

**Education Sector Policy for the Prevention and
Management of Learner Pregnancy**

Education Sector Policy for the Prevention and Management of Learner Pregnancy

Foreward by Minister

To be written

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Definitions

This policy outlines the roles and responsibilities of various stakeholders affected by the prevention and management of learner pregnancy. Where the role of the **Principal** has been specified, this role may be delegated to another teacher or staff member, depending on the situation. However the final responsibility for the implementation of the required activities will rest with the Principal.

The term **learner-parents** refers to learners who have become parents.

A **parent** means “a natural or an adoptive parent or guardian of any learner, and includes any person taking care of or who assumes responsibility for any learner’s education.”¹ Thus, the term “parent” refers to the parent of the learner, who is thus the grandparent of the newborn infant.

¹ Education Act 16 of 2001, subsection 1(1).

1. Introduction

1.1 Background

The problem of pregnancy amongst school girls is a major concern in many countries. Learner pregnancy has been cited as a constraint in the elimination of gender disparities in education, and in the achievement of the two Millennium Development Goals of universal primary education and gender equality in education by 2015.

A revised policy on learner pregnancy is important as research shows that sexual activity begins early for most Namibian teens. Official statistics on pregnancy-related school drop-outs in Namibia for 2007 show that a total of 1465 learners dropped out for this reason – with 96% of them being girls. Comparisons with other data from a variety of sources indicates that these numbers substantially underestimate the true situation in Namibia. National health statistics also indicate that about half of girls aged 15-19 are sexually active, as well as about two-thirds of the boys in that age group; 6% of girls and 12% of boys say they have had sex before age 15.² Although sexuality is acknowledged to be a “taboo” subject in some cultures, these statistics demonstrate how vital it is to address this issue.

A further factor which must not be underestimated is that many pregnancies may be the result of forced sex rather than free choice or risky sexual behaviour. Recent police statistics indicate that just over one-third of all victims of rape and attempted rape are under age 18, with the vast majority of juvenile rape victims being female.³ The rape of children is particularly likely to go unreported. Moreover, even where there is no overt coercion, the disparities in gender equality in Namibia often mean that girls may feel powerless to negotiate sexual behaviour or contraceptive use. A 2006 UNICEF survey of 265 girls aged 15-24 in Kavango, Omaheke and Ohangwena Regions found that 19% of them had already been pregnant – **with a shocking 40% of these pregnancies resulting from forced sex.**⁴ A further need for a revised policy is indicated by evidence that illegal abortion, baby dumping and infanticide are options currently utilised by learner-mothers to prevent motherhood from interfering with their education.

This policy has taken into account these issues and is designed to minimise some of the challenges that learner-parents face. The need to improve the educational rights of girls who become pregnant is also based in part on the knowledge that this will affect the fate

² Ministry of Health and Social Services, Namibia Demographic and Health Survey 2000 (Windhoek: Ministry of Health and Social Services), 2003 at page 84.

³ National NamPol statistics for 2003-05, as reported in Legal Assistance Centre, *Rape in Namibia: Full Report*, 2007 at page 8. This includes both rape and attempted rape. The age of the victims was not recorded nationally prior to 2003.

⁴ UNICEF, *Knowledge, Attitudes, Practice and Behaviour Study in Namibia: Key Findings*, August 2006 at page 9.

of their children and future generations. Children of less educated mothers are unlikely to complete school themselves, meaning that they have fewer opportunities to better their lives. According to a recent report by Save the Children, “the children of uneducated mothers are more than twice as likely to die or be malnourished than the children of mothers who have secondary or higher education.”⁵

This policy includes guidelines for both the prevention and the management of learner pregnancy. The prevention of learner pregnancy should start at home. However it must be acknowledged that not all learners have a stable home environment. Even when learners do have a secure family situation, it is envisioned that schools can assist in the prevention of learner pregnancies through the provision of reproductive and sexual health education, and by creating an atmosphere in which young people are protected from exploitation and taught that all relationships must be based on mutual respect for the dignity of the individual.

1.2 Policy environment

1.2.1 Namibian Constitution: Article 20(1) of the Namibian Constitution states that “All persons shall have the right to education”. The right to education has been interpreted at the international level as including the right of a learner not to be discriminated against or “disciplined” because of pregnancy, and the United Nations Commission on Human Rights has called upon all UN members to eliminate obstacles which limit access to education by pregnant girls. Courts in some countries have found that even a temporary suspension on the basis of pregnancy is impermissible discrimination in respect of the right to education.

Article 15 of the Namibian Constitution says that “Children shall have the right... subject to legislation enacted in the best interests of children, as far as possible the right to know and be cared for by their parents”. However, this Constitutional provision must not be misunderstood. The “care” referred to does not refer to full-time daily care of children of all ages, but rather to ongoing parental contact, involvement and responsibility. The wording of this Constitutional provision mirrors a similar provision in the UN Convention on the Rights of the Child, and the UN Committee on the Rights of the Child has recognised that a diversity of family and caregiving relationships can be in the best interests of a young child, noting the role of “some combination of mother, father, siblings, grandparents and other members of the extended family, along with professional caregivers specialised in childcare and education”.

