challenges. The government has failed to subsidise primary education for the girl child with profound visual challenges who, in many cases, is forced to

go to boarding school which is not free. This minimizes the number of the girl children with profound visual challenges who attend primary education.

Paragraph 7 of General Comment No. 11 for the Committee on Economic, Social and Cultural Rights also establishes that primary education must be free. Children with disabilities are no exception to this rule. Other indirect costs like levies have the effect of pushing the child out of school. These indirect costs have been accordingly discouraged by the Committee on the Economic, Social and Cultural Rights in the same Paragraph. States Parties are supposed to be cleared in the event that they want to impose levies on primary education. This clearance is supposed to be done by the Committee on the Economic, Social and Cultural Rights according to the wording of the same Paragraph mentioned above.

The government has failed to comply with the compulsory policy of primary education which is in accordance with international standards. The government has only managed to put in place the objective that primary education is compulsory in terms of Section 5 of the Education Act. This is an omission of the undertaking of the government in terms of the Convention on the Rights of the Child whose Article 28 emphasises that primary education should be compulsory. Paragraph 6 of General Comment No. 11 for the Committee on the Economic, Social and Cultural Rights also clarified that neither parents/guardians nor the state should view primary education as optional.

Schools are supposed to be physically accessible for them to be friendly to the children. This is established in terms of Paragraph 6[B] of General Comment No. 13 for the Committee on the Economic, Social and Cultural Rights. The government has failed to establish schools that cater for geographically scattered girl children with profound visual challenges. These are forced to travel long distances to the school. Hence, access to primary education for the girl child with profound visual challenges becomes limited.

Further, States Parties are supposed to adopt measures aimed at equalising opportunities between people with disabilities and those without disabilities. Such measures are not supposed to be considered as discrimination for all intents and purposes. This is set up in terms of Article 5(4) of the Convention on the Rights of Persons with Disabilities. The government has failed to institute such measures in the field of primary education for the girl child with profound visual challenges.

The girl child with profound visual challenges falls within the class of “vulnerable groups”. She is vulnerable due to her gender, sex, age, disability and, in many cases, poverty. The government has failed to establish mechanisms for such a vulnerable group. In terms of Article 6 of the Convention on the Rights of Persons with Disabilities, the government is supposed to protect women and girls with disabilities since they are subjected to multiple forms of discrimination. This lack of commitment has the effect of reducing the number of girl children with profound visual challenges who attend primary education due to lack of protective mechanisms.

Women and girls deserve special form of protection from abuse, violence and maltreatment. This is established in terms of Paragraph (Q) of the Preamble for the Convention on the Rights of Persons with Disabilities. There are no special measures in the schools visited during the research put by the government to ensure that girl child with profound visual challenges is not subjected to violence, neglect, maltreatment and sexual abuse. Violence and other forms of abuse have the potential of disturbing the right to primary education for the girl child with profound visual challenges. Hence, establishment of protection mechanisms against these forces will promote the right to primary education.

Children with disabilities are a vulnerable group and as such should be protected from all forms of discrimination. The best interests of children with disabilities are supposed to be at the centre in all matters concerning the children with disabilities. This is established in terms of Article 7 of the Convention on the Rights of Persons with Disabilities. The government has

failed to comply with this Article by failing to establish more schools that cater for geographically scattered girl children with profound visual challenges. This has seen some girl children with profound visual challenges being abandoned at these schools.

The educational programmes and institutions must be available in required and desired quantities to enable the primary education for the child. This was echoed by the Committee on the Economic, Social and Cultural Rights in Paragraph 6[A] of General Comment No. 13. By only creating one government school, namely St. Giles, the government has failed in its duty to protect, promote, respect and fulfil the right to primary education for the girl child with profound visual challenges.

The government has ignored ensuring that primary education is acceptable to the girl child with profound visual challenges. During my visit at Copota Primary School, I established that children in pre-school are treated like any other pupils in the country. The teachers delay teaching them writing skills, according to the national early childhood development policy⁴. This will seriously impact negatively on those children who are older when they enrol in school and who desire to become literate as soon as possible since they may get married before completing their primary education. Some of them may get married as soon as they complete pre-school. Primary education must be acceptable to children and parents and/or guardians of the children. This principle was observed by the Committee on the Economic, Social and Cultural Rights in Paragraph 6[C] of General Comment No. 13.

The government has failed to mobilize resources for the schools that enrol girl children with profound visual challenges in order to ensure that the curriculum is adaptable to the changing needs of the society. In view of this, the government has failed to comply with human rights

⁴ This is according to the comments made by one teacher of pre-school at Copota who stressed that their teaching of writing skills is governed by the early childhood development policy which discourages teaching of serious writing skills for children who are in pre-school.

standards established in terms of Paragraph 6[d] of General Comment No. 13 for the Committee on the Economic, Social and Cultural Rights.

The government has omitted its duty to put in place the curriculum that ensures that child's full potential is realized. In this regard, the curriculum has overemphasized textbook learning as the only basis of realizing the child's potential. Not all children excel at textbook learning. The government has also overemphasized written examinations as the only basis for official examinations that depict the full potential of the child. Oral examinations would be suitable for those children who become profoundly visually challenged at a later age and may take time to learn Braille. Therefore, the government has ignored observing Article 29(1) A () of the Convention on the Rights of the Child which emphasizes that education must promote the full potential of the child. This was further clarified by the Committee on the Rights of the Child which defined the aims of education in Paragraph 1 of General Comment No. 1.

Further, the curriculum designed by the government does not promote the child's knowledge of human rights as set out in terms of Article 29(1)(B) of the Convention on the Rights of the Child. Therefore, the curriculum of Zimbabwean primary education is internationally irrelevant for want of human rights content. Like any other child, the development of the girl child with profound visual challenges in human rights knowledge becomes curtailed by government's effort to unilaterally design the curriculum for primary education.

CHAPTER 4

4.0 BARRIERS FACED BY A CHILD WITH SEVERE VISUAL CHALLENGES IN PRIMARY EDUCATION

The child with profound visual challenges faces numerous challenges in accessing primary education. This Chapter seeks to discuss general difficulties faced by both the boy and girl child with profound visual challenges. This will act as the foundation for the next Chapter which will address the problems faced by the girl child with profound visual challenges. One Respondent, Mr. Mapako, a former teacher at Jairos Jiri School based in Kadoma, underscored that the girl and the boy child with profound visual challenges face problems which are very similar in their dimensions.

4.1 The Shortage of Schools for Children with Profound Visual Challenges

There is great shortage of schools which accommodate pupils with visual challenges. At the Zimbabwe Schools Examination Council Masvingo Provincial Office, I discovered from an Acting National Braille Manager, Mr. Mwale, that there are fourteen primary schools that accommodate pupils with visual challenges. Three of the fourteen schools are special schools, namely Copota, St. Giles and Jairos Jiri. Only Copota and Jairos Jiri have the capacity to take large numbers of pupils with profound visual challenges. At the time I visited St. Giles, in October 2009, they had fifteen pupils with visual challenges. Six had profound visual challenges. Half of these were girl children. Copota had 180 pupils most of which had visual challenges. Eleven of the fourteen are integrated schools which have a policy of enrolling not more than fifteen pupils per annum.

The number of schools is too small to accommodate the geographically scattered children with severe visual challenges. Parents therefore face the problem of meeting transport costs

for every term. Parents have to foot the bill for bus fare of going to and from school at the beginning and at the end of the school term in order to escort their children to and from school. Ms Kudzai Mahachi revealed that she takes her girl child to Copota from Mwenezi. These places are separated by more than one hundred kilometers.

At one time, I failed to go to Copota Primary School to collect my child due to economic problems. My mother had passed away. I failed to raise the bus fare. Therefore, my child remained at Copota for the whole holiday.

This statement by Ms Kudzai Mahachi arose during the interview in Masvingo town .

Although I personally resided in Gutu which is in Masvingo Province, my parents were facing complications in raising bus fare to Copota. I lived approximately 150 kilometres away from Copota School. Sometimes, my mother would go and work on someone's field in order to realize an income to send me to school or to collect me at the end of the school term. There were three of us, children with profound visual challenges, who came from the same area. Our parents would take turns to assist us going to school or coming back from school. This saved the resources for the three families. The situation is now much worse in Zimbabwe where the majority of the citizens cannot afford to live on one U.S. Dollar per day. This poverty level makes it difficult for parents to send their children with profound visual challenges to school.

