

## **Democratisation of Formal Schooling for Pregnant Teenagers in South Africa and Zimbabwe: Smoke and Mirrors in Policy**

### **Tawanda Runhare**

Tawanda.Runhare@univen.ac.za  
University of Venda  
South Africa

### **Olga Mulaudzi**

Olga.Mulaudzi@univen.ac.za  
University of Venda  
South Africa

### **Saloshna Vandeyar**

Saloshna.Vandeya@up.ac.za  
University of Pretoria  
South Africa

### **Patrick Dzimiri**

Patrick.Dzimiri@univen.ac.za  
University of Venda  
South Africa

Policies that provide for equitable access to formal education by girls who could fall pregnant while in school are now common in Africa. However, the benefits of such policies to the affected girls vary from country to country. This paper critiques post-colonial legislative and policy frameworks that aim to open educational opportunities to pregnant teenagers in South Africa and Zimbabwe. Benchmarking with international conventions such as CEDAW, CRC, EFA and MDG, the paper analyses South Africa and Zimbabwe's postcolonial legislations and policies that affect the educational access, participation and outcomes of pregnant and parenting girls of school going age. The paper posits that although the observed policy institutionalisation in both countries is an important measure in democratising formal schooling for girls who could fall pregnant while at school, that alone is inadequate without strategies aimed at confronting the negative traditional, social and cultural variables that militate against pregnant girls who choose to pursue their educational aspirations through the formal school system.

**Key Words:** policy, educational access, formal schooling, pregnancy.

Policy frameworks and programmes that allow pregnant and former pregnant teenagers to continue with their education are fairly recent in developing countries. The major reason for the growing interest in the right to education for pregnant teenagers is the realisation that teenage pregnancy and early motherhood continue to be major causes of the differences in educational access, transition, attrition and completion rates between females and males (Stromquist, 1999; 2005; Gallup-Black & Weitzman, 2004; Richter & Mlambo, 2005; Grant & Hallman, 2006). Teenage pregnancy and motherhood are major hurdles to the achievement of the global goal of eliminating gender inequality at all levels of education by 2015 in most developing nations (Stromquist, 2005; UNICEF, 2004; Subrahmanian, 2005; Runhare, 2010).

Research indicates that even developed countries continue to face the problem of teenage pregnancy, especially among the

low income social groups (Arai, 2003; Seamark & Lings, 2004; Hawkes, 2004; Darrick, Singh & Frost, 2001). A comparative study by Darrick, Singh and Frost (2001) on differences in teenage pregnancy rates among five developed countries indicated that the USA had the highest teenage pregnancy rate of 22%, followed by the UK with 15%, Canada with 11% and Sweden had the lowest rate of 4%. Further findings by Arai (2003), Seamark and Lings (2004) and Hawkes (2004) concurred that Sweden, Denmark and Netherlands had lower teenage pregnancy rates than Britain, Canada and USA.

In Africa, studies by Bayona and Kandji-Murangi (1996), Gordon (2002), Chilisa (2002), Grant and Hallman (2006) and Jackson and Abosi (2007) indicate that it is not unusual for girls to marry or have their first birth before the age of eighteen. In Southern African countries such as Zimbabwe, Botswana, Mozambique and Swaziland, girls can legally consent to sex

and marriage at the age of sixteen, by which time they cannot have completed schooling. This paper therefore presents the nature and analyses utility of school girl pregnancy policy measures that aim to democratise educational access and opportunity for learners who fall pregnant before school completion in South Africa and Zimbabwe.

Research indicates that most African countries have teenage pregnancy rates of over 15% (Boyona & Kadji-Muranghi, 1999; Chilisa, 2002; Kaufman, deWet & Stadler, 2001; Kaufman, deWet & Stadler, 2001). Meekers and Ahmed (1999: 195) observe that “in some African regions up to ten per cent of school girls drop out of school because of pregnancy”. With specific reference to sub-Saharan Africa, statistical data from a study by the Forum for the African Women Educators (FAWE) indicated that an average of only 34% and 10% of the girls in sub-Saharan Africa uninterruptedly completed primary and secondary schooling respectively (Chilisa, 2002).