1.2.2 Education Act 16 of 2001: This law states that it is the responsibility of the Ministry of Education to “establish and maintain hostels, teachers’ resource centres, school clinics and other facilities which may be necessary for the benefit of learners and teachers in attendance at state schools and classes.” Such facilities would include the provision of amenities for pregnant learners and learner-parents.

⁵ Save the Children, *State of the World’s Mothers Report 2005: The Power and Promise of Girls Education*.

1.2.3 **Vision 2030** calls for the transformation of Namibia into a knowledge-based, globally competitive society, which requires a highly-educated workforce. To achieve this, it calls for a “flexible education and training system which is accessible to all Namibians from early childhood”, which is “pragmatic” in its ability to produce a balanced supply of human resources. It specifically calls for the elimination of gender disparities in primary and secondary education, “emphasising girls’ full and equal access to and achievement in basic education of good quality”.⁶ Through education for all (including the education of pregnant learners and learner-parents), this policy will help Namibia reach the goals of Vision 2030.

1.2.4 **International commitments:** Article 144 of the Namibian Constitution also states that “unless otherwise provided by this Constitution or Act of Parliament, the general rules of public international law and international agreements binding upon Namibia under this Constitution shall form part of the law of Namibia.” Therefore the commitments below, which have been signed by the Namibian government, are legally binding in Namibia.

- **UN Convention on the Elimination of all forms of Discrimination Against Women:** This Convention requires the government to take all appropriate measures for “the reduction of female learner drop-out rates and the organisation of programmes for girls and women who have left school prematurely”.
- **UN Convention on the Rights of the Child:** The Committee which monitors this Convention has emphasised the need to provide support for adolescent parents, noting that if support is lacking, young mothers may be prone to depression and anxiety, compromising their ability to care for their children. It has urged governments which are party to the Convention “to develop policies that will allow adolescent mothers to continue their education”.
- **Charter on the Rights and Welfare of the African Child:** This Charter requires governments to “take measures to encourage regular attendance at schools and the reduction of drop-out rates”. Governments must also ensure that “children who become pregnant before completing their education shall have an opportunity to continue with their education on the basis of their individual ability”.
- **Protocol to the African Charter on the Rights of Women in Africa:** This Protocol commits states to the elimination of a range of barriers to girls’ education and requires governments to “promote the enrolment and retention of girls in schools and other training institutions and the organisation of programmes for women who leave school prematurely”.

⁶ Office of the President, *Namibia Vision 2030: Policy Framework for Long-Term National Development, Main Document*, 2004. See pages 41, 77, 83 and 87-ff; quotes from pages 91 and 95.

- **Education for All:** “Education for All” refers to an international commitment adopted at a World Conference held in Jomtien, Thailand in 1990 which includes the goal of “eliminating gender disparities in primary and secondary education”. In Namibia, one of the national strategic objectives to advance this goal is to decrease the rate of dropouts due to pregnancy and motherhood amongst schoolgirls.

2. Goals

The goal of this policy is **to improve the prevention and management of learner pregnancy in Namibia, with the ultimate aim of decreasing the number of learner pregnancies and increasing the number of learner-parents who complete their education.**

This goal may be subdivided into the following points:

- 2.1 to increase learner education about sexual responsibility and sexual health to help prevent learner pregnancies;
- 2.2 to create a policy of inclusion and support for learners in cases where pregnancy has occurred;
- 2.3 to promote the continued education of pregnant learners, expectant fathers and learner-parents;
- 2.4 to promote shared responsibility for the pregnant learners, expectant fathers and learner-parents between themselves, the extended family, the school and other line ministries.
- 2.5 to promote participatory decision-making amongst all stakeholders.

3. Guiding principles

This policy is based on six guiding principles - the right to education, and the need for prevention, information, respect and support and respect for cultural and family values. Schools constitute only one of the many players which share in the role of shaping the behaviour of our youth. A child’s family should have the first and foremost responsibility of providing the child with the values and examples which will guide him or her through childhood and adolescence. The religious community, the wider community, government ministries, the media and society at large also influence the values of Namibia’s young people. Therefore it is important that all stakeholders follow these guiding principles to ensure that this policy is effectively implemented.

3.1 **Right to education:** All children in Namibia have the right to education, without discrimination on the basis of sex. This right to education includes the right of a learner not to be discriminated against or disciplined because of pregnancy or parenthood.

3.2 **Prevention:** Pregnancy amongst learners should be discouraged. However, this must be accomplished by appropriate prevention measures and not by punishment of pregnant learners.

3.3 **Information:** Schools should aim to prevent learner pregnancies by providing an environment in which learners are fully informed about reproductive health matters and have the information and guidance they need to make responsible decisions.

3.4 **Respect:** Education on reproductive issues must emphasise the right to freedom of choice for both boys and girls and respect for the dignity of the individual.

3.5 **Support:** Pregnant learners and learners who become parents shall be supported to complete their education in a manner which takes into account the health and welfare of the newborn child.

3.6 **Respect for culture and family:** The government's role is to provide a flexible policy which maximises educational *opportunities* for pregnant learners and learner-parents. However, the policy allows for different family and cultural values to determine the timing and manner in which learners take advantage of the opportunities offered. Furthermore the policy emphasises ongoing communication between the school and the family.

