The Challenges of Free Education in Tanzania

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1. Article 26 of the Universal Declaration of Human Rights insists on Free Education at least in the elementary and fundamental stages The article also puts elementary education to be compulsory. Tanzania observed article 26 of the Universal Declaration of Human Rights in phases. Recently Tanzania uses the format of 2+7+4+2+3+, which is two years for nursery school, seven years for primary school, four years of secondary school, two years for college or high school, and three years for the first degree. The Education Policy of 2014 which is currently in use has considered seven years of primary education and four years of secondary education to be elementary education and the policy recognized elementary education to be compulsory.
2. The first phase of free education was introduced in 2002 when primary education which is standard one to standard seven was made free. The first phase of providing free primary education made an impact on the enrolment of the pupils, the enrolment of girls in primary schools increased and exceeded the number of boys. Enrolment was 1,950,149 and 1,992,739 in 1996 for girls and boys respectively, the number increased to 4,160,892 and 4,086,280 for girls and boys respectively in 2012 as it has been mentioned in the Tanzanian education policy of 2014.
3. The second phase was in 2016 when secondary education, that is form one to form four was made free. As well it has increased the enrolment of students in secondary schools. The recent phase is in the fiscal year 2022/23 where the government proposed free education for high school, form five and six. And the Minister of Finance and Planning, Mwigulu Nchemba addressing the parliament on June 14, 2022, said college education will be free in the coming years to ensure that everyone gets equal access to education.
4. However, the free education provided by the Tanzanian government has some challenges. The following are the three challenges that are discussed in this article.
5. It is not Free Education but Education without School fee
6. Poor Infrastructure and inaccessibility of schools
7. The problem of Bilingualism
8. Denying Reproduction rights
9. **Not Free Education but Fee-Free Education**
10. The free education that was in government [letter number 3 of 2016](https://www.moe.go.tz/index.php/sw/download/waraka-namba-3-wa-mwaka-2016-elimu-bure) of providing free elementary education. The letter explained that government will finance all costs. Parents/Guardians were required to incur personal costs like buying uniforms, textbooks, pens, and pencils for pupils as well as health care. And for the students in boarding schools, parents or guardians are responsible for boarding facilities.
11. However, statement 3.1.5 of the education policy of 2014 does not state free education but Fee Free Education. Fee Free Education is what is implemented where parents and guardians are not paying school fees but other required contributions as required by the school. The costs include internal examination fees (the exams/tests announced by the school), utility contributions, Security, paying the volunteering teachers etc.
12. The contributions that parents and guardians pay were huge to the extent that complaints started to be heard in various discussion forums, especially Jamii Forums which is the biggest Swahili discussion forum. The issue reached the parliament and the explanation given on June 7, 2021, by the Deputy Minister of President Office – Regional Authority and Local Government, David Silinde is, the government provides ‘Fee free education’ and not ‘Free Education’. Pupils who could not pay the contributions needed were sent home, they were denied to attend the lessons until they pay the required contribution. The then minister of Education, Joyce Ndalichako on the same day said before the parliament that the schools have no mandate to send pupil home for failing to pay the needed contribution.
13. The government knows that the funds disbursed to the schools are not enough to run all school activities. They allowed the head of school to collect funds from parents/guardians but they have to be monitored and to be approved before collecting them. The complaints on free education have been for a long time but continued. For example, the prime Minister of Tanzania, Kassim Majaliwa on March 14, 2020 talking to the education stakeholders of the Ruangwa constituency, ordered the head of schools to monitor the contributions.
14. **Poor Infrastructures and inaccessibility of schools**
	1. **Inaccessibility**
15. Some schools are not easily accessible to the pupils. In 2019 a total of 868,696 primary pupils in Government schools which is 8.5% of the enrolled pupils were vulnerable. 64,955 of these students had to pass in wild animal areas, 7,113 need to use marine transport for the whole year and 3,112 need marine transport in the rainy season. Pupils in primary school are expected to complete standard seven at the age of 13, which means they are still children, however, 7770 pupils in 2019 were the heads of household. From the vulnerable reasons excluding children from families with poor income, pupils who were sick for more than three months, and other reasons, 71.80% will be the students that pass in wild animal areas to access school. The percentage of vulnerable pupils in 2020 increased to 9.0%. There were 65,601 pupils who were near or had to pass wild animal areas to access the schools. The total dropouts were 936,632. Taking the number of dropouts in 2019 truancy increased to 97.5%
16. For secondary schools, the number of pupils who were vulnerable was 222,083 which is 9.5% of the enrolled pupils of 2019 the number increased to 2,473,506 in 2020 which was 10.6% of the enrolled students. Similar to primary school, if the number of pupils coming from poor families and those who have been sick for more than three months the pupils who are passing areas with wild animals to access education premises are the leading obstacle followed by the number of pupils who are the heads of families.