A South African study in KwaZulu Natal by Manzini (2001) found that teenage pregnancy differed according to race and location. It emerged from the study that Blacks had a higher rate of teenage pregnancies than Asian and white communities. The study also found that rural and low income group settlements had higher teenage pregnancies than middle and upper income social groups. According to statistics released in 1998, pregnancy and marriage in South Africa contributed 34% and 9% of school dropout respectively in the country (Lloyd and Mensch, 2006). Latest data revealed that teenage pregnancy in South Africa stood at 15.7% in 2009 (Panday, Makiwane, Ranchod & Letsoalo, 2009).

In Zimbabwe, Lloyd and Mensch (2006) indicated that 7% of the girls dropped out of school due to pregnancy related reasons in 1994. Recent official figures seem to concur with Lloyd and Mensch, as they indicated that in 2004, pregnancy and marriage accounted for 2.13% of the girls who dropped out at primary school level and 10.4% at secondary school level (Ministry of Education Sport and Culture [MoESC], 2004). Available data, therefore, show that

although, re-entry and continuous school girl pregnancy policies could be in place, there could still be a significant educational attrition rate due to pregnancy related causes in both South Africa and Zimbabwe.

#### *Gender equity in education as a basic human right*

The right to education is one of the core human rights specified in almost every international declaration and convention like the Universal Declaration of Human Rights (UDHR) of 1948, the Convention on the Rights of the Child (CRC) of 1989, the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) of 1979, the Millennium Development Goals (MDG) of 2000 and Education for All (EFA) of 1990, which all define education as a fundamental human right to be accessed to and benefited by every member of society (Taylor, Smith & Nairin, 2001; Dandet & Singh, 2001; Detrick, 1999; Tsanga, Nkiwane, Khan, & Nyanungo, 2004; Ochalita & Espinasa, 2001). Dandet and Singh (2001) further indicate that most of the said international statutes on human rights explicitly prohibit any form of discrimination on the basis of sex and gender, as well as other social differences like religion, race, language or disability. Since my study has a focus on pregnant and parenting teenagers' right to education, a review of only those international conventions and declarations that relate to this will be undertaken. It is due to the realisation that equal right to, within and through education for girls and women are some of the unfulfilled fundamental human rights, that the provisions of CEDAW, CRC, EFA and MDG all have each a clause exclusively directed to the need to uphold the principle of gender equity, and measures to enhance equal access to and completion of education by girls and women at all levels by 2015 (Submaranian, 2005; UNICEF, 2003; UNESCO, 2001; Tsanga et al., 2004). Consequently, to show their full commitment to the elimination of gender inequalities in education, both South Africa and Zimbabwe unreservedly ratified all these international declarations that seek to redress gender inequalities in educational access, participation and outcomes (Tsanga

et al, 2004; Wolpe, Quinlin & Martinez, 1997; Prinsloo, 2005; Daniel, 2003; Millennium Development Goals: (MDG) South Africa Country Report, 2005; UNICEF, 2004).

The human rights discourse therefore provides a powerful framework for analysis of gender inequalities in education because international statutes like the CRC, CEDAW, EFA, MDG, the Nairobi, Dakar and Beijing Platforms for Action (Pfa) and Forward-Looking Strategies (FLS) on gender equality, all pronounce that education is a basic human right that should be equally accessed and benefited by all men and women (Subrahmanian, 2005; Stromquist, 2005; Chilisa, 2002; Bayona & Kandji-Murangi, 1996). Since education is one key condition for women emancipation, UN member states that consented to international instruments on gender equality have the obligation to progressively extend equal right to, within and through education for pregnant learners, who usually risk leaving school prematurely (Subrahmanian, 2005; Chilisa, 2002; Stromquist, 2005; Leach, 2000). In this regard, countries that still have expulsion policies for pregnant students are grossly violating the right of their citizens to both education and life chances, and are also at risk of missing the EFA and MDG targets in 2015. On the other hand, countries like South Africa and Zimbabwe which ratified international conventions on gender equality and have continuation and re-entry policies for pregnant teenagers and adolescent mothers, are on face value consistent with international expectations. However, to date not much has been done to examine the relevance and utility of school girl pregnancy intervention legal frameworks and programmes in both countries which could initiate a policy review process.

#### *The impetus towards international policies on education rights for pregnant teenagers*

Gender equity policies that sought to integrate or mainstream pregnant and former pregnant teenagers had their origin from the agitation by feminist scholars and activists in countries like Canada, USA, England, Wales and Netherlands who called for gender equality in educational provision (Wilson & Dekkers, 1999; Coulter, 1999). The gender equity principles, which later found their way and got adopted into international conventions on women rights according to Coulter (1999), Stronguist (1999) and Wilson & Dekkers (1999) focused on the following educational concerns for women:

- Promotion of an inclusive school curriculum that is free from sex stereotyping and sexist sentiments;
- Promotion of girls and women access to and achievement in mathematics, sciences and technology areas of study;
- Elimination of all forms of harassment against women in education and appointment of women into positions of educational leadership, to act as role models for school girls; and
- Review and re-evaluation of traditional customs and perceptions that could be harmful to equality of access to education and career development for men and women.