4. Scope of application

4.1 This policy is applicable to all primary and secondary schools in Namibia, including both government and government-subsidised private schools. However, all schools whether subsidised by government or not, are morally and ethically obliged to consider the best interests of pregnant learners, learner-parents and the infants of learners.

4.2 This policy serves the needs of all learners of school-going age, including learners over 18 years of age who are still attending secondary school pursuant to the Education Act and its accompanying regulations. Schools should provide support as detailed in this policy for all pregnant learners, expectant fathers and learner-parents to enable them to complete their education on the same basis as any other learner.

4.3 Tertiary and other educational institutions are encouraged to develop responsive policies for pregnant learners, expectant fathers and learner-parents.

5. Policy provisions

This policy has been divided into two sections – prevention and management. The management section has been further subdivided to address issues pertaining to female learners, male learners, the families of the affected learners, the school and the government.

To support the effective implementation of this policy, the Ministry of Education will strive to secure the allocation of one or more dedicated teacher-counsellors or life-skills teachers to each school, with the goal of providing at least one teacher-counsellor or life-skills teacher per 500 learners. Where schools have less than 500 learners it may be possible to have one such teacher serve a cluster of schools. It may also be necessary in specialist schools that the learner: counsellor ratio be lower than 500:1.

As further support for implementation, all pre-service Teacher Education Programmes shall offer specialisation courses in Counselling, Life Skills and Learning Support, taught by registered Psychological Counsellors, and all students shall be required to complete at least one of these. All qualifying teachers should have the appropriate competencies and attitudes to deal with the needs of pregnant learners, expectant fathers and learner-parents.

5.1 Prevention of learner pregnancy

The implementation of measures to prevent and reduce the number of learner pregnancies is a critical component of this policy. Schools shall provide education on sexual and reproductive health, as well as holistic life skills programmes. It is essential to engage support for preventative measures from families, the community and non-governmental organisations such as churches and voluntary groups, as learner pregnancy affects the entire community and cannot be successfully managed by the school alone.

5.1.1 Reproductive and sexual health: Schools shall strive to ensure that learners, both boys and girls, are educated about the benefits of abstinence, the risks of engaging in sexual activity at a young age, appropriate use of contraception and the right of both male and female learners to free and informed choice in respect of sexual matters. A trained and full-time Life Skills teacher is required to adequately fulfil this task. However, as an interim measure, the Principal should designate at least two specific teachers and/or teacher-counsellors for this task. All such personnel should be role models with whom learners can easily identify, and they should encourage active learner participation in discussing these issues.

All educators should also be informed by Principals and Regional Officials of in-service training opportunities for improving their knowledge and skills pertaining to education on

sexual and reproductive health issues and given reasonable opportunities to participate in such training.

The full-time Life Skills teacher, or the teachers and/or teacher-counsellors designated by the Principal, shall also liaise with local reproductive health facilities to establish mechanisms for providing learners with access to accurate reproductive health information in appropriate forms. Learners should receive age-appropriate reproductive and sexual health information on a regular basis. Schools must ensure that informal education on child abuse and protective measures is started from Grade 1. Schools must ensure that formal education on child abuse and sexuality is started from Grade 5, as per the Life Skills curriculum.

5.1.2 Life Skills and supplementary programmes: The Principal shall ensure that Life Skills periods are included in the school timetable and are taught by a trained and full-time Life Skills teacher where possible. The lessons should include information on sexual and reproductive health, gender equality, mutual respect in relationships, self-esteem, assertiveness, empowerment, interpersonal communication skills, the right to sexual autonomy and alcohol-related issues. Girls shall be targeted for information on how to avoid placing themselves in situations of sexual vulnerability, such as by accepting gifts from older men. Boys shall be targeted for information on girls' right to refuse sexual activities. Both boys and girls shall be targeted for programmes which will help teach them that healthy relationships should not be based on financial/transactional considerations. Schools shall be encouraged to supplement the Life Skills subject with additional life skills and sexual health programmes such as "Windows of Hope", "My Future My Choice" and other programmes offered by non-governmental organisations and community-based organisations, whenever possible. The Principal should work with the programme organisers on strategies to increase the number of learners reached, with the aim of ensuring that all learners participate in these programmes during their education.

5.1.3 Promoting safe leisure activities: Schools and school hostels shall endeavour to arrange after-school and evening activities which provide safe entertainment options for learners in an alcohol-free environment.

5.1.4 Gender-specific support and mentoring for learners: To ensure that female learners are empowered through the achievement of equal opportunities with male learners, the Principal shall designate one or more female teachers to:

- monitor the progress of female learners as compared to male learners to identify and address any problems or concerns in this regard;
- act as support persons for gender issues for female learners, and facilitate appropriate training for such teachers from time to time;
- encourage women's organisations, churches and other civil society groups to arrange mentors or appropriate motivational activities for female learners.

To ensure that male learners achieve appropriate goals and targets at school, the Principal shall designate one or more male teachers to:

- monitor the progress of male learners as compared to female learners to identify and address any problems or concerns;
- act as support persons for gender issues for male learners, and facilitate appropriate training for such teachers from time to time;
- encourage men's organisations, churches and other civil society groups to arrange mentors or appropriate motivational activities for male learners.