The problem of inadequate schools should not be underestimated because it has the potential of pushing the child with severe visual challenges out of school. The State's failure to establish sufficient educational institutions violates international human rights standards which require appropriate educational institutions to be available in desired and required quantities. This was echoed in Paragraph 6 of General Comment No. 13 for the Committee on the Economic, Social and Cultural Rights. The practice of creating geographically scattered schools flies in the face of the principle set out in this Paragraph which emphasizes that

schools must be geographically and physically accessible to all children including the children with disabilities.

Parents may fail or take time to obtain adequate information about such schools. This was confirmed at Copota where some girl children come to school at a later age. One pupil identified as Svodai came to Copota to begin her primary education at the age of nineteen.

4.2 The Inability to Raise School Fees

Primary education is generally not free for the child with profound visual challenges. She or he has no choice of choosing ordinary primary schools that offer free primary education. She or he is forced to attend designated schools that have the facilities that suit her or his condition. Most of these schools are boarding schools where the parents are forced to part with large sums of money under certain circumstances for school fees and transport expenses. This makes primary education economically inaccessible to the child with profound visual challenges. This is in contravention of Paragraph 6[B] of the General Comment No. 13 for the Committee on the Economic, Social and Cultural Rights which emphasizes that education must be economically accessible.

At St. Giles, Ms Chihuri observed that a child with profound visual challenges may drop out of school due to the inability of her parents to raise the required school fees of U.S. \$270 if she is a residential student or U.S. \$150 if she is a non-residential student. She singled out one case of a grade six pupil who dropped out of the school because her surviving parent was terminally ill. She could not raise the school fees required. Such an amount is out of the reach of many parents.

At Copota Primary School, the inability to pay school fees may, to the school's credit, not result in the expulsion of the student. Pupils are advised to go and collect school fees. If they

come back and indicate that the parents are unable to raise school fees, a pupil will be allowed to continue with her education. I learnt this from Juliet Ncube, a pupil at Copota. She had advised the school authorities that her guardian was not in a position to raise the school fees. Both of her parents are dead. Consequently, the authorities did not send her home to go and collect school fees due to her situation. The school fee at Copota Primary Boarding School is U.S. \$100 per term. This amount was confirmed by Mr. Gororo, a teacher at the Primary School.

My parents only managed to pay my school fees up to grade Five. The school authorities did not expel me from the school. By 1992, in primary education, we were paying around Z\$50 per annum at Copota school and our friends at Bondolfi Primary school, which was also a boarding school, were paying more than Z\$1 000 per annum.

The inability to raise school fees makes primary education difficult for child with profound visual challenges. This is against comments raised by the Committee on Economic, Social and Cultural Rights in Paragraph 6 of General Comment No. 11 where it was emphasized that neither the parents nor the States Party should view primary education as optional.

In view of this, it is apparent that payment of school fees may be a barrier to the education of the child with severe visual challenges. Even at Copota, the child may be occasionally disturbed in his or her education by being send back home to collect the school fees.

4.3 The Shortage of Braille Textbooks and other Learning Facilities

It is evident that the equipment required to produce Braille textbooks is very expensive. An Embosser is equipment which is needed to produce Braille textbooks, which acts as a printer. The price of this is SAR41 800 (41 800 South African Rands; US\$1,00 is equivalent to

SAR7,50.) The Embosser needs the software which is known as Duxbury which facilitates the translation of copies into Braille. The price of this software is SAR7 050. In addition it is crucial for Braille printers to acquire the scanner which converts hard copies into soft copies for them to be printable by the Embosser.

In the absence of adequate resources, it is difficult for the school to raise this large amount of money in order to purchase the material which makes the printing of Braille textbooks very easy. This is one of the reasons why schools find it difficult to print Braille textbooks for their pupils.

At St. Giles, there is a critical shortage of Braille textbooks. Ms Chihuri disclosed this during the interview. The school used to borrow Braille textbooks from Dorothy Duncan. It failed to return these textbooks and was subsequently removed from the list of the schools which qualify to borrow textbooks.

What complicates the life of the pupils at St. Giles is that there are only a few pupils with profound visual challenges. At the time of the interview, there were only six pupils with profound visual challenges. It may be very expensive for a school to acquire the Embosser for this limited number of pupils.

The Department of School Psychological Services and Special Needs Education used to run the National Braille Press but is now failing to do this due to economic constraints according to this Respondent. The Department had managed to acquire the latest equipment for brailing textbooks. However, according to Mrs Sithole of School Psychological Services and Special Needs Education maintenance costs for the equipment are now beyond the reach of the Department. The business of printing Braille textbooks had been stopped because the Embosser is not functioning and needs repairing. In addition, their equipment for the production of audio cassettes of textbooks is not functioning.

At Copota Primary School, I discovered that there is great shortage of Braille textbooks. This was confirmed by teachers during the group interview. I discovered from Copota's printing press that Braille textbooks are produced slowly since there was no advanced machinery to produce Braille textbooks. The workers were forced to hand-Braille the textbooks. They were using the Perkins Braille which operates much like a typewriter. For further information of what the Perkins Braille looks like, see Figure 6 in the appendix.

Copota Primary School had acquired the advanced machinery for the production of the Braille textbooks but the printing press has not yet started using the machinery. The Principal of all institutions at Copota, Mr. Chiwera, gave me the assurance that the advanced equipment would be introduced soon.

At Dorothy Duncan, I also discovered from Mr. Mutambisi that schools sometimes fail to return Braille textbooks within the agreed time. Dorothy Duncan is an organization that brailles textbooks for schools. Schools borrow some Braille textbooks from this organization for a specific period agreed. He stated:

Some schools fail to return our textbooks and we strike them from our register resultantly. We will not give such schools our textbooks in future.

During my period of attending primary education, textbooks were also in short supply. However, there were normally Braille textbooks for English, Mathematics and Shona enough to cover one class in our grade. Our class teachers would plan their timetables so that the lessons for our three classes in our stream would not clash. This would allow each class to have sufficient time to use the textbooks.

At the University of Zimbabwe, where I am now pursuing a Masters in Women's Law, shortage of textbooks is not a problem. Women's Law Centre had mobilized resources that allow me to read scanned documents with the use of computer. This software is called Open

Book which costs SAR11 400. With the use of Jaws, software acquired by the Centre at the price of SAR12 570, I am also able to read Word and PDF documents. I have found the use of Braille textbooks less beneficial than this latest technology. Using a computer to read the document is faster than reading Brailled documents. For example, I read ten pages per hour if I am reading a brailled document whereas with the use of the computer, I read 22 pages per hour. However, whenever, I wanted the document to be put in Braille there was a readily available machine at the Centre, namely an Embosser, to do that. Reading a brailled document would enable me to get a better understanding of the document. This was especially important if I want to revise a large document which I had written. It may be difficult for schools to acquire such material without the assistance of a donor.

The shortage of Braille textbooks is a major challenge for the child with profound visual challenges. This will affect negatively the performance of child in public examinations which emphasises textbook learning. The child will develop at a slow pace which will seriously affect her or him in higher levels of education. She or he will not be in a position to compete with her or his visually able counterparts. Consequently, the child may not be able to proceed with tertiary education. A child with severe visual challenges will continue being isolated by the public. This will also impact negatively on the prospects for employment for the child with profound visual challenges. A shortage of Braille textbooks creates a major information gap for the child with profound visual challenges.

Schools find it difficult to source writing equipment for the pupils with severe visual challenges. The equipment is not manufactured locally. I learnt from Mrs Mambanje, a Deputy Head teacher at Copota Primary School that they source the equipment from Netherlands together with Braille papers. Pupils use writing slates and Perkins Braillers to write Braille.

Ms Chihuri at St. Giles also stated that there is great shortage of writing equipment for the pupils with severe visual challenges. She underscored that:

We have only three writing slates for the pupils with visual challenges. We need at least fifteen writing slates for the pupils with visual challenges.

The Women's Law Centre acquired for me the Pac mate at the price of SAR44 200. This is a computer which has keyboard. It has no screen. It has an option of reading the document in Braille. This machine has Jaws which reads the document for me. I would use this for collecting data during research since this is smaller than the ordinary laptop. For purposes of examinations and assignments, I would use the laptop.