The elimination of all forms of discrimination in human society is therefore one major objective of international conventions and declarations. Table 1 summarises the international conventions with provisions that seek to redress gender inequality in education and other spheres of life, most of which incorporated the concerns raised by feminist and gender equity civic groups.

Table 1: International policy frameworks on equal right to education

Convention	Article	Provision
CEDAW	5(a)	Both men and women to have common responsibilities in child care, upbringing and development.
	5(b)	Elimination of social and cultural practices that promote gender stereotyping and discrimination.
	10(h)	Promotion of policies and measures for equal access to education, health and family wellbeing.
	10 (f)	Policies, measure and programmes for girls and women who may prematurely leave school.
CRC	2(1).	Non-discrimination of children in all spheres of life.
	19 (1).	Protection of children against violence, injury, negligence, maltreatment and sexual abuse.
	34(a), (b), (c).	Protection of children from sexual abuse, sexual exploitation, prostitution, exposure to pornographic materials and performances.
EFA	7(ii)	Elimination of gender disparities in primary and secondary education by 2005 and at other levels of education by 2015.
MDG	2	Elimination of gender disparities in primary and secondary education by 2005.
	3	Achievement of gender equality at other levels of education by 2015.

Adapted from Stronguist (1999), Submaranian (2005) and Tsanga et al. (2004), Runhare (2010)

*School girl pregnancy policies in African nations*

With the ratification of international conventions that call for gender equity in education, some African countries have designed national education policies that protect pregnant and former pregnant teenagers against discrimination, especially with regard to educational access. The SADC regional grouping went further by developing and ratifying a regional Declaration on Gender and Development aimed at achieving gender parity in all public spheres, including educational access by instituting measures that reduce female dropout rates at all levels of education (Sadie, 2001; Ministry of Youth Development, Gender and Employment Creation, 2004).

However, most of the education policies and intervention measures require a girl to suspend schooling for at least a year after falling pregnant (Bayona & Kandji-Murangi, 1996; Meekers & Ahmed, 1999; Chilisa, 2002; Hubbard, Munyinyi, Eggerman, Schulze-Allen, Carew-Watts, Holt, Coomer, Van Wyk, Schmidt, Zimry & Barth, 2008; Chigona & Chetty, 2008; Runhare, 2010). In Botswana for example, Chilisa (2002: 29) observes that “The policy requires the girl to withdraw from school immediately her pregnancy is discovered, only to return 12

months after delivery”. This is an example of a re-entry policy which includes an exclusion requirement as a punitive measure to what is viewed as the girl’s unbecoming behaviour (Chilisa, 2002; Runhare, 2010).

Likewise the Malawian, Namibian and Zambian school girl pregnancy policies all require a pregnant learner to withdraw and re-enrol after at least one year of maternity leave from school (Meekers & Ahmed, 1999; UNICEF, 2004; Hubbard et al., 2008; Chigona & Chetty, 2008). One weakness of re-entry policies is that they are founded on gender biased ideologies and harmful traditional practices on marriage, childbearing and breastfeeding. Thus, Chilisa (2002:25) is of the view that “because of their connectedness to traditional and institutional repressive ideologies, re-entry policies have failed to address the quality of life of the girl mothers in the school, their retention and other structural barriers that militate against retention”.

Table 2 outlines the two types of policy provisions that have been formulated to manage teenage pregnancy in some African countries that have adopted measures to democratise education for pregnant and parenting teenage girls.

Table 2: School girl pregnancy policies in African countries

Country	Policy	Main Conditions
Botswana	Re-entry	1. Formerly pregnant girl to be re-admitted in same grade after at least one year absence from school. 2. Date of application for re-admission calculated from date of delivery (evidence required). 3. Application for re-admission to comply with age of school entry (evidence required).
Malawi	Re-entry.	1. A former pregnant learner can apply for school re-admission after at least one year from date of giving birth. 2. Applicants for school re-admission to provide proof of safe custody for the baby while at school.
Zambia	Re-entry	1. School re-admission allowed at least after one year from date of delivery. School re-admission after pregnancy only allowed once
Swaziland	Re-entry.	Former pregnant learner can be allowed to continue with schooling at another school after a period of nursing the baby.
Cameron	Continuous	1. Period of absence to give birth is negotiable. 2. Extra-tuition given during period of absence from school.
Madagascar	Continuous	1. Pregnant learner allowed to return to school immediately after delivery. 2. No stipulated period of absence from school to deliver.