5.1.5 **Counselling:** Counselling and information shall be available for both female and male learners. The Principal shall designate at least two specific teacher-counsellors to provide counselling services for children and adolescents on request, including counselling and information on reproductive health, sexual abuse and relationship issues, or to refer learners to Regional School Counsellors or appropriate agencies for counselling as needed. The learners should be aware of the staff member/s to whom they can speak. The Principal shall also endeavour to introduce peer support programmes on these topics.

The Ministry of Education shall ensure that annual training in counselling skills is provided for all counselling staff. All education sector staff, but in particular those responsible for the counselling and support of learners, should be compassionate, empathic, accepting, competent and self-motivated. Teacher-counsellors should provide special guidance and support to vulnerable or troubled learners who are most at risk.

All teachers who provide counselling services, life skills instruction, or other emotional support to learners will be part of the Counselling Support Group at the school. The Head of the Counselling Support Group should meet at least once a month with all such teachers and should oversee administrative issues related to counselling.

Regional Offices shall ensure that counselling and support services are provided at all schools in the region. The Regional School Counsellors are responsible for the supervision, monitoring and support of school-based teacher-counsellors.

5.1.6 **Possible partners:** The Principal, acting in consultation with the Life Skills teacher and/or teacher-counsellors, shall invite health and social workers to make regular presentations on reproductive and sexual health issues to learners. Prevention programmes shall be offered in collaboration with non-governmental organisations and other agencies wherever possible. The Principal and the Head of the Counselling Support Group shall ensure that every school and hostel has a list of relevant resources available in the wider community, including non-governmental organisations and government contacts.

5.1.7 **Family and community involvement:** Teachers shall in the course of their duties contribute to the involvement of the School Board, families, community members and other partners in prevention programmes by incorporating where possible the following strategies -

- soliciting their input on specific strategies to prevent learner pregnancy;

- providing opportunities for exchange of information on relevant issues through school newsletters, circulars and meetings;
- inviting families and community members to workshops on pertinent issues, including effective parenting skills, reducing youth alcohol and substance abuse and preventing gender-based violence;
- forming partnerships to expand healthy leisure activities for learners in the community and encouraging learners to participate in sporting and cultural activities;
- asking families and community members to participate in the organisation and management of activities for learners;
- encouraging families and community members to discuss sexual relationships and to support healthy lifestyles through positive role modelling and communication of the benefits of a healthy lifestyle;
- if relevant, providing families and community members with information packets prepared by the Ministry of Education on the laws on rape, immoral practices, incest and indecent assault and on how to support a learner who wants to lay a charge with the police, and referring them to the nearest Woman Child Protection Unit for further assistance with such matters .

Topics related to learner pregnancy can also be discussed at any meetings held between school staff and families, to ensure the regular exchange of information and ideas.

5.1.8 Safe environment: Schools shall strive to ensure that the school and the school hostel environment are safe and that learners are free from sexual harassment or sexual abuse by learners, teachers or other staff. Schools shall also make referrals to appropriate agencies if they suspect that a home environment is not safe or that a learner is suffering from sexual harassment or sexual abuse.

- The Principal shall identify a specific teacher to lead the development of a School Code on Learner Protection which includes a section on combating sexual abuse and sexual harassment by the end of 2011, and to ensure that this Code is known to learners and enforced by school management.
- Any non-professional relationship or sexual involvement of a teacher with a learner, whether or not it results in pregnancy, shall be considered to be a serious violation of the Code of Conduct for the Teaching Service. Failure to comply with the Code of Conduct must be dealt with in terms of Namibia's Public Service Act. This means that the misconduct could lead to suspension followed by an enquiry, with the ultimate result being possible dismissal and criminal charges where the actions in question constitute a crime.⁷
- No education sector employee shall engage in sexual activity with, harassment of, or any other abuse of a learner. Such behaviour on the part of an education

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Public Service Act 13 of 1995, Part III.

sector employee constitutes misconduct and will result in a disciplinary hearing and criminal charges where the actions in question constitute a crime.⁸

- Public sector employees are obliged to report misconduct, according to regulations issued under the Public Service Act (Regulation 19). Regulation 23 gives supervisors such as Principals a legal obligation to act in cases of misconduct and further provides that failure to take appropriate action also constitutes misconduct.
- The Principal and Hostel Supervisor shall be encouraged to strengthen hostel supervision, and to involve School Boards and Learner Representative Councils in hostel management. The Principal shall ensure that systems and safeguards, including security and supervision at hostels and educational institutions, are in place and enforced to ensure that learners are not at risk of sexual, emotional or physical abuse from employees, peers, visitors, or anyone else.
- The Principal shall take immediate and appropriate action if a learner is sexually, emotionally or physically abused or harassed by employees, peers, visitors, or anyone else. Zero tolerance shall be adopted in this regard.
- Schools will encourage and support learners to lay criminal charges against learners, teachers or any other persons who violate the laws on rape, immoral practices or other sexual activities.

5.1.9 Exemplary behaviour by education staff: Teachers and all school staff should be positive role models regarding alcohol consumption and sexuality.