The shortage of writing materials has the potential of affecting the final results for the child with profound visual challenges which can lead to poor performance. A writing slate⁵ makes it difficult for the child with profound visual challenges to facilitate the writing of examinations. Although a child with profound visual challenges is entitled to the extra time which is one quarter of the normal time for examinations, this is insufficient with the use of the writing slate. Consequently, poor performance will continue to be a problem in higher levels of education or employment where the pass level grade is a priority. Shortage of learning facilities was raised by the Committee on the Rights of the Child as an issue which seriously affects the right to education⁶. For further discussion of Braille and the equipment needed to produce Braille, see appendix.

4.4 Challenges Faced by the Examination Board

⁵ To have clear picture of the writing slate, see figure 4 in the appendix.

⁶ See Paragraph 19 of Concluding Observations for Zimbabwe by the Committee on the Rights of the Child made in 1996.

Mr Mwale who is an Acting National Braille Manager for Zimbabwe Schools Examination Council stated that the examination board faces numerous problems in the running of examinations for the pupils with profound visual challenges. Brailing of the examinations is done by an outsider as the examination board has no facilities to produce Braille examinations. The examination board is forced to pay certain fees for the production of Braille examinations which is a burden to the board. The process of producing Braille examination by an outsider also compromises the quality and security of examinations.

The examination board has no machinery to transcribe Braille answer scripts. This equipment costs around US\$33 000. The examination board has no money to purchase this equipment. They have to rely on Braille experts who they hire for transcribing Braille answer scripts. This may delay the marking of the Braille answer scripts. This has the potential of affecting the outcome of the student with profound visual challenges as the answer scripts may not be moderated at the same time when everyone's answer script is being moderated. This may lead to the under-estimation or over-estimation of the outcome by the examiners.

The specialists who transcribe the Braille answer scripts are supposed to conceptualise the context of candidate's answer as observed by Mr. Mwale who said:

This is meant to compensate for ghost dots made by the candidate.

He further explained that ghost dots are those which are done accidentally by the candidate. He also emphasized that penalizing the candidate for accidental dots would be unfair to the candidate. It is very difficult to correct errors for Braille as there is no space on the paper to make such corrections. This compensatory mechanism seems to make a lot of sense especially in view of the fact that the other candidates without visual challenges will be able to correct their own work.

However, he stressed that they are facing difficulties of having specialists who speak Ndebele who must transcribe Ndebele answer scripts. Hence, the majority of those who transcribe Ndebele cannot infer the context used by the candidate. This potentially affects the candidates who sit for Ndebele examinations as the specialists will have no ability to compensate for ghost dots.

Mr. Mwale said that a transcription machine is likely to paradoxically create some problems for candidates. This equipment has no capacity to compensate for ghost dots. Hence, the candidates who do errors accidentally may be affected. In light of this, the introduction of the machine for transcription must be followed with the strict checking of the transcription in order to ensure that the ghost dots are accounted for.

Previously, transcription was done at the schools. It was then moved to the Ministry of Education following the refusal by specialist teachers to transcribe. Zimbabwe Schools Examination Council then took over and is now supervising the transcription of Braille answer scripts.

During my years of secondary education, transcription at the school proved to be problematic to the students. Whenever a student would develop a misunderstanding with a specialist teacher the specialist teacher might take revenge by not transcribing the Braille answer scripts for this student. At one time, my specialist teacher threatened me with this type of revenge. However, I accordingly apologized in order that I would not be adversely affected. From my personal experiences, many students were affected by specialist teachers who grudgingly transcribed answer scripts or sometimes would clandestinely refuse to transcribe such scripts. It was difficult for school authorities to supervise this since, in most cases, the head teacher would be Braille illiterate at integrated schools. The centralization of the transcription of Braille answer scripts provides a better answer to this problem.

According to Mr. Mwale, schools may sometimes fail to receive Braille examinations from the board. Under these circumstances, the school authorities may decide to Braille the examinations using their own resources. They might also approach the nearest school which also supervises the writing of Braille examinations so that they will be able to get the Braille examination for their candidate. Thirdly, schools can choose to dictate the examination to the candidate. If the school does one of the first two options, the affected candidate will be in quarantine until the examination is finally ready. This is meant to prevent the candidate's from taking unfair advantage of his or her colleagues by discussing the examination with those who have already written it.

This process of quarantine may leave the affected candidate with little time to prepare for the next examinations in view of the fact that examinations may be written without a break of a day or sometimes the candidates may write two examinations on the same day. In turn, this has the potential of seriously affecting the outcome of the examinations written under these conditions where the candidate's right to liberty is restricted due to faults which he did not author. The production of Braille examinations by the schools does a lot of harm to the affected candidate as a specialist teacher can sometimes make errors. In the majority of cases, the machine used is out of date. In many cases, this equipment is very slow.

The dictation of examinations can also affect the candidate as it will be difficult to be strict about keeping of time. Time keeping is not within the control of the candidate. Further, it is difficult for the candidate to comprehend the whole passage through the dictation especially where examinations include the reading of very long passages. Dictation can cause problems where there are diagrams. The candidate is supposed to search for an answer through touching the diagram on her or his own. Further, sometimes there are adjustments which are made on the Braille examination especially where there are diagrams. These adjustments are not reflected on the ordinary examination paper. The candidate's may write words using the wrong spellings even where the candidate is expected to have picked some of the spellings from the examination paper. All this may contribute negatively towards the outcome of the

examination for the affected candidate. Clearly, the examination board needs to institute measures that compensate for these instances so as to avert negative outcomes.

In my Form 2, one examination paper failed to come timeously and our specialist teacher was forced to Braille this examination. He was using the Perkins. This machine types the data word by word. Unlike an Embosser, a computer which copies the data from the soft copy, the use of Perkins would result in many errors. I discovered from my friends that the papers were not similar in every respect.

The inadequate resources of Zimbabwe Schools Examination Council can seriously affect the child with profound visual challenges in her or his primary education. The child with visual challenges will fail to compete on an equal footing with her or his counterpart who is not profoundly visually challenged.

Zimbabwe Schools Examination Council does not record the pass rate based on sex. I learnt this from Mr. Mwale. This lack of statistical data based on sex makes it difficult for policy planners and makers to institute intervening mechanisms that will see gender balance in the field of primary education.

4.5 Challenges faced by Institutions which train Specialist Teachers

The University of Zimbabwe has a Department of Educational Foundations which is under the Faculty of Education. This Department trains specialist teachers on how to teach a pupil with disability. Currently, the Department specializes on three disabilities, the hearing, mental and visual challenges. At the end of two years, the successful students in this Department will earn a Degree in Special Education.

According to Mr. Hapanyengwi, the Department of Educational Foundations has a problem of staff shortage to teach special education.

Although there are qualified professors and academic doctors in the country, they do not want to come to this University as cost of living is high in Harare. They prefer teaching at other universities which are outside Harare where cost of living is lower⁷.

This problem will reduce the number of primary teachers who are experts in special education. This will finally affect the quality of the primary education to be accessed by the child with severe visual challenges.

Mr. Hapanyengwi also emphasized that the intake of their students has sharply declined due to economic ills. However, he underlined that if economy improves, the intake is likely to improve.

Our intake is likely to rise after the improvement of the economy. This is because most colleges are now introducing special education in their curriculum. Our graduates are qualified to teach in such colleges.

The problems at the Department need to be urgently addressed in order to arrest the tribulations faced by the Department. Otherwise, primary education for the child with profound visual challenges will seriously decline. There may be no specialist teachers to replace those who have left for greener pastures.

4.6 Late Entry into School

⁷ Comments made by Mr. Hapanyengwi during my interviews at the Department of Educational Foundations.

Some parents of children with profound visual challenges delay in sending their children to school. This will impact negatively on the education of the child with profound visual challenges. This may result in failure to complete the education by the child with profound visual challenges.

At St. Giles, I discovered from Ms Chihuri that one girl child aged twelve was in grade two. At Copota Primary School, I discovered that one of the pupils began attending primary school at adulthood, at the age of nineteen. Another one, also began attending primary school of Copota Primary School at the age of twenty-five. Mr Gororo during my interview said:

One of our pupils came to school at the age of twenty-five. She never completed primary education as she got married when she was in grade two.