Adapted from Chilisa (2002) and Hubbard et al. (2008).

*Constitutional provisions for educational access for pregnant and parenting teenagers in South Africa and Zimbabwe*

A review of most international conventions and declarations revealed that signatory state parties are required to take appropriate measures to domesticate and implement the international provisions of the ratified global principles (Zimbabwe Human Rights Non-government Organisations (NGO) Forum, 2001; Tsanga et al., 2004). This paper examines the opportunities and barriers that are presented by the education legal frameworks to pregnant and parenting school girls in realising educational access and opportunity through the South African and Zimbabwean conventional school systems.

The Constitution of the Republic of South Africa Number 108 of 1996 includes the Bill of Rights which protects every person from unfair discrimination and unequal treatment. The first chapter of the South African constitution indicates that non-racialism, non-sexism and equality are the principles upon which the constitution is founded (Constitution of the Republic of South Africa, 1996; Bray, 1996; Prinsloo, 2005). This indicates that pregnant teenagers and teenage mothers' rights are guaranteed by the constitution in South Africa. For example, sub-sections 9(1) provides that "Everyone is equal before the law and has right to equal protection and

benefit of the law" (Wolpe, Quinlin & Martinez, 1997:26). Sub-section 9(3) instructs that "The State may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status" (Constitution of the Republic of South Africa, 1996: 1247). By making direct reference to gender, sex, pregnancy and marital status, the South African constitution legally protects pregnant teenagers with regard to equality of treatment and safeguarding against unfair discrimination. Thus, the provision for pregnant learners to continue with their schooling during and after pregnancy is legitimated by the country's supreme law.

In line with both the CRC and ACRWC, it is observed that the South African constitution exclusively commits Section 28 to children's rights (Prinsloo, 2005). Of relevance to this paper is sub-section 28(f) (ii) which seeks to protect children from any work or services that could risk their right to education and social development (Constitution of the Republic of South Africa, 1996). Legally, this clause protects teen mothers who could risk dropping out from school due to the pressure of baby care. Consequently, parents and guardians are required by the policy to ensure that teen mothers attend school while they assist with baby care (Department of Education [DoE], 2007; SASA, 1996).

Prinsloo (2005) and Bray (1996) observe that the Bill of Rights in the South African Constitution unreservedly grants every person the right to basic education. This provision appears in Section 29 (Education), sub-sections (i)(a) and (i)(b) of the constitution, which indicates that girls who could fall pregnant while at school should be assisted to exercise this fundamental human right by child rights duty bearers such as teachers, school principals and parents.

Although the Constitution of Zimbabwe (1980) has come under criticism from many civic organisations (Zimbabwe, Human Rights NGO Forum, 2001:6), it has sections that could be useful in assisting pregnant girls to exercise their right to education. Article 20 (5) directs that “No person shall be prevented from sending to any school a child of whom that person is a parent or guardian” (The Constitution of Zimbabwe, 1980:14). This guarantees the right for every child to enrol at any school, irrespective of the origin, sex, gender, race or any other difference. From the constitution’s Declaration of Rights, Articles 20 to 24, it is also evident that every Zimbabwean child has a right to education (The Constitution of Zimbabwe, 1980). In this regard, a pregnant or formerly pregnant teenager cannot be denied the right to pursue her educational interests.

The principle of non-discrimination in all spheres of life is provided for in Article 23 of the Zimbabwean constitution. Sub-section 23(i) (b) directs that no person shall be treated in a discriminatory manner by any person, even when acting by virtue of a written law or performing public functions or authority. Sub-section 23(i) (a) adds that no law shall make discriminatory provisions while subsection 23(2) outlaws any form of discrimination on the grounds of race, tribe, and place of origin, political opinions, colour, creed or gender (The Constitution of Zimbabwe, 1980). On the basis of this constitutional clause, a teacher education college student who had been expelled on the grounds of falling pregnant won the case against the expulsion in the court of law (Tsanga, et al., 2004).