5.2 Management of learner pregnancy

In cases where prevention measures fail and learners become pregnant, the school shall endeavour to manage the situation by supporting pregnant learners, expectant fathers and learner-parents to combine continuation of their education with the responsibilities of parenthood without compromising the best interests of the infant or the learner. This process should be collaborative between the school, the pregnant learner, the expectant father and their families, and should involve participatory decision making.

Each situation shall be assessed and evaluated individually, with sensitivity to the learner's health, financial situation, options for child care, family support or lack of support, the timing of the delivery in relation to the school calendar and the needs of the newborn child. The school shall respect each learner's right to confidentiality.⁹ To ensure that the best interests of the infant and pregnant learner/expectant father/learner-

⁸ Because the Code for the Teaching Service may not apply to non-teaching employees such as clerical staff, cleaners, etc, this provision makes it clear that sexual harassment and abuse of learners will not be tolerated by any education sector employee.

⁹ Through counselling, the learner shall be strongly encouraged to disclose the pregnancy to the parents or primary caregiver. Should the learner be reluctant to disclose, the school should offer to support her during the disclosure process.

parents are met, the school should encourage efficient co-ordination amongst service providers.

The aim of this policy is to ensure that the female learner who becomes pregnant and the male learner who shares responsibility for the pregnancy are treated as equally and fairly as possible. Due to the biological differences between learner-mothers and learner-fathers, the learner-mother will be excused from school for a period based on her health needs and the needs of the infant while the learner-father will not be excused from school. The differential treatment of mothers and fathers in this policy is modelled on the similar approach taken in Namibia's labour laws. It must be noted that the leave of absence provided for the pregnant learner/learner-mother is not in the nature of punishment and therefore need not be applied in the same way to the learner-father. It should also be noted that allowing the learner-father to remain in school does not mean that his role in parenting is being ignored. Schools should help both the mother and the father understand their different roles and responsibilities during this time.

5.2.1 With respect to the female learner who becomes pregnant:

- **Promotion of openness:** Learners shall be encouraged to inform a trusted adult, teacher, teacher-counsellor, social worker or healthcare provider of learner pregnancies. To support early disclosure of pregnancies, all learners of child-bearing age shall be informed of the importance of ante-natal care and assured that learner pregnancy shall not be treated as grounds for punishment. The Principal and teacher-counsellors shall take steps to encourage a culture of openness between learners and teachers from Grade One. The learner shall be made aware of the consequences of falsifying the paternity of the child, and of the possible consequences of providing false information. In cases of orphans and vulnerable children, cases should be referred to a social worker at the earliest possible date.
- **Information, counselling and support:** At least one member of staff shall be identified as a support person in respect of each instance of pregnancy. This staff member should be identified by the individual learner, or by the Principal if the learner has no preference. The support person can be a teacher-counsellor or any other staff member with whom the learner feels comfortable. Any staff member who is uncomfortable with being asked to act as a support person should discuss the issue with the Principal. An adult from outside the school system may be identified to be the support person if appropriate. The support person shall be tasked to discuss the matter empathically and non-judgmentally, and to either provide counselling or direct the learner to someone who will be able to provide counselling. The learner should be encouraged to reveal the father's identity, but care should be taken not to place pressure on her to do so, remembering that the pregnancy may have resulted in a context which makes her feel unsafe.

The school shall provide information on the following topics to the pregnant learner/learner-mother:

- the importance of ante-natal care, post-natal care and immunisation of the infant;
- the options for prevention of mother-to child transmission of HIV;
- information on the law on rape, immoral practices, incest and indecent assault, if relevant, and support in laying a charge with the police;
- information on how to obtain a legal abortion in cases of rape or incest or other instances where abortion is permissible;
- information on adoption;
- the Education Sector Policy on the Prevention and Management of Learner Pregnancy, the process that will be followed during pregnancy and the options that are open to the learner once the infant is born;
- parental rights, responsibilities and duties that the learner will have to assume as a parent, including the rules on the respective rights of mothers and fathers in the Children's Status Act and the Married Persons Equality Act;
- the advantages and disadvantages of breastfeeding an infant, how breastfeeding can be established and how breast milk can be expressed to extend breastfeeding after a return to school if she wishes;
- the importance of continuing her education for the benefit of herself and her child;
- how to apply for an exemption from school fees if the learner becomes eligible, keeping in mind the extra financial burden of an additional child;
- how to claim maintenance from the infant's father or his family, including a contribution to the costs of pregnancy and childbirth; and
- the criteria for state maintenance grants and how to apply for these should the infant be eligible.

The Ministry of Education will develop information packages to fulfil the information objectives of this policy, and make these packages available to schools for distribution as required by the policy.

- **Health:** The school shall facilitate the referral of the pregnant learner, through the learner's parents or primary caregiver, to a health clinic. The pregnant learner should be encouraged to provide medical reports to the Principal. A pregnant learner must provide a medical certificate from a health care provider certifying that it is safe for her to continue with her schooling if she wishes to stay in school beyond 26 weeks (6 months) of pregnancy. The school may also request the pregnant learner to provide confirmation from the clinic in regard to her due date, if this is considered necessary. If the learner does not provide the information required by the school and fails to provide a reasonable explanation, she may be forced to take a leave of absence until after the delivery of the infant. Any medical information provided by the learner to the Principal shall be kept strictly confidential in order to protect the learner's right to privacy.