Leticia Moyo is practicing as Legal Practitioner and is currently employed by the Ministry of Constitutional and Parliamentary Affairs. At the time of the interview, she was working for Legal Aid Directorate under the Ministry of Justice and Legal Affairs. Her father is a specialist teacher who specialized on mental challenges. He is now based in South Africa. I discovered from this lady who did her primary education at an integrated school that pupils with visual challenges faced discrimination from other pupils due to age difference. She stated:

At Waddilove Institute, where I did my primary education, the pupils with profound visual challenges faced a lot of discrimination and stigma from other pupils who were not visually challenged. This discrimination was largely due to age difference and partly due to disability. The pupils with visual challenges would not join the ordinary class until she or he would be Braille literate. This exercise of learning Braille could take up to two years for slow learners.

At Copota Primary School, I also learnt from Juliet who was born in 1988 that she started her primary education at the age of twelve in 2000. Her brother who is not visually challenged began primary education in 2000 at the age of eight.

I started attending pre-school at the age of ten years in 1985. Initially, my parents decided to send me to school in 1983 but my father changed his mind. He was of the view that my young brother would be left alone without a friend if I was sent to school. My parents first learnt of Copota Primary School from my aunt and cousin whose daughters are profoundly visually challenged and were attending Copota Primary School at the material time. My parents finally managed to take me to school in 1984. However, the headmaster of Copota Primary School did not accept me in 1984. He advised my mother to go back and buy a trunk where I would put my clothes. My clothes had been put in a sack. The clothes would easily get lost if she had not been advised to do this. She was advised to buy me more clothes as she had bought limited clothes. She was further advised to come back the following year. Therefore, I started attending primary education at the age of ten and progressed to tertiary level. However, this problem of late entry into school can cause serious problems to the child with profound visual challenges as she or he may fail to complete his/her education.

4.7 Poor Identification of Potential Pupils

Late entry into school as a result of poor identification of potential pupils is a serious problem for children with profound visual challenges. What makes identification very difficult is that some parents of the children with profound visual challenges are ashamed of being identified as such. Further, those parents who are willing to send their children with profound visual challenges to school may find it difficult to access necessary information about institutions where their children can be enrolled.

In the 1990s, Copota Primary School practised identification mechanism for potential pupils which was sponsored by an organization based in Denmark. Under this exercise, the school authorities would request for information about the potential pupil who was not attending the school. After gathering relevant information, the school authorities would drive to the respective area in order to collect the child with visual challenges. This organization would also assist in tracing those pupils who failed to come back to continue with their education.

During my primary education at Copota Primary School, three pupils who failed to come back due to various reasons were helped and they were able to continue with their education. Two of them were female pupils and one was male. One male child with profound visual challenges was identified through the assistance of this organization at the age of thirteen. He was very good at school. He finally completed his University Degree.

I also discovered from Mr. Mapako that Jairos Jiri based in Kadoma used to have outreach programmes meant to identify pupils with visual challenges. He explained that sometimes they faced resistance from parents as they were mistaken for people who wanted to take the children with profound visual challenges for purposes of ritual killing. The school used a commuter omnibus to identify the potential pupils. In the 1990s, rumours were circulating throughout the country that some people were taken to South Africa for the ritual killing where the culprit who had assisted in the killing would be rewarded by being given a commuter omnibus for his services according to the rumour. Some parents were affected by these rumours. Therefore, they resisted the early identification process for fear that their children would be killed. There are no longer identification exercises at Copota Primary School and Jairos Jiri. This seriously affects the child with profound visual challenges whose parents are not aware or prepared to send their children to school.

However, the School Psychological Services and Special Needs Education identifies potential pupils through local leaders like Councillors and traditional leaders. The Council for the Blind

also plays a vital role in assisting School Psychological Services in the identification of potential pupils. Due to economic evils, this exercise is not functioning properly.

The lack of early identification by relevant players seriously impacts on the right to education for the child with profound visual challenges. Some of these children with profound visual challenges may never enjoy the right to primary education. This will exacerbate life problems for a child with profound visual challenges as she or he will probably continue to be isolated by the society for the rest of his/her life.

4.8 The Abandonment of Children at Boarding Schools

Some parents and guardians of children with profound visual challenges abandon them at boarding schools. They view special schools as caring centres for their children with profound visual challenges. Hapanyengwi (2009) states:

Institutions continue to be used as dumping grounds of people with disabilities by their parents.

At Copota Primary School, I discovered from Mrs Mambanje that the school had adopted ten children who had been abandoned by their parents or guardians. One of them was from Mozambique. They tried to trace her relatives through the Mozambican Embassy without success.

I also discovered from Kudzai Mahachi, a parent that she failed to collect her daughter during one of the holidays. One parent also delayed collecting his child for two weeks. Mr. Mugove Dhliwayo stated that he had problems in raising the bus fare and hence thus why he delayed in collecting his child from Copota Primary School.

Prisca who is in grade six at Copota Primary School advised me that she last visited her home area in December of 2008. She had failed to go home for three consecutive holidays. Both of her parents are dead. She is being looked after by relatives. One of the workers at Copota Primary School took custody of her over the school holiday in December of 2009. This worker sympathized with her as she was the only girl who had not gone away.

This issue of abandonment is problematic to the child with profound visual challenges as parental support is crucial if the right to primary education is to be fully and properly enjoyed. The abandoned child will feel isolated. This has the potential of affecting the performance of the abandoned child in school.

4.9 The Lack of a Comprehensive Primary Education Policy

Although the government has as one of its objectives the objective of making primary education compulsory in terms of Section 5 of the Education Act, the government will have the problem in enforcing this provision for the benefit of the child with profound visual challenges.

What makes the provision of special education complicated is that the government puts the burden upon parents and guardians to send their children to school. This is established in terms of Section 5 of the Education Act. The Act is silent on the role of government. The role of government is very crucial in special education where children with profound visual challenges are sent to boarding schools. The government is supposed to intervene in order to subsidise the primary education for the child with profound visual challenges in terms of Paragraph 6(B) for the Committee on the Economic, Social and Cultural Rights which emphasized that the States Party has the duty to ensure that education is economically accessible.

Primary education is not free. This makes the enforcement of compulsory policy very difficult. The government has, in effect, made provision of primary education to the child with profound visual challenges optional due to high fees. The government's acts represents an omission of its contractual obligation under international standards of the provision of primary education. The Committee on Economic, Social and Cultural Rights in Paragraph 6 of General Comment No. 11 declared that primary education should not be viewed as optional by parents or the state.

4.10 The Lack of a Curriculum that is Responsive to Societal Needs

In this computer era, most schools give computer lessons for the benefit of their students. Computers are becoming increasingly significant in almost every sphere of the economy which is supposed to absorb the child with profound visual challenges after the completion of their education. Making the type of computer software required by the child with profound visual challenges is very expensive.

At St. Giles, one boy child was using the computer bought by his parents. At Copota Primary School, there are computers which are intended to promote lessons for the child with profound visual challenges but there is no relevant software to make the computers friendly for the child with profound visual challenges. This arose in the discussion I had with the teacher who teaches typing. Rather, pupils are taught to type with typewriters. The typewriters were insufficient. Most of them were no longer functioning. The teacher observed:

Out of the eight typewriters that we have, only three are functional.

Although there are mobility lessons at Copota Primary School, pupils are not trained how to move around alone in urban areas. Moving in an urban environment is very crucial for the child with profound visual challenges since she or he is likely to reside in an urban setting

since it is there that most employment opportunities are found. Even if she or he is employed in rural areas, she or he may regularly visit urban areas, say, on monthly basis for purposes of withdrawing his/her salary from the bank.

At integrated schools, mobility lessons are rarely introduced to the children with profound visual challenges. I discovered this from Vimbai Mudhuze who said:

At Daramombe Primary School which is based in Chikomba district, our specialist teacher did not teach us mobility skills. Consequently, we were forced to rely on friends, who were our classmates at the material time. The Primary School was more than one and half kilometers away from the hostels where we were residing.

This caused sense of insecurity among the children with profound visual challenges. Further, this promoted the dependence syndrome and did not promote the aspect of self reliance, a factor which is very important for developing children with profound visual challenges.

One lady, named Ms Mudhuze, failed to go to the university due to the lack of mobility skills. She said:

I failed to go to the University of Zimbabwe in the 1980s after scoring 9 points at Advanced Level. I had no-one to escort me to the university since my parents had no money for bus fare. The following year, my parents were able to raise the money for transport expenses but the university now wanted as a requirement all applicants to have passed English at Ordinary Level. I had not passed English at Ordinary Level. I had to re-sit for Ordinary Level English. After passing English, the university increased the entry points to eleven points. Therefore, I was forced to look for other alternatives. I finally pursued my Diploma at Hillside. After teaching for a while, I then pursued my studies at the University of Zimbabwe in 2000.

