

## INFORMATION ON SCHOOL PRAYER IN ZIMBABWE

Since Zimbabwe became independent in 1980, the provisions of the Constitution of Zimbabwe <sup>1/</sup> concerning religion generally, and how those provisions apply to education in that country, provide the following:

Protection of freedom of conscience.

19. (1) Except with his own consent or by way of parental discipline, no person shall be hindered in the enjoyment of his freedom of conscience, that is to say, freedom of thought and of religion, freedom to change his religion or belief, and freedom, whether alone or in community with others, and whether in public or in private, to manifest and propagate his religion or belief through worship, teaching, practice, and observance.

(2) Except with his own consent or, if he is a minor, the consent of his parent or guardian, no person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own.

(3) No religious community shall be prevented from making provision for the giving by persons lawfully in Zimbabwe of religious instruction to persons of that community in the course of any education provided by that community, whether or not that community is in receipt of any subsidy, grant or other form of financial assistance from the State.

(6) References in this section to a religion shall be construed as including references to a religious denomination and cognate expressions shall be construed accordingly.

The law governing education and other related matters is the Education Act No. 8 of 1979. <sup>2/</sup> That Act repeals and reenacts all previous legislation concerning education which separately regulated black and white education.

---

<sup>1/</sup> A.P. Blaustein and G.H. Flanz, Constitutions of the Countries of the World. Zimbabwe (Dobbs Ferry, New York, Oceana Publications, Inc., April, 1980), pp. 22-23 (loose-leaf).

<sup>2/</sup> Zimbabwe Rhodesia Government Gazette, 1979, pp. 197, 199-200.



Apart from the provisions contained in Part X of the Education Act of 1979, sections 52, 58(b), and 60, no other information directly relevant to the subject of school prayer could be located in the Zimbabwean collection of the Law Library. The pertinent text reads as follows:

Religious instruction at schools.

52. (1) Subject to the provisions of this section, religious instruction shall be included in the tuition given at all schools.

(2) The syllabus for religious instruction given in Government schools shall be as fixed by the Secretary.

(3) The parent of a pupil attending any school may, in writing, request the headmaster of that school that---

- (a) no instruction in the tenets of a particular religious denomination; or
- (b) no religious instruction whatsoever;

shall be given to the pupil.

(4) The head of a school to whom a request has been made in terms of subsection (3) shall, so far as the circumstances permit, make alternative arrangements for the instruction of the pupil to whom the request relates during the periods fixed for religious instruction.

Powers of officials to enter premises.

58. (1) Subject to the provisions of this section, the Secretary or any person employed in the Ministry who is authorized in writing by the Secretary may, at all reasonable times, enter---

- (a) the premises of any community school or private school, other than accommodation provided for members of the staff thereof, for the purpose of---  
or ...
- (b) any premises established for the sole purpose of teaching religion in order to ascertain whether the teaching at such premises is wholly confined to that purpose; or ...

Regulations.

60. (1) The Minister may make regulations providing for all matters which by this Act are required or are permitted to be prescribed or for which by this Act he may make regulations or which, in his opinion, are necessary or convenient to be provided for in order to carry out or give effect to the provisions of this Act.

(2) Regulations made by the Minister in terms of subsection (1) may provide for the forms of enrolment registers and other documents to be used by or in schools, educational institutions and classes and the manner in which all or any of the information contained therein shall be furnished to the Secretary.

Prepared by Charles Mwalimu  
Legal Specialist  
Near Eastern and African Law Division  
Law Library, Library of Congress  
July, 1982

CM:ehc  
82-1548  
7/27-28/82