- **Education before giving birth:** The girl may choose to continue with her education at school until 4 weeks before her expected due date, as certified by a health care provider, or take a leave of absence from an earlier date if this is advised by a health care provider on medical grounds, or if she feels unable or unwilling to continue attending school during any stage of pregnancy. The viewpoints of the parents/primary caregiver of the learner and the school should be considered in deciding how long it is advisable for the learner to continue at school if appropriate. If no medical certificate is provided, the school may require the pregnant learner to leave school at an earlier date. This policy supersedes any other rules on absence.¹⁰

- **School assignments:** The girl should take steps to ensure that she receives her class tasks and assignments during the agreed period of absence from school, and that all completed tasks and assignments are returned to the school for assessment. The learner should also ensure that she follows the curriculum as closely as possible and obtains the necessary information to complete her assignments successfully. The school should make all reasonable efforts to assist in the provision of this information, as long as the learner makes reasonable efforts to regularly collect assignments and return completed work for assessment.

- **Education after giving birth:** The girl may continue with her education after giving birth, provided that
 - a social worker (or the Principal if no social worker is readily available) is satisfied that the infant will be cared for by a responsible adult
 - a health care provider provides a statement that the learner-parent is in a suitable state of health and wellbeing
 - a health care provider provides a statement that the infant is in a suitable state of health and wellbeing;
 - the learner-parent and her parents, primary caretaker or guardian provide a signed statement with an exposition on how the infant will be cared for and an undertaking to maintain open communication with the school.¹¹

The school should encourage the learner and her family to involve a social worker as early as possible in the pregnancy to assist with information, counselling and support from an early stage. This is particularly important in cases where an orphan or vulnerable child is pregnant.

The learner may choose to return to school as soon as she can supply the specified documentation or she may choose to take a longer period of leave up to

¹⁰ The existing rule which mandates that learners are removed from the school register after any period of absence greater than 30 days would otherwise conflict with this policy provision.

¹¹ It shall be appropriate for the school or a social worker to assist the family with the preparation of this statement if necessary.

a maximum of one calendar year from the date on which she left school because of the pregnancy. She may take a longer leave of absence, but then her place at school will not be reserved.

In order to ensure that her place at school will be reserved during her leave of absence, the learner and her family must maintain clear communication with the school regarding the date on which when she intends to return.

If the learner communicates her intention to return to the same school, then that school must reserve her place regardless of whether the intended date of return falls within the same academic year in which the learner left the school because of the pregnancy, or in the following academic year, provided that her absence is not longer than one calendar year.¹²

If the learner does not keep the school informed of her intended date of return, the school is not obligated to reserve her place and she will have to reapply for admission to the school.

The learner shall also have the option to transfer to another school, irrespective of her age and without any special authorisation, provided that space is available. This policy supersedes other rules on absence.¹³

- **Special circumstances:** Should the infant die or be given up for adoption, or should other special circumstances occur, the Principal may follow the standard procedure indicated above, or may refer the matter to the Regional Director for guidance, and the Regional Director shall provide a timely response to any queries that are referred to it based on the principles expounded in this policy.
- **Breastfeeding and expression of milk:** The support person shall inform the learner-mother of the advantages and disadvantages of breastfeeding an infant and the options regarding breastfeeding and the expression of breast milk. The learner-mother may implement the agreed options, as far as home and school facilities permit.
- **Examinations:** A girl who has left school because of pregnancy may write her examinations if she has met the examination requirements and if she feels that

¹² Note that the requirement that a place will be reserved only if the learner will be returning to *the same school*. For example, if a learner in her final year of primary school has passed her exams and been promoted during her absence, this policy will not require that a place be reserved for her at a different secondary school. In such a case, she would be expected to apply to the secondary school when she is ready to resume her studies in the same manner as other learners.

¹³ The existing rule which mandates that learners are removed from the school register after any period of absence greater than 30 days would otherwise conflict with the policy provision on learner-mothers. Without a requirement that the learner-mother's place at school be reserved, the possibility of taking a reasonable leave of absence would be meaningless in practice.

she is ready, after consultation with the school, regardless of whether or not she is attending school at the time of the examinations. If she does not feel comfortable to write in the same room as other candidates, the school may arrange for a separate venue and invigilator, but she or her family will have to carry any additional costs which the school incurs.

- **Boarders:** If the girl in question is a boarder in a government school hostel, she shall be entitled to continue in the hostel for the period that she is attending school both before and after giving birth under the same conditions as would have applied had she not become pregnant, as long as she is in good health. However she shall not be allowed to have the baby board with her. The learner shall not be permitted to continue in the hostel if she is in need of medical care which cannot be provided in the hostel. The family should find alternative options for accommodation if staying in the hostel is not possible for health reasons. The support person should assist the learner with any problems arising at the hostel as necessary.