Her story demonstrates clearly how the lack of mobility skills can seriously impact on the life situation of the individual with profound visual challenges.

Due to limited facilities of the resources, the government is not in a position to make primary education flexible to the child with severe visual challenges. Therefore, the child with severe visual challenges will be left behind in terms of adaptable education. This will affect the child with severe visual challenges for the rest of his/her life in higher levels of education and in the employment sector. Failing to institute an adaptable curriculum is contrary to international human rights standards. The Committee on Economic, Social and Cultural Rights, in Paragraph 6 of General Comment No. 13 propounded that education is supposed to be adaptable to the changing needs of the society.

4.11 Poverty

Zimbabwe is a de-developing country. This means that the country is now reversing its developmental gains. The level of this country's development has sharply declined due to economic troubles. Poverty is very high. Unemployment rate has reached unprecedented levels. Therefore, parents find it very difficult to send their children with profound visual challenges to school. The Convention on the Rights of Persons with Disabilities has also recognised that most of the persons with disabilities live in poverty. It also emphasise the need to harness such poverty levels. The Convention states:

Highlighting the fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities,

This is set up in terms of Paragraph (T) of the Preamble for the Convention on the Rights of Persons with Disabilities.

Faced by a condition of poverty parents will choose to prioritise other things at the expense of educating the child with profound visual challenges. This will lead to the suffering of the child with profound visual challenges.

It has been held that poverty can also lead to disability. This is established in terms of Paragraph 1 for the General Comment No. 9 for the Committee on the Rights of the Child. This argument appears to make a lot of sense. Combating disability needs a lot of resources for medication, food and other ancillary issues. This is why there are many persons with disabilities in the developing world. The Committee on the Rights of the Child in Paragraph 1 of General Comment No. 9 stated that 80 percent of persons with disabilities live in the developing world.

Mirdehghan S.A. (2004) who carried out research in Iran, postulated that it is evident that profound visual impairment is treatable and preventable.

There are treatable diseases that would not lead to blindness if some measures are taken. The pattern of the prevalence of these diseases at a young age would be helped by implementing a health programme and primary treatment.

Mirdehghan S.A. (2004) further highlights that retinal disease constituted the majority of the cases that saw people losing vision.

Retinal diseases were the most common cause for low vision (51%); cataract, optic nerve atrophy, corneal and anterior segment diseases, glaucoma, anophthalmia, and globe malformations were other major causes of blindness.

This further confirms that some of cases of the loss of vision are preventable and treatable. However, developing world finds it very difficult to treat such diseases due to lack of resources. The patients may fail to raise the hospital fees required for such treatment. Further, the governments of the developing countries may fail to retain medical experts due to poor

remuneration. Hospitals of the third world may have inadequate resources to treat such diseases.

Poverty on the part of the child with profound visual challenges is exacerbated by the fact that most of the facilities that she requires to learn are imported. For example, all the writing equipment, the Braille papers, and mobility canes are imported. This makes it difficult for the child with profound visual challenges who wants to carry out some studies over the school holidays. There will be no facilities to support her studies in the home area since such resources are only located at the school. Schools do not ordinarily allow pupils to take learning facilities home as they fear that these facilities may get lost or that the pupils may fail to come back to continue with their education.

The poverty for the child with profound visual challenges is made worse by the fact that he or she is isolated due to disability. Social exclusion results in poverty, Laderchi C.R. et al (2003). Quality education is a critical component for child development and a means of social integration, self empowerment and independence, UNICEF (2003). Children with disabilities are no exception to this rule UNICEF (2003). Without education, they will continue to face barriers that will minimise their social and economic participation, UNICEF (2003). In view of this, it is apparent that poverty affects access to primary education for the child with profound visual challenges.

CHAPTER 5

5.0 SPECIFIC CHALLENGES FACED BY THE GIRL CHILD IN PRIMARY EDUCATION

After discussing general barriers faced by all pupils with profound visual challenges, it is now time to give particular attention to the specific obstacles of the girl child with profound visual challenges. This Chapter will discuss specific difficulties faced by a girl child with profound visual challenges in her attempt to access primary education. Below is a photo of the girl children that I interviewed at Copota.

Figure 2



To the far left is Fadzai. Next to her is Vimbai. Sitting next to Vimbai, is Prisca and to the far right is Juliet.

Coming to school at a later age impacts more negatively on the girl child than it does on the male child. Juliet, whose photo can be viewed in Figure 2, began attending primary school at the age of twelve. The girl child with profound visual challenges face problems of raising money for purchasing sanitary facilities to attend to their menstrual cycles. This girl child with profound visual challenges will feel out of place as a result. Sanitary pads are out of reach of many girl children with profound visual challenges.

In my group discussion with the teachers at Copota Primary School, I discovered that many girl children failed to buy sanitary pads like other girls. This was underscored by one of the teachers. The Deputy Head Teacher added that about forty girl children need sanitary pads. If this challenge remains unaddressed, this will affect the girl children in their performance at school as they will be seriously affected.

Another challenge associated with coming to school at an older age is that teachers find it difficult to help them cope with puberty as these girl children will be in lower classes where puberty issues are not part of the curriculum. At Copota Primary School, in 2009, a nineteen year was attending pre-school where puberty issues were not on the curriculum. The old girl children will have to wait for a long time before they begin to have formal lessons on puberty issues on how to attend to menstrual cycles.

Mr. Gororo drew my attention to one incident at Copota Primary School where one girl asked him why she was not having menstrual cycles like other girls at the age of seventeen.

“Girls do not start their menstruation cycles at the same time. Some start earlier, where others may delay.”

... was the answer Mr. Gororo gave when he was advising this girl child with profound visual challenges who had failed to get formal lessons in the class. She decided to ask Mr. Gororo outside classes as she was now worried about this development. Mr. Gororo advised her to

seek advice from lady teachers in future as they are better placed to advise her from an informed perspective.

The question of attending school at an older age impacts girl children with profound visual challenges more in that they are likely to get married earlier than boys with profound visual challenges. I discovered from Mr. Gororo who observed that most of the girl children who come to primary school at a later age fail to complete their primary education as they usually get Copota Primary School married before the completion of primary or secondary education. Mr Gororo further stated:

One pupil identified as Elizabeth got married when she was in grade two. She stopped her education as a result.

My former classmate was very good at school. She used to be brighter than me in grade one. In grade three, she started dating at the age of fourteen. Her performance began to decline seriously. She failed to complete her education as she got married in form three.

The problem of early marriage affects girl children with profound visual challenges. In order to curb this problem, it will be advisable for all players to adopt early identification of the girl child with profound visual challenges so that she will not come to primary school at adulthood.

Some of the girl children are forced by their parents to marry even though they are supposed to be attending primary school. In 1992, my former classmate was forced to marry a man whom she did not choose. She was married in a polygamous marriage. She was aged seventeen at the material time. This girl child was rescued by school authorities who used to track their students whenever they would fail to come back and continue with their education. At the time they initially planned to track her, they were not aware that she was in a forced

polygamous marriage. It was only after their visit that they established this position. She came back and continued with her education.

Some of the girl children are sexually abused. I learnt this from Copota Primary School. This was stated by someone who requested anonymity. She observed:

One girl child was sexually abused by the relative and the culprit was brought to book. Another girl was sexually abused by her relative but the relative was not brought to book.

The question of sexual abuse was also supported by Mrs Mambanje and Mr. Gororo both of whom teach at Copota Primary School. Mr. Gororo singled out one case of a girl child with profound visual challenges whose mental faculties had been seriously affected as a result of the sexual abuse. Mrs Mambanje asked me whether there is any form of assistance that can be given to the abused in form of delictual damages. I accordingly advised her that it is difficult to produce evidence in a delictual claim where the culprit had not been convicted. My supervisor promised her that she will look for counsellors who will counsel them accordingly. This, my supervisor added, will lead to the emergence of more stories of the girl children with profound visual challenges who had already been abused but are not free to disclose this.

From my personal experiences, teachers sexually abuse the primary education students in return for favours. This will negatively affect the performance of the girl child with profound visual challenges. This teacher and pupil love affair is common for the girl child with profound visual challenges. The boy child with profound visual challenges is rarely affected by this sexual abuse. Sexual abuse will seriously impact negatively on the primary education of the girl child with profound visual challenges.