However, compared to the corresponding South African non-discriminatory

constitutional clause, it is clear that the Zimbabwean constitution omits non-discrimination on the basis of sex, pregnancy, marital status, which are direct legal provisions for pregnant or former pregnant teenagers to claim the right to education. Further to this, one weakness of the constitution of Zimbabwe’s Declaration of Rights is that, “Section 23, sub-sections 3(a) and (b) of the Constitution have since 1980 exempted all customary, family and personal law from constitutional regulation” (Zimbabwe Human Rights NGO Forum, 2001:6). This shortcoming implies that forced customary marriages of minors, which are a common reason for female school dropout in most African societies, could be legally unattended (Gordon, 2002; Mitchell & Mathobi-Tapela, 2004).

However, it is encouraging to note that Article 24 (i) allows any person whose of rights have been contravened in any way, to appeal up to the supreme court of law for redress. In this regard, discrimination or marginalisation of pregnant and former pregnant learners in education can be legally challenged. Unfortunately this can only be accessed by people from privileged socio-economic backgrounds, who have adequate information on legal channels and the financial means to seek such legal protection since Zimbabwe has no established means of accessing legal aid compared to South Africa.

In comparison with the South African Bill of Rights, the Zimbabwean Declaration of Rights has two important omissions: First, there is no explicit declaration on every person’s right to education, which according to international conventions is a fundamental human right. Second, the constitution is silent on the rights of children. This is inconsistent with the CRC which Zimbabwe ratified in 1991 (Tsanga et al., 2004). A further shortcoming of the constitution of Zimbabwe is that it includes a provision that international agreements ratified by the government are not legally binding unless they are formally incorporated into law as Acts of parliament (Zimbabwe Human Rights NGO Forum, 2001; The Constitution of Zimbabwe, 1980). This weakens the rights of marginalised people such as pregnant and former

pregnant teenagers because, where national policies are silent, one cannot refer to international law to challenge discriminatory practices in Zimbabwe.

*Legislative provisions on educational access for pregnant and parenting teenagers in South Africa and Zimbabwe*

The South African Schools Act (SASA) Number 84 of 1996, in line with the constitution, protects the right of every learner from any form of discrimination (Prinsloo, 2005; SASA, 1996). As stated in the preamble, the objectives of the Act include combating racism, sexism and any other unfair discrimination in order to “protect and uphold the rights of all the learners” (SASA, 1996:1). This is the basis upon which pregnant and teen mothers should claim their right to education as children.

Chapter two of the SASA outlaws any unfair discrimination in schools, extends the right for every learner to enrol at any school and to appeal against unfair admission practices. More specifically, sub-sections 3(3), 5(1) and 5(9) of the Act (SASA, 1996), provide the following rights to all learners, including those who could fall pregnant before school completion:

- Members of the Executive Council (MEC) should ensure that there are enough places for every child to attend school in their province;
- A public school must admit learners and serve their educational requirements without any unfair discrimination; and
- Any learner or parent of a learner who has been refused admission to a public school may appeal against the decision to the MEC.

These legal provisions implicitly indicate that with regard to educational access and participation, pregnant and formerly pregnant learners can also claim the same educational rights. However, public schools, mostly in rural and urban townships are generally defined as state established and maintained while private, independent or former group C schools, which usually serve middle and upper class children (Mncube, 2007) could claim that they are not legally obliged to admit every learner

who applies to attend at such schools. In the same vein, a study by Runhare (2010) revealed that some South African schools put regulations that made it difficult for pregnant learners to continue attending school. This indicated a split between policy and practice, in that while on paper the constitution and the education act legally protected all children’s right to education, pregnant learners cannot be guaranteed of this right at every South African school.

Like the South African Schools Act (1996), the Zimbabwe Education Act Chapter 25:04 of 1996 extends exclusive right to education for every Zimbabwean child. To uphold the international principle of non-discrimination in education, Part II sub-section 4(1) of the act states that “every child in Zimbabwe shall have the right to school education” (Education Act, 1996:619). However, sub-section 4(2) which is on discrimination in education does not include sex, gender or pregnancy as grounds on which discrimination in school admission is prohibited. This omission, also found in the constitution’s Declaration of Rights (Zimbabwe Human Rights NGO Forum, 2001) could result in some schools denying admission to pregnant or former pregnant teenagers without fear of being prosecuted. It may therefore be difficult for pregnant learners and teen mothers to challenge educational exclusion in Zimbabwe and this could explain why, compared to South Africa, Zimbabwean schools were found to be under-serving pregnant and formerly pregnant teenagers despite revelations of sexual abuse and school girl pregnancy even at the primary school level (Gordon, 2002; MoESC, 2004; Runhare, 2010). A UNICEF study also revealed that Zimbabwean education policies and personnel generally insensitive to gender equity issues (Runhare & Gordon, 2004).