5.2.2 With respect to the male learner who shares responsibility for the pregnancy, if he is a learner in school (either the same school as the girl, or another school), and provided that rape or other illegal sexual assault is not involved, as per the Combating of Rape Act or any other law on sexual offences:

- **Promotion of openness:** Learners shall be encouraged to inform a teacher, teacher-counsellor social worker or healthcare provider of cases where a learner has fathered a child. To support disclosure of paternity, all learners of child-bearing age shall be informed of the importance of the involvement of fathers in the lives of their children. The Principal and teacher-counsellors shall take steps to encourage a culture of openness between learners and teachers from Grade One.
- **Information, counselling and support:** At least one member of staff shall be identified as a support person in respect of each instance of pregnancy. This staff member should be identified by the individual learner, or by the Principal if the learner has no preference. The support person can be a teacher-counsellor, or any other staff member with whom the learner feels comfortable. The support person shall be tasked to discuss the matter empathically and non-judgmentally, and to either provide counselling or direct the boy to someone who will be able to provide counselling. The boy should be made aware of the consequences of accepting or denying paternity, and of the possible consequences of providing false information. The boy should be encouraged to take full responsibility for his actions and to play a full and active role in parenthood.

The school shall provide information on the following topics to the learner-father:

- the importance of ante-natal care, post-natal care and immunisation of the infant;

- the options for prevention of mother-to child transmission of HIV;
- information on the law on rape, immoral practices, incest and indecent assault if relevant, on the consequences of these crimes and on how to apply for legal aid for a defence lawyer if appropriate;
- information on adoption;
- the importance of the father's duty to participate actively in parenting and to support the mother of the infant morally, emotionally and financially;
- the Education Sector Policy on the Prevention and Management of Learner Pregnancy and the options that are open to the learner once the infant is born;
- parental rights, responsibilities and duties that the learner will have to assume as a parent, including the rules on the respective rights of mothers and fathers in the Children's Status Act and the Married Persons Equality Act;
- the importance of continuing his education for the benefit of himself and his child;
- how to apply for an exemption from school fees if the learner becomes eligible, keeping in mind the extra financial burden of an additional child;
- the father's responsibility to pay maintenance ¹⁴, including a contribution to the costs of pregnancy and childbirth; and
- the criteria for state maintenance grants and how to apply for these should the infant be eligible.

The Ministry of Education will develop information packages to fulfil the information objectives of this policy, and make these packages available to schools for distribution as required by the policy.

If a learner impregnates a girl attending another school, or a girl who is not attending school, the school should provide information, counselling and support to this learner in accordance with the guiding principles of this policy if requested to do so by the learner or his parents.

5.2.3 The school shall involve the **family** ¹⁵ of a learner who becomes pregnant and the boy who shares responsibility for the pregnancy in the following ways:

- **Counselling:** The school will refer the learners' parents and/or primary caregiver and/or legal guardian to a teacher-counsellor, a social worker or community organisation for counselling about the situation, and arrange to keep in touch with the family to monitor the situation and encourage re-entry of the learner-mother to school.

¹⁴ Information can be found in the Maintenance Act 9 of 2003.

¹⁵ Where an unmarried learner-parent is under the age of majority, the learner's own parent or guardian is normally also the guardian of the newborn infant. See section 13(2) of the Children's Status Act 6 of 2006.

Parents¹⁶ should be encouraged to be involved in assisting learner-parents with their burden of responsibility. Where they seem unwilling to help, the Principal should attempt to discuss the situation with them and try to convince them to be more supportive; where they are willing to help, schools should discuss with them ways in which they can best support learner-parents.

During this time, the support person identified to liaise with the learner under point 5.2.1/5.2.2 or a teacher-counsellor should discuss with the parents or primary caregiver options for suitable child care, and should advise on how to obtain maintenance from the child's father, state maintenance grants and school fee exemptions.

The Principal shall ensure, with the support and assistance of a social worker if possible, that the family member/s are provided with information on the laws on rape, immoral practices, incest and indecent assault and on how to support a learner who wants to lay a charge with the police, if relevant. The process of legal abortion or legal adoption shall also be discussed if required.

- **Health:** Parents should support and monitor their child's health and progress. Parents should therefore ensure that the school is timeously informed about the condition of their child, ensure that a pregnant learner or a learner-mother and infant attend a health clinic, and that health reports are communicated to the school where relevant to school attendance.
- **Education:** The parents of learner-parents shall be asked whether they would like to assist in the education of other learners about teenage pregnancy.

5.2.4 **Schools** shall be expected to provide support to pregnant learners, expectant learner-fathers and learner-parents to assist them to shoulder their extra burden of responsibilities in the following ways:

a) Psychosocial support

- **Encouragement:** The Principal and support person identified to liaise with the learner under point 5.2.1/5.2.2 shall strongly encourage learners to continue with their education prior to and after the delivery of the baby and shall provide educational support to the learners, insofar as the school's resources allow.
- **Parenting skills:** The support person shall offer advice to learner-parents on parenting skills, or refer them to a teacher-counsellor, Regional School Counsellor, social worker or community organisation who can provide this advice if the learner-parents request assistance. The support person shall explain to the

¹⁶ As per the definition above, parent means "a natural or an adoptive parent or guardian of any learner, and includes any person taking care of or who assumes responsibility for any learner's education." Thus, the term "parent" refers to the parent of the learner, who is thus the grandparent of the newborn infant.

expectant learner-father the importance of being a supportive father and encourage him to have direct and regular involvement with the infant once born and emphasise how important it is for a father to carry a fair share of the financial responsibility for the child.