What makes the girl child with profound visual challenges more vulnerable to sexual abuse is the myth that if the patient of HIV-AIDS practices sexual intercourse with the girl child with disability, this will treat HIV-AIDS. This myth is rumoured to have been circulated by witch

doctors. This has affected many girl children with disabilities and the girl child with profound visual challenges is not an exception to this. Further, the culprits believe that girl child with profound visual challenges is HIV-AIDS free. Hence, many culprits prefer abusing her in order to avoid contracting the deadly disease of HIV-AIDS.

The issue of the abandonment of the children at the learning institutions makes the girl child with profound visual challenges more vulnerable. As a result of the abandonment, the girl child with profound visual challenges is likely to be more sexually abused than a boy child. Culprits will take advantage of her status. Sexual abuse can lead to the contraction of sexually transmitted diseases. This, in turn, will shorten the life expectancy of the girl child with profound visual challenges. Further, abandonment of the girl child with profound visual challenges may force her to engage in prostitution or practice begging which may lead to further sexual exploitation by males.

High poverty levels affect girl child differently from the way it affects the boy child. Poverty makes the girl child with profound visual challenges more vulnerable to many forms of abuse. She may be sexually exploited by those who pretend to be well wishers. Due to high poverty levels, the girl child with profound visual challenges may give in to pressure in return for assistance. This, in turn, will disturb the primary education for the girl child with profound visual challenges. The girl child is subjected to various forms of discrimination due to gender, sex, age, disability and poverty. This, in turn, will lead to the isolation of the girl child with profound visual challenges. Social exclusion of this nature gives birth to poverty. On the other hand, poverty leads to the grounds for discrimination. In view of this, it is evident that poverty cycle complicates the life for the girl child with profound visual challenges in her attempt to access primary education.

Lack of mobility skills has far-reaching consequences on the girl child with profound visual challenges than on the boy child. Due to gender roles imposed on the girl child with profound visual challenges, she is expected to be very mobile in order to perform gender roles like

collecting firewood and water. If she fails to perform these roles, she is likely to face more abuse by the society which leads to the mental torture on the part of girl child with profound visual challenges. From the research, it is evident that integrated schools tend to ignore mobility skills for pupils. Evidence from Copota Primary School, which is a special school, suggests that students are taught mobility skills.

Shortage of Braille textbooks is likely to create more problems for the girl child with profound visual challenges than for the boy child. Information about HIV-AIDS is found in textbooks. Shortage of Braille textbooks will lead to the lack of knowledge about the deadly disease of HIV-AIDS. Women are vulnerable to this disease due to gender, biological make-up, polygamy, prostitution, rape and forced marriages. Gender stereotypes make it difficult for women to negotiate for safe sex. The girl child with profound visual challenges becomes more vulnerable to HIV-AIDS due to disability and poverty.

Shortage of schools means that the girl child will have to travel long distances to go to the school of her choice. Juliet, whose photo is in Figure 2, is based in Gokwe. Her home area is more than four hundred kilometers away from Copota Primary School. During the interviews, she said that she had come for the church conference which was held at Copota two weeks before the opening of the schools. She requested the school authorities that she may be allowed to remain at the school for the remainder of the school holiday. The authorities allowed her to stay at the school. According to her she had no money to go back to her home area. Further, her relatives were maltreating her. All of her parents had passed away. She is being looked after by a relative.

Due to economic problems, the girl child with profound visual challenges may be trained by her parents to go to school on her own at an early stage. This makes the girl child more vulnerable to the abuse on the way to school. She may be raped on her way to school. In turn, this disturbs access to primary education by the girl child with profound visual challenges.

The problem of raising school fees affects the girl child with profound visual challenges differently from the way it affects the boy child with profound visual challenges. The girl child with profound visual challenges may be denied access to primary education by the parents due to gender and disability as parents may see no reason for sending her to school. Parents may prefer sending the boy child or girl child without visual challenges to school. This regime of preference affects negatively access to primary education for the girl child with profound visual challenges.

The rest of the general problems discussed in the previous chapter have their unique impact on the girl child with profound visual challenges rather than on the boy child with profound visual challenges. The entry point is that girl children with profound visual challenges are subjected to multiple forms of discrimination due to gender, sex, age, disability and sometimes due to poverty. The effects of the problems stated in the earlier chapter are to deny access to primary education by the girl child with profound visual challenges. An uneducated person is not independent. She or he cannot make decisions on her or his own. Similarly, the girl child with profound visual challenges will lack the requisite autonomy for the rest of her life. Decisions will have to be made by her relatives. This will make her more vulnerable. These ordinary problems will worsen the life situation of the girl child with profound visual challenges. Therefore, there is urgent need to address the general problems in order to improve access to primary education by the girl child with profound visual challenges.

CHAPTER 6

6.0 RECOMMENDATIONS AND CONCLUSION

6.1 Recommendations

6.1.1 Non-Legal Recommendations

The Government should adopt a national plan of action which is comprehensive for children with disabilities. According to the recommendations in Paragraph 18 of the General Comment No. 9 for the Committee on the Rights of the Child, there should be a plan of action which has measurable outcomes. The plan of action should include access to primary education for the girl child with severe visual challenges. This will allow the government to be assessed according to the measurable outcomes established in the plan of action.

This will allow policy makers to be able to evaluate using the measurable outcomes. Evaluation of the plan of action will result in the identification of gaps which will be addressed accordingly for the betterment of right to primary education for the girl child with profound visual challenges.

The government should collect data and statistics for the children with various disabilities. This is echoed in Paragraph 19 of General Comment No. 9 for the Committee on the Rights of the Child. This data must indicate the types of various disabilities. The data and statistics must also reflect the sex of the children with various disabilities.

The data collection will enable the policy makers to plan accordingly. This will enable the distribution of resources to be done efficiently. In the similar manner, if this data is accurately collected, the government will be in a better position to allocate sufficient resources for the promotion of access to primary education for the girl child with severe visual challenges.

The national budget should be sensitive to the needs of children with disabilities. This is set up in terms of Paragraph 20 of General Comment No. 9 for the Committee on the Rights of the Child. The national budget must subsidise the school fees for children with disabilities since many of them are forced to go to boarding schools where exorbitant school fees are supposed to be paid. This will make primary education affordable. The budget must also be targeted towards acquiring facilities for the child with severe visual challenges in her primary education. Most Braille equipment is imported. This approach has the potential of promoting the right to primary education for the girl child with profound visual challenges. Such budgeted funds must not be diverted towards other governmental needs as this will kill the effort to promote this right.

The government should strike lasting relationships with the donor world since some of the materials needed to facilitate the primary education of the girl child with profound visual challenges are quite exorbitant. The government alone may not be in a position to acquire such expensive material. The donor world will complement the efforts of the government to facilitate the primary education of the girl child with severe visual challenges. This will go a long way in the promotion of the right to primary education for the girl child with severe visual challenges.

It is important that the government should establish more integrated schools that accommodate girl child with severe visual challenges. This inclusive education promotes the quality of education according to the international standards. Schools should be encouraged to adopt the educational model of Jairo Jiri which strikes a balance between a special institution and an integrated school. Extra effort should be put in the identification of girl children with severe visual challenges since some parents hide their children with disabilities for fear of being stigmatized.

Women with disabilities must be encouraged to form their own organizations. These organizations have the potential of acting as a major driving force behind educating women

and girls with disabilities of their rights including the right to education. This has the potential of sensitizing the girl child with profound visual challenges of the appropriate course of action that she must take when her rights are violated including where her right to education is violated.

The school authorities where girl child with visual challenges is learning should use role models to convince the girl child with visual challenges in primary education and her parents. This will encourage the girl child with profound visual challenges as she will admire the role models. In turn, this will promote the right to primary education for the girl child with severe visual challenges.

The government must put extra effort in the promotion of peace. Wars increase the numbers of persons with disabilities in the country. Further, wars disturb the health and free distribution of food which may be helpful for combating some of the disabilities. In light of this, a country which respects peace is likely to have a limited number of people with disabilities than a country which is torn asunder by wars.

Awareness campaigns should be done about preventable loss of vision. People should be educated that particular foods and medication can result in the prevention of loss of vision. Public should be sensitised that particular conditions for the loss of vision are treatable. This has the potential of minimizing loss of vision.