However, to protect every child’s right to school admission, section 10 of the Zimbabwe Education Act directs that “Every child of school-going age shall be entitled to be enrolled at the Government primary or secondary school, as the case may be, nearest to the place where he/she is ordinarily resident” (Education Act, 1996: 619). Although this is extended to every

child (pregnant and former pregnant learners included), the provision is only legally obligatory to government schools and not other types of schools like faith, and elitist private schools, most of which still harbour some exclusion aspects in their admission regulations (Runhare & Hwami, 2009; Mavhunga, 2006). The SASA (1996) also has a similar weakness of directing the discriminatory admission clause to public schools, hence studies in

South Africa similarly revealed that although there was a higher population of enrolled pregnant and teen mothers in South African schools that in Zimbabwe, they were largely at low income, public rural schools (Runhare, 2010; Runhare & Vandeyar, 2011, 2012). Table 3 below summarises the legal provisions that extend the right to education for pregnant and parenting teenage girls.

Table 3: South African and Zimbabwean legal frameworks on gender equality in education

	South Africa		Zimbabwe
The Constitution of the Republic of South Africa 1996, Number 108	<b>Provisions</b>	<b>Constitution of Zimbabwe, 1980</b>	<b>Provisions</b>
	<p><b>9(a)</b> Equality before the law.</p> <p><b>9(3)</b> No unfair discrimination on any grounds of race, gender, sex, pregnancy and marital status.</p> <p><b>28(f) (ii)</b> Protection of children’s right to education and social development.</p> <p><b>29(i) (a) (b)</b> Right to basic education and equal access to further education.</p>		<p><b>20(5)</b> Freedom to send a child to any school.</p> <p><b>21(1)</b> Freedom of assembly and association.</p> <p><b>23(i) (a)</b> No law to have discriminatory provisions.</p> <p><b>23(i) (b)</b> No discriminated against by a person.</p> <p><b>23(2)</b> No discrimination on basis of race, tribe, and place of origin, political opinion, colour, creed or gender.</p> <p><b>24(i)</b> Right to appeal if rights are violated.</p>
<b>South African Schools Act 1996, Number 84</b>	<p><b>3(3)</b> Provincial MEC to ensure enough schooling for all.</p> <p><b>5(1)</b> Public school to admit without unfair discrimination.</p> <p><b>5(9)</b> Right to appeal to MEC. for unfair enrolment</p>	<b>Education Act Chapter 25.04 (1996)</b>	<p><b>4(1)</b> Every child has right to education.</p> <p><b>4(2)</b> No discrimination in school admission.</p> <p><b>(10)</b> Every child has right for admission to nearest government primary and secondary school.</p>

Adopted from Runhare (2010)

*Policy frameworks on educational access for pregnant and parenting teenagers in South Africa*

In line with pregnant children and teen mothers’ legal right to education, both South Africa and Zimbabwe have both an specific intervention policy circular that regulates the admission and handling of children who could fall pregnant while at school (Runhare, 2010; Runhare & Vandeyar, 2011, 2012; DoE, 2007; Grant & Hallman, 2006; Gordon, 2002; Runhare & Gordon, 2004; Manzini, 2001; MoES, Policy Circular Minute, P35, 1999). For South Africa, DoE (2007:2) declares that:

In accordance with the Constitution, the South African Schools Act, and the Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000, school children who

are pregnant shall not be unfairly discriminated against.

In accordance with this provision the Minister of Education clarified at the South African youth national conference that “pregnant school girls have a right to education and cannot be expelled from school because they are pregnant” (Pandor, 2007: 4). The provision facilitates continuous school attendance, unlike in Botswana, Namibia and Malawi, where there is a requirement for the pregnant learner to be excluded from school for a stipulated period of time ranging from one to two years (Chilisa, 2002; Hubbard et al., 2008; Bayona & Kandji-Murangi, 1996). While it is permissible to drop out of school after delivery for up to two years in order to look after the baby, this is not obligatory. The policy guideline outlines the roles and responsibilities of the three main

stakeholders, namely the school, learners and parents in the management of school girl pregnancy (DoE, 2007). Schools are required to shoulder the following responsibilities:

- Encourage pregnant learners to continue with schooling prior to and after delivery;
- Guard against any decisions that may constitute unfair discrimination against pregnant or former pregnant learners;
- Take measures against discrimination, hate speech, harassment, and name-calling, and jokes that might destroy the self-esteem or break confidentiality of pregnant or formerly pregnant learners;
- Provide counselling and guidance services to pregnant learners and their parents in the best interest of the learner and the baby; and
- Extend academic support by giving and monitoring the learner's school work during the period she has broken away from school to deliver or care for the baby.