17. The pupil-to-teacher ratio of 2019 showed that 58 pupils are taught by one teacher, the ratio is 61:1 in 2020 which is far from the global average of 18 pupils to one teacher. The books available are used by more than one pupil, history and civics books scored badly in 2019 as one book had to be shared by six pupils, and the ratio for the same subjects was 7:1 in 2020.
	1. **Infrastructures**
18. One pit latrine has to be used by 25 male pupils and 20 female pupils. In 2019 one pit latrine was used by 60 male pupils and 56 female pupils which is more than twice the standard ratio, the ratio remained the same in 2020. On average 84 pupils use one classroom in 2019 the ratio was 81:1 in 2020, which is more than twice the recommended ratio of 1 classroom to 40 pupils. The data for secondary schools is different from primary schools, in secondary schools, one pit of latrine is used by 36 pupils and one classroom is used by 47 pupils for the 2019 data. In 2020 one pit of the latrine was used by 37 pupils and one classroom is used by 46 pupils.
19. Information Communication Technology (ICT) facilities is another challenge in right to education in Tanzania. In 2019, data shows that there were 3148 desktop computers in government primary schools which are 18.32%. There were 3570 laptops that is 13,611 schools owned no laptops. 478 photocopy machines, 603 printers, 891 projectors, 786 radios, 10082 smartphones/tablets, and 475 televisions. ICT facilities are relatively more in secondary schools, Desktops were 92667 and 46207 laptops. There were 58879 smartphones/tablets and 7863 televisions. COVID-19 made of ICT facilities to be of great need to facilitate learning, however in 2020, the number of ICT facilities decreased in secondary schools, there were 2965 Desktops, 1927 laptops, 1523 smartphones/tablets and 287 televisions.
20. Only 7149 government primary schools out of 16223 in 2019 had electricity in 2020 there were 7509 primary schools with electricity out of 16406. 3111 government secondary schools had electricity in 2019 out of the 3742 government secondary schools. In 2020, the government schools with electricity were 3045 out of 3863 schools.
	1. **Dropouts**
21. Dropping out is the problem that limits the right to education. Truancy is 95% of the total dropouts. According to the data from the website of the President’s Office – Regional Authority and Local Government The leading cause of truancy has not been explained that is 56.4% are truants for other reasons and 12% are truants for the lack of basic needs, there is also the poor learning environment as the reason for truancy. This is for primary schools.
22. For government secondary schools dropouts are 4.3% of the total enrollment. Truancy is 88.9% of the dropouts followed by pregnancy which is 15.8% for the year 2018. In 2019 the rate of truancy increased to 92.0% of the dropouts followed by pregnancies.
23. **The problem of Bilingualism**
24. The national language of Tanzania is Kiswahili since 1964. In 1967 Kiswahili, the language that is spoken by more than 80% of Tanzanians was made to be the language of Instruction in pre-primary schools, Primary schools, and teachers’ colleges (certificate level). This was a step towards making Kiswahili to be a language of instruction for all education levels. The debate on what language to be used as a language of instruction has a long history and Jackson Makweta, the then minister of Education in 1982 came up with the report that recommended Kiswahili to be the language of instruction at all levels of education. This issue has also been mentioned in the Cultural Policy of 1997, which stated that the use of English as a language of instruction in secondary education and tertiary education has negatively affected Kiswahili and the policy wanted Kiswahili to be used as a language of instruction to all levels of education. It is a similar issue that has been mentioned in the Education Policy of 2014.
25. Different from other countries that speak Kiswahili like Kenya and Uganda, which made English is the language of instruction at all levels. Kenya has made Kiswahili to be a compulsory subject.
26. To increase the ability of students to express themselves and argue, one language should be the language of instruction to all levels of education instead of switching the language to a specific education level. Most pupils use Kiswahili in Government schools excluding a few who are in private schools and this makes a gap when these children are admitted to secondary studies where a pupil from a government school struggles to master the language of instruction and the concepts taught while those from English medium schools understand the concepts right.