The knowledge of children's rights must be disseminated especially those rights of children with disabilities. This is established in terms of Paragraph 26 of General Comment No. 9 for the Committee on the Rights of the Child. The knowledge of the Convention on the Rights of the Child must be broadly circulated. Human rights education must be included at all levels of education. This will result in the creation of the society that respects the rights of children with disabilities. This will boost the confidence of the girl child with severe visual challenges. She will be able to pursue her education freely.

6.1.2 Legal Recommendations

The government must institute laws that have the effect of minimizing loss of vision. It is certain that loss of vision is sometimes preventable. Efforts to immunize the children must be strengthened in order that the emergence of diseases like measles that can result in loss of vision will be harnessed. Extra effort must be put into practice by enacting laws that will see the clearing of landmines as these have the potential of damaging the eyes thereby leading to the loss of vision. Stiffer penalties must be introduced for those who negligently cause accidents on roads, railway line and elsewhere. Some accidents have the capacity of damaging the eyes which in turn may lead to total loss of vision.

The Human Rights Commission must be strengthened so that it will have powers to handle the rights of the children with disabilities. The Human Rights Commission has the potential of promoting investigations of human rights compliance by all players of the community.

The Constitution must clearly establish the right to education without a claw back clause. This will allow the girl child with profound visual challenges to have the remedy where such right is violated. The Constitution must guarantee the rights of children. It must also institute special protection mechanism for the rights of children with disabilities in general and the girl child with disability in particular in order to prevent her from the harm that may result in barring or precluding her from accessing primary education. This will help a girl child with profound visual challenges as she may fall back on such provisions if she faces discrimination in the field of primary education.

The Constitution of Zimbabwe must establish public interest litigation. This will broaden the pace at which human rights are promoted, protected, respected and fulfilled. The Constitution of Uganda sets up public interest litigation in terms of Section 50. This will allow other

players without interest in the violations of human rights to take an action on behalf of those whose human rights are violated. This has the capacity of preventing the violation of the right to primary education for the girl child with severe visual challenges. Currently, this is possible under the Class Action Act. However, this Act sets up complicated procedure which makes it difficult to institute on behalf of an injured party. As the name of the Act suggests, this action is only available to the class of persons in terms of Section 3 of this Act. This is not available to an individual. Furthermore, the representative of the group of people suing is required to obtain the leave of the court to represent the particular class in terms of the same section. Only the Attorney General has the powers to institute this action without the leave of the court in terms of Section 4. In terms of Section 6 of the Class Action Act, the representative concerned may be ordered to provide security for costs.

Parliament must domesticate the Convention on the Rights of the Child, International Covenant on Economic, Social and Cultural Rights and Convention on the Elimination of all forms of Discrimination against Women which were signed by the government of Zimbabwe. These have the potential of protecting the right to primary education for the girl child with profound visual challenges since all of these conventions have specific articles that establish the right to education. Further, the government must accede and subsequently ratify the Convention on the Rights of Persons with Disabilities. This convention protects the rights of the girl child with profound visual challenges from a specialized angle.

Parliament must promulgate measures aimed at equalizing opportunities of all people in society. These measures must be in the form of laws. This will benefit disadvantaged classes including the girl child with profound visual challenges. The right to primary education for the girl child with profound visual challenges will be protected under this regime.

The government must establish laws that facilitate the free functioning of non-governmental world. This is established in terms of Paragraph 25 of General Comment No. 9 for the

Committee on the Rights of the Child. This has the potential of uplifting the right to primary education for the girl child with profound visual challenges.

Legal aid organizations must be supported so that they will be able to represent girl child with severe visual challenges who has an action for the enforcement of the right to primary education. Such organizations have the potential of having far reaching consequences in the promotion of the right to primary education.

The Constitution must clearly establish the rights of people with disabilities. This will enable them to be viewed as rights holders rather than recipients of charity. Section 35 of the Constitution of Uganda establishes that the people with disabilities have rights. This rights based approach has the potential of promoting the right to education of the girl child with severe visual challenges.

The Education Act must be amended so that it can provide for special education or a separate Act of Parliament should be enacted to address the issue of special education. This has the potential of addressing special education from a specialized and an informed perspective especially if expert advice is sought before the promulgation of this legislation is put in place.

The government should amend Section 5 of the Education Act in order that primary education is made compulsory and that the role of government is clearly defined. The government must complement the role of parents in the provision of primary education. This section must also be amended so that it will provide for free primary education. This will enable the compulsory policy for primary education to be enforced.

National laws must outlaw child marriage. These laws must institute measures aimed at sensitizing the people of the dangers associated with early marriage. The Marriage Act must be amended so that it will not permit the child to get married. Child marriage disturbs the right to primary education for the girl child with severe visual challenges especially in view of

the fact that some girl children with severe visual challenges start the primary education at the legally marriageable age.

6.2 Conclusion


From the research findings presented in the previous chapters, it is evident that the access by the girl child with profound visual challenges to primary education is limited. This is a result of geographical, economic, religious, social, cultural and political factors.

Government and private players need to strike lasting relationship in order to realize the goals for the promotion of the right to primary education for the girl child with profound visual challenges. The government should not under-estimate the role of private players in the provision of primary education to the girl child with profound visual challenges. The government should support the role of the private players in the provision of primary education.

Access to education enables the girl child with profound visual challenges to realize other rights like the right to employment, the right to liberty, the right to participate in the community, the right to dignity freedom from discrimination.

BIBLIOGRAPHY

Bentzon A.W. et al (1998) Pursuing Grounded Theory in Law: South-North Experiences in developing Women's Law, Oslo, Tano-asciehong, Harare, Mond Books

Blindness - Wikipedia,  (2009?) (online)
<http://en.wikipedia.org/wiki/Blindness#Classification>><SPAN (Accessed 3 November 2009).

Dahl TS (1987) Women's Law: An Introduction to Feminist Jurisprudence Oslo: Norwegian University Press

Dahl, TS (1988) 'Towards an Interpretative Theory of Law-The Argument of Women's Law'. In: *Methodology of Women's Law*: University of Oslo, Studies in Women's Law, no. 27

Grarrett S. (1998) 'Why Can't A Women Be More Like a man, Or Vice Versa' In: Radford J. Ed Gender and Choice in Education and occupation, London and New York, Routledge.

Hapanyengwi O. (2009) A Synoptic View of the History of Special Needs Education in Zimbabwe
(online)

<http://www.thefreelibrary.com/A+Synoptic+View+of+the+History+of+Special+Needs+Education+in+Zimbabwe-a01073960231> (accessed 21 November 2009)

Laderchi C.R. et al, (2003), Does it matter that we Don't Agree on the Definition of Poverty?; A Comparison of Four Approaches, University of Oxford, Queen Elizabeth House

Mashiri, P. (2000) 'The Socio-Cultural and Linguistic Aspects of Childhood Disability in Shona Culture.' *Zimbabwe Journal of Educational Research* vol. 12 No. 2. pp 170- 194
92

Mirdehghan, S.A. et al (2005), *Causes of severe visual impairment and blindness in schools for visually handicapped children in Iran*, In: Br J Ophtamol 89 (5):612-614 (Online: <http://www.ncbi.nlm.nih.gov/pmc/articles/pmc1772642>) (accessed 21 October 2009)

Mpofu, E. (2004). 'Learning through inclusive education: Practices with students with disabilities in sub-Saharan Africa.' In: de la Rey C. et al, (Eds.), *Psychology: An introduction* (pp. 361-371). Oxford University Press

Mutepfa M.M. et al, (2007) 'Inclusive education in Zimbabwe: policy, curriculum, practice, family, and teacher education issues', In: *Childhood Education*, 8;6: 342 (online) <http://www.thefreelibrary.com/Childhood+Education/2007/August/15-p5216>(accessed 21 October 2009)

Nziramanga, C. T. (1999), *The Chairman's Report of the Presidential Commission of Inquiry Into Education and Training*, Harare, The Commission.

Sightsavers, (2009?), *Childhood Blindness* (online) http://www.sightsavers.org/learn_more/causes_of_blindness/childhood_blindness/default.htm! (accessed 3 November 2009).

Tomasevski, K (1993) *Women and Human Rights*: London & New York, Zed Books.

