

**THE RIGHT TO BASIC EDUCATION FOR REFUGEE CHILDREN IN SOUTH
AFRICA AND ZIMBABWE: CHALLENGES AND PALLIATIVES**

DISSERTATION SUBMITTED IN FULFILLMENT OF THE REQUIREMENTS OF
THE LL.M DEGREE AT THE UNIVERSITY OF VENDA

BY

MUFAKOSE TAPIWA ELISHA MOSES

STUDENT No: 11595707



University of Venda

SCHOOL OF LAW, SOUTH AFRICA

UNIVERSITY OF VENDA
LIBRARY

PREPARED UNDER THE SUPERVISION OF

MAIN SUPERVISOR:

PROFESSOR G.N.K. VUKOR-QUARSHIE

CO-SUPERVISOR:

Mr.C.C.A. HAGENMEIER

CO-SUPERVISOR:

Ms. P.P. LETUKA

UNIVEN LIBRARY

Library Item : 20152489

2015



ABSTRACT

This research examines generally the challenges and palliatives to the right to basic education for refugee children. It argues that despite the existence of national, regional and global human rights standards that seek to protect, respect and fulfill refugee children's rights, this vulnerable group of persons in South Africa and Zimbabwe, particularly in Musina town and Tongogara Refugee Camp, are still victims of a wide range of constraints to the enjoyment of socio-economic rights, especially their right to basic education. The research is presented through the 'lived realities' of the affected refugee children in Musina town and Tongogara Refugee Camp. Using the Human Rights-Based Approach as a theoretical base this study examines the factors which militate against the best efforts of the stakeholders to make the right to basic education a reality for refugee children. Fundamentally, this dissertation identifies and explores the legal mechanisms and policies that have been put in place by the governments of South Africa and Zimbabwe to practically realise the right to basic education for refugee children. Additionally, it examines the compliance level of South Africa and Zimbabwe with international and regional human rights standards.

Purposive and snowball sampling methods were used to select the respondents relevant for the purposes of data collection for this research. The study found that there are a number of challenges that act as barriers to the right to basic education for refugee children. These challenges include amongst others the lack of awareness of the right to basic education amongst refugees; language barrier; accessing basic educational institutions; absenteeism of learners; shortage of infrastructure; negative cultural, religious barriers and ethnic groups' issues; corporal punishment; availability of resources; teacher-student ratios; and shortage of quality teachers and lack of structures including remuneration and training to retain them. The study also found that there is usually lack of co-ordination in refugee education, including complex power dynamics which limit the productivity of partnerships amongst service providers and between the states and civil society organisations. This study emphasises that even though States are the primary duty-bearers, they cannot effectively guarantee the practical realisation of the right to basic education for refugee children without proper and efficient co-ordination with other stakeholders which include the refugee children themselves; refugee parents; civil society organisations; refugee communities and the international community.