27. Komba et al., (2012) have shown that the performance of a student is determined by mastery of the English language because English is the language of instruction in higher learning institutions. The Education Policy 2014 has a goal of making Tanzanian graduates similar to other regional graduates. And the graduates know how important English is in the current environment as it has been shown by Hilliard, (2015). Prolonging the debate of what should be the language of instruction limits the right to education in this regard. It is important to have one language of instruction at all education levels and another subject to be compulsory at all education levels than the current way which increases the dropouts and graduates who can hardly express themselves.
28. The pupils in government schools complete standard seven with no ability to understand English, and all of a sudden English becomes the language of instruction in form one. A report from Twaweza Institute in Tanzania has shown that only 48% of pupils of standard seven could read English stories of standard two. Regardless inability to read English, in Secondary school pupils are expected to read and understand English to get the concept in their studies.
29. **Denying Reproduction rights**
30. Committee on Economic, Social and Cultural Rights, [General comment No. 22](https://www.ohchr.org/en/women/sexual-and-reproductive-health-and-rights) (2016) recommends States to repeal or eliminate laws, policies and practices that criminalize, obstruct or undermine access by individuals or a particular group to sexual and reproductive health facilities, services, goods and information.
31. However, sections 150 and 151 of the Penal Code CAP 16 R.E 2019 criminalize abortion. A woman in Tanzania can serve a life sentence if she aborts according to section 219 of the Penal Code, this happens if a woman has been pregnant for 28 weeks and above, which has been called ‘Child Destruction’. Section 60A of the Education Act, CAP.353 R.E.2002 as amended by the Written Laws (Miscellaneous Amendments) Act No. 4 of 2016 prohibits pregnancies to school girls. That is school girl is not allowed to abort if she is impregnated and will not be allowed to continue with their studies, which is limiting their right to education.
32. The study of Kiconco, (2021) has shown how pandemics increase teenage pregnancies. UNFPA in Uganda reported that a total of 354,736 teenage pregnancies were registered in 2020, and 196,499 in the first six months of 2021. The number was five times larger than other reported COVID-19 cases. Tanzania shares a lot in common with Uganda, low and middle-income countries suffer more from teenage pregnancies. There were 5340 secondary school girls who were impregnated in 2019, that is they were expelled from school.
33. That is to say, the law that prohibits safe abortion for school girls and expels girl pupils from school after being impregnated limits the right to education and reproduction rights.
34. Section 152 of the Tanzanian Penal Code criminalizes the supplier of the things that are used for abortion. Which makes the act be done in a riskier environment and causes death from unsafe abortions. 85.9% of the government schools in Tanzania were providing education on reproductive health, and 81.4% of the non-government schools provide reproductive education which is a good way to alleviate teenage pregnancies. However, the law that criminalizes abortion and the supplier of things used for abortion makes the education offered less useful.
35. Jailing for 30 years for a person who has impregnated a schoolgirl does not complement the right for girls to be educated. This is, the right to abortion in Tanzania is not only the reproduction right, but it is the right that will give girls their right to education.
36. Tanzania has sections that convict people for being rogue and vagabonds. Section 176 of Penal Code CAP 16 R.E 2019 states that an idle and disorderly person can be a prostitute, wandering person, beggar, a person playing a game of chances in public areas, a person who misbehaves in public area and cause a breach of peace, an able-bodied person who is not engaged in any productive work and has no visible means of subsistence or an employed person found engaged on a frolic of his own at a time he is supposed to be engaged in activities connected or relating to the business of his employment. Section 177 Penal Code CAP 16 R.E 2019 calls a Rogue and Vagabond anyone who has been previously convicted for being idle and disorderly, a beggar, a reputable thief and a person suspected to be in an area for illegal purpose. The Criminal Procedure Act CAP 20 R.E 2020 orders a person to be jailed for three months for the first offense and one year for each subsequent offense.
37. 17 juveniles were jailed in 2019 for being rogue and vagabonds. The number is the same for the year 2020. The issue of arresting people for being rogue and vagabonds is against article 13 of the Universal Declaration of Human Rights recognizes that Everyone has the right to freedom of movement and residence within the borders of each State. The situation worsens when juveniles are arrested and jailed instead of giving them their right to education. As it has been shown in the data some pupils are vulnerable because they are the heads of their families.
38. **Conclusion**
39. Fee-free education is not as equal as free education. The government should aim at providing free education considering the fact that some of the pupils are head of their families which make them face hard choices that can make them drop out. As the government plans to improve the quality of education, the language of instruction should be solved as soon as possible to have graduates who are competitive in the regional labour market. Women are to be empowered by the existing laws and regulations, it is important to observe their reproduction rights as it has been seen that not observing the reproduction rights limits the right to education for girls.

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