UNICEF (2003) *Inclusive Education Initiatives for Children with Disabilities Lessons from the East Asia and Pacific Region*, Bangkok, UNICEF Regional Office for East Asia Pacific. (Online) <http://www.childinfo.org/files/childdisability-inclusiveeducationconsolidatedreporteastasia.pacf>, (Accessed 19 March 2010)

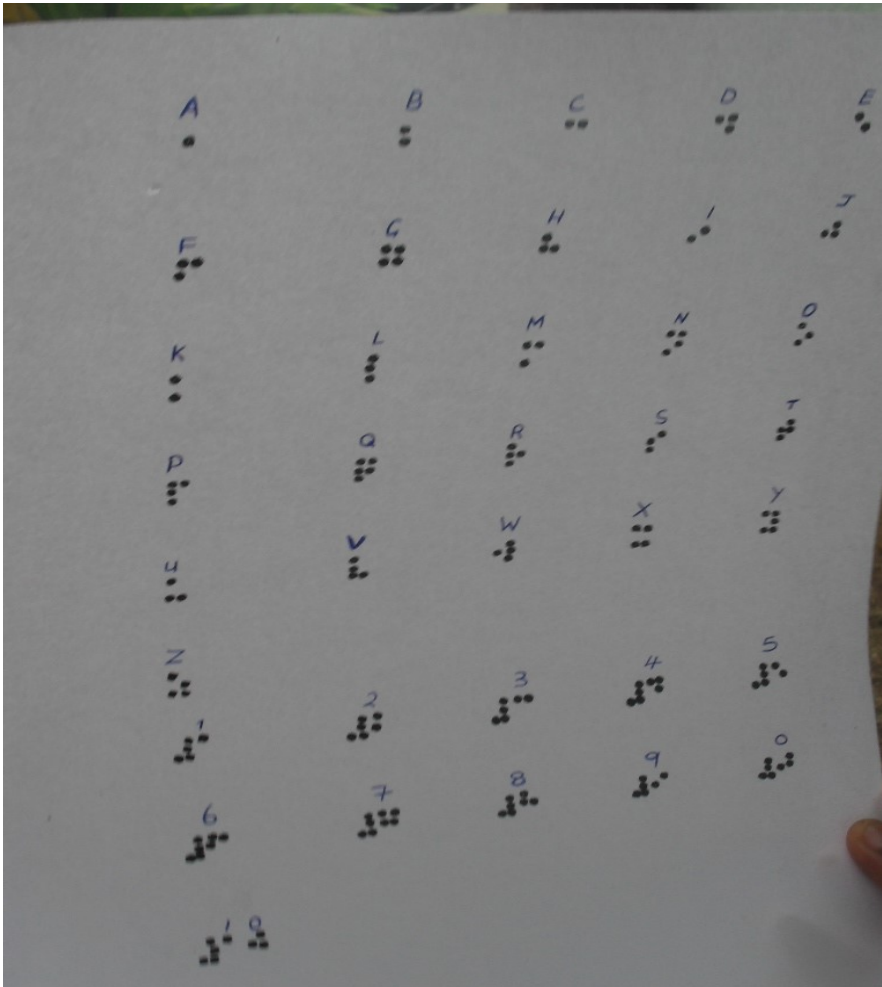
UNICEF. (2006). *State of the world's children*. New York

Zimbabwe Ministry of Education, Sport and Culture (2004) Education Management Information Systems: Summary table of education statistics: First term statistics of 2004 Harare, The Ministry.

Appendix

This section seeks to demonstrate how Braille is written and the type of the equipment which is used to produce Braille. Braille refers to the way which is used by the people with profound visual challenges to read and write using dots. Braille is represented by different combinations or arrangements of dots. There are six dots in each cell. To the left, there are three dots. The dot at the top is called Dot 1. The dot which is between is called Dot 2. The lowest dot to the left is Dot 3. Similarly, there are also three dots to the right. At the top, there is Dot 4 which is followed by Dot 5. Dot 6 is the lowest dot to the right. These dots combine to make different letters which are read by person with profound visual challenges. A person with profound visual challenges reads by touching the dots on the paper. A person who has no visual complications has the option of reading using her or his eyes to read Braille. Some trained people without visual challenges can use their hands to read Braille whilst their eyes are closed. Figure 3 shows how the letters in the alphabet are represented in Braille. With these letters, an ordinary person can start reading elementary version of Braille. This ordinary version of Braille is called Grade 1 English Braille. Grade 2 English Braille has some short forms. At the bottom of Figure 3, there is a demonstration of how numbers are written.

Figure 3 (below): Braille alphabet and numbers



There are many types of the writing equipment which are used to write Braille. Figure 4 is a Braille writing slate with the paper inside. The writing slate has got twenty-seven lines. Each line has got thirty cells. A letter is written in one cell. The writing slate is discussed later in this section.

Figure 4 (below): A writing slate



The object which is on top of the writing slate is called the stylus. This is used to press the paper which is inside the writing slate in order to make dots of Braille. Figure 5 is the writing slate which is open.

Figure 5 (below): An open writing slate



Figure 6 (below): The Perkins Braillewriter. This operates like the typewriter. This is used to press dots on the paper with the click of buttons to produce Braille. The advantages and disadvantages of Perkins Braillewriter are discussed later.

Figure 6 (below): The Perkins Braillewriter



The following photo is that of Simba, a university student, demonstrating how a Perkins Braille is used.

Figure 7 (below): Simba demonstrating the use of Perkins Braille



A Perkins Braille costs 3 000 South African Rands. This cost is too high for schools in view of the fact that every pupil is supposed to have one. For purposes of examinations, a Perkins Braille is friendly as it is not painful to use. The pupil simply writes by pressing the buttons on the machine. See Figure 6 for a picture of the machine.

The Perkins Braille is faster than the typewriter especially when one is writing in English. Writing a document in English, it provides the option of writing in a shortened form, which is technically called Contractions, otherwise known as grade 2 English Braille. An example of a Contraction is that one can simply write the letter (p) which represents the word (people). Writing in this way can be faster even than a computer. However, unlike a computer, the user of the Perkins Braille cannot make corrections. To see how a Perkins is used, see Figure 7.

Writing slates are very complicated to use. A pupil is supposed to use a stylus to punch the paper inside the writing slate in order to produce Braille. The Stylus may prove painful to a pupil's fingers, especially if it is new. Further, if the letter, for example "q", has got five dots, a pupil is supposed to write those dots separately in the same cell. To have a clear picture of the writing slate and the stylus, see Figure 4. When one is using the Perkins, he or she is supposed to press all the dots for the same letter downwards at the same time. Supposing that it would take half a second for one to write the alphabet with five dots, using the writing slate, it means that this will take him or her two and half seconds to produce that single letter. The user of Perkins would need half a second to do the same act. Therefore, the Perkins Braille is faster than the writing slate.

When one is using the writing slate, accidental dots are common. This may make it very difficult for one to know the sense of the document. If the candidate uses this writing equipment for purposes of examinations, those who transcribe may fail to get the sense of the candidate's answer thereby seriously affecting the outcome of the candidate's examinations. With the use of the Perkins Braille, accidental dots are not common.

Writing slates have the advantage of being portable and easy to maintain. Using the writing slates does not produce a lot of noise which makes it friendly especially in public lectures. The writing slate and the stylus are more durable than the Perkins Brailler. I am still using the writing slate and the stylus which I started using in form one at Mutendi High School. However, my stylus is no longer functioning properly as the wire used to punch the paper can now easily be removed due to over-use. A writing slate is cheaper than the Perkins Brailler. However, though it is cheaper, it is not locally manufactured. Schools have to import writing slates from the donor community in many cases.

On the other hand, a Perkins Brailler is heavy. It is expensive to maintain. There are very few technicians available who are trained to repair it. It is very difficult to obtain parts for the Perkins Brailler. Normally, what technicians do is to salvage parts for spares from unusable Perkins Brailers and fit them to working but damaged Brailers. A Perkins Brailler makes a lot of noise which makes it unfriendly to be used in public lectures. Due to the limited number of technicians in Zimbabwe, the Perkins Brailler is less durable than the writing slate. The Perkins Brailler, however, is very expensive.

In the light of this, it is apparent that the user of the Perkins Brailler has an advantage over the user of the writing slate for purposes of examinations. One who uses the computer for purposes of examinations has got more advantages over the users of the writing slate and the Perkins Brailler as he or she can correct errors made during examinations where the two users cannot enjoy the same advantage.