It is noted that the South African policy guidelines on prevention and management of school girl pregnancy stipulate that pregnant learners should be prepared that the community might not readily accept and support their situation because of traditional and cultural values on marriage, motherhood and teenage pregnancy (DoE, 2007; Runhare, 2010; Vandeyar, Runhare, Dzimiri & Mulaudzi, 2014). The inclusion of this comment by the Department is prejudgmental and could have a negative influence on pregnant learners' duty bearers who could claim that the negative perceptions and treatment of pregnant teens is a normal phenomenon in society. Such culturally embedded learning barrier is "loss of learning space within a legally inclusive education system" (Runhare & Vandeyar, 2011: 4100) which results in mere access to schooling without meaningful educational participation and outcomes.

Although inclusion is the basis upon which the management of school girl pregnancy policy measures were instituted by the South African Department of Education, pregnant school girls are

reminded in the same policy that schools have no medical staff and child care facilities (DoE, 2007). For this reason, pregnant learners and the father-to be (if also a learner) may take absence from school to look after the baby for a period of up to two years, depending on personal circumstances of each case (DoE, 2007, Runhare, 2010). During the period of absence from school, it is expected that the pregnant learner continues to get tuition from teachers and to do all school work that is assigned to her. However, because of lack of political will and negative perceptions towards teenage motherhood, most teachers are not prepared to render assistance to pregnant learners, even during the normal school times (Runhare, 2010; Runhare & Vandeyar, 2011, 2012; Vandeyar, et al., 2014)

According to the South African policy guidelines on prevention and management of school girl pregnancy, the major responsibility of the parents and guardians of pregnant learners is to assist with child care so that the learner can continue with her schooling both during the period of absence from school and when she reports back for formal learning (DoE, 2007; Runhare, 2010).

In view of the high rate of teenage pregnancy in South Africa (Manzini, 2001; Richter & Mlambo, 2005; Kaufman, deWet & Stadler, 2001), these democratic measures have resulted in the numerical increase in enrolment of teenage mothers at formal schools (Runhare, 2010; Pandor, 2007). However, the school throughput rate and real benefits in terms of quality of Matric pass rate and entry into university education by girls who became pregnant while at school are issues that research has not yet affirmed (Grant & Hallman, 2006; Runhare, 2010; Vandeyar, et al., 2014).

#### *Policy frameworks on educational access for pregnant and parenting teenagers in Zimbabwe*

Through the MoESC Policy Circular Minute P.35 (1999), the government of Zimbabwe outlines provisions that allow pregnant learners to continue with their education. The policy is in line with the country's National Gender Policy which directs the

education and training sectors to “Provide facilities and a policy framework to enable girls who fall pregnant to continue with their education” (Ministry of Youth Development, Gender and Employment Creation, 2004:8). According to subsection 5.2 of the policy circular, pregnant girls should be assisted to stay in school as long as possible. It is encouraged that the girl and the boy (if the pregnancy is a result of a relationship between two learners) take up to three months absence from school in order to look after the new baby (MoESC Policy Circular Minute P.35, 1999). Like the South African policy measures (DoE, 2007), the period of absence from school is not rigidly enforced because the situations of affected learners differ. What is, however, more positive about the Zimbabwean policy is that the punitive period of absence from school is short and also in line with legal conditions on maternity leave. This affords more continuity to learning by pregnant learners, and correlates logically with the requirement a former pregnant learner resumes classes in the same grade she was when she left school to deliver (MoESC Policy Circular Minute P.35, 1999).

As a pastoral role, school heads are directed to counsel pregnant learners as well as their parents, and to assist with the transfer of the pregnant girl to another

school (MoESC Policy Circular Minute, P.35, 1999).