- **Monitoring and evaluation:** The Principal shall ask the support person to monitor the pregnant learner and follow-up on her progress to encourage her return to school after her infant is born. The Principal shall also ask the support person or another designated person to initiate monitoring and follow-up with the expectant learner-father, if known, to ensure that he understands the importance of responsible fatherhood and is discouraged from fathering more children while still in school (if he is a learner).

b) Educational support

- **Missed schoolwork:** Class teachers shall provide curriculum packages for use during leave of absence and upon re-entry to school if requested by the pregnant learner/learner-mother, to help her keep up with the syllabus.
- **Tutoring:** The school shall support and guide the parents/primary caregivers and the pregnant learner/learner-parents in the investigation of options for additional tutoring if necessary to complete the curriculum of the year in which the learner takes leave of absence, particularly in the preparation for the grade 10 and 12 external examinations. Volunteers, non-governmental organisations, churches or retired teachers might be able to assist with this function.
- **Extra-curricular activities and physical training:** The school shall excuse pregnant learners and learner-parents from extra-curricular activities and physical training for practical or medical reasons, if required. The learner must provide a letter or certificate from her parents/primary caregiver or health care provider.
- **Attendance:** The school shall be tolerant of occasional absences by pregnant learners and learner-parents, to give them every opportunity to complete their courses without neglecting their health or parenting responsibilities. The learner has a responsibility to keep the school informed if a situation arises necessitating repeated absences from school.

If, in the view of the Principal, the pregnant learner or learner-parent is taking off a disproportionate amount of time, the support teacher should arrange a meeting with the learner, and with the parents and/or primary caregiver if necessary, to discuss whether the learner should be granted a leave of absence until she is ready to return.

- **Contraception information:** The teacher-counsellor shall target learner-parents for contraceptive information to help prevent subsequent pregnancies. Information shall also be provided on HIV.
- **Other education options:** If learner-parents are unwilling or unable to return to formal schooling, then they shall be supported to locate other suitable options for completing their education or for locating training which could increase their future employment prospects.

c) Health and nutritional support

- **Nutrition:** Where possible and if available, schools should include pregnant learners, learner-mothers and breastfeeding mothers in school feeding programmes to ensure proper nutrition for the health of both mother and infant.
- **Childcare and feeding of the infant:** The learner-parents, parents/primary caregiver and support person should discuss the most suitable options for child care and feeding of the infant. The support person may request the assistance of the Principal and/or teacher-counsellor in discussing this issue.

d) Environment

- **Non-discrimination:** All teaching and non-teaching staff are expected to ensure that the school is a safe and non-discriminatory environment for pregnant learners, expectant fathers and learner-parents.
- **Tolerance:** All teaching and non-teaching staff should strive to ensure the existence of a climate of understanding and respect in connection with unplanned pregnancies. Schools shall put in place appropriate mechanisms for complaints about discrimination, hate speech or harassment in respect of pregnancy or parenthood.
- **Enforcement of an enabling environment:** It should be noted that the Code of Conduct for the Teaching Service states that a teacher “may not in any form humiliate or abuse a learner (i.e. physically, emotionally or psychologically)” and “must respect the dignity and constitutional rights of every learner without prejudice, including the right to education, equality of culture and the right to privacy”. Teachers must furthermore “refrain from any form of discrimination” including discrimination on the basis of “health reasons”. Such behaviour on the part of a teacher constitutes misconduct and will result in an enquiry and disciplinary action.

It should be further noted that the General Rules of Conduct for Learners state that a learner at a state school “must respect the dignity, person and property of teachers, learners and members of the public”, with possible sanctions including:

- reprimand
- additional tasks relating to the contravention
- a consultation with the learner's parents
- written warnings
- suspension or expulsion.

Discrimination against or ridicule of a pregnant learner or a learner-parent shall be considered a very serious violation of these Codes and all teachers should take appropriate disciplinary steps if such violations are encountered.

- **Counselling:** Teacher-counsellors should provide or arrange counselling or facilitated discussions for teachers and other learners who are affected by the situation if necessary.

e) Teacher training

- **Counselling and support skills:** The Ministry of Education shall provide pre- and in-service training on supporting and counselling pregnant learners, expectant fathers and learner-parents for at least two teacher-counsellors per school. Teachers engaged in counselling around learner pregnancy shall have the same duties and support services as set forth in the Education Sector Policy for Orphans and Vulnerable Children for teacher-counsellors.

f) Networking

- **Role of the Counselling Support Group:** Existing Counselling Support Groups at the schools shall be tasked to support the effective implementation of this policy, either in respect of an individual school or for a cluster of schools. The Counselling Support Groups shall be required to network and encourage the uptake and provision of services by the following people: educators, responsible senior learners, families, School Board members, regional officials, health service providers, social workers and other counsellors, police and members of the Woman and Child Protection Unit, and trusted community members.
- **Role of learners:** Learners should be encouraged to form