While the policy provisions sound democratic, they cannot be utilised by the affected teenage girls because of the more conservative traditional and cultural values in Zimbabwean communities, where a pregnant girl is socially excluded by almost all the school based education stakeholders and even in her own family for bringing the name of the school and the family into disrepute (Runhare & Gordon, 2004; Runhare, 2010; Runhare & Vandeyar, 2011). On the ground therefore, while policy allows a pregnant school girl to continue with formal schooling in Zimbabwe, there is self-expulsion from school once a girl falls pregnant, because of the socially constructed reality within the community, school and the family as well as inadequate knowledge and appreciation of the opportunity provided by the policy by both the targeted policy beneficiaries and duty bearers (Runhare & Gordon, 2004; Runhare, 2010; Runhare & Vandeyar, 2011). Table 4 below briefly outlines the policy measures in both South Africa and Zimbabwe on how schools are directed on how to cater for the educational access and participation of pregnant and parenting learners in the two countries.

Table 4: Policy measures on educational provision for pregnant and parenting teenagers in South Africa and Zimbabwe

	South Africa		Zimbabwe
<b>DoE (2007) Prevention and management of learner pregnancy in schools</b>	<p><b>School responsibilities:</b></p> <ul style="list-style-type: none"> <li>• Encourage pregnant learners to continue with schooling.</li> <li>• Prevent discrimination against pregnant learners.</li> <li>• Take measures against any hate speech.</li> <li>• Counselling and academic support during period of break from school.</li> </ul> <p><b>Learners and parents responsibilities:</b></p> <ul style="list-style-type: none"> <li>• Both pregnant learner and father-to-be can take up to two years absence from school.</li> <li>• Learners submit all school assignments for marking during absence from school.</li> <li>• Parents to assist with child care.</li> </ul>	<b>MoESC (1999) Discipline in schools</b>	<ul style="list-style-type: none"> <li>• Pregnant learners to be assisted to stay in school as long as possible.</li> <li>• Pregnant learner and father of baby (if also a pupil) can take up to 3 months absence from school.</li> <li>• Pregnant learner allowed to write public examinations.</li> <li>• After leaving to deliver, the young mother should return to the same school and grade she was before taking leave.</li> <li>• If pregnancy is a result of rape, the learner and parents should be counselled and helped to transfer learner to another school.</li> </ul>

Adapted from Runhare (2010)

### Conclusion

This paper presented and examined main international statutes and national legislative and policy frameworks in selected developed nations and African countries that offer opportunities for formal schooling to girls who could fall pregnant while in school. Particular focus was given to legislative and policy measures that were institutionalised in post-colonial South Africa and Zimbabwe to democratise formal schooling for pregnant and formerly pregnant school girls. The provisions of international conventions and declarations such as UDHR, CEDAW, CRC, EFA and MDG that all uphold every child's right to education, which South Africa and Zimbabwe ratified, indicate positive democratic measures towards the legal right to educational access within a formal school setting by pregnant and formerly pregnant girls of school going age in the two Southern African nations (Tsanga et al, 2004; Wolpe, Quinlin & Martinez, 1997; Runhare, 2010; Runhare & Vandeyar, 2011, 2012). However, a microscopic review and analysis of the constitutional and policy provisions cited in this paper indicate some omissions and negative implications towards the realisation of equitable provision of formal education to pregnant and formerly pregnant adolescents. Notwithstanding the noted strengths and weaknesses of different education policies that aim to cater for educational needs of learners who could fall pregnant while in school, the two Southern neighbouring nations have the legal basis for confronting discrimination in education for this category of marginalised children who cannot advocate for their rights due to African traditionally negative perceptions towards teenage pregnancy and pregnancy out of wedlock (Chilisa, 2002; Chigona & Chetty, 2007, 2008; Runhare, 2010; Runhare & Gordon, 2004; Runhare & Vandeyar, 2011, 2012; Vandeyar, et. al., 2014). In conclusion, it is therefore noted with concern that despite the existence of the legal frameworks, it is the socio-cultural perceptions of school based stakeholders, the family and community at large that

seem to have more influence on the effective educational aspirations, provision, participation and outcomes of pregnant and formerly pregnant teenage girls. The paper therefore posits that school girl pregnancy policies are crafted without adequate consideration of strategies on minimising the negative traditional, social and cultural variables of the targeted stakeholders are unlikely to achieve the desired objectives. The policies should be accompanied by strategies for a paradigm shift from the negative governing values, which social actors in schools might hold towards pregnant girls who choose to pursue their educational aspirations through the formal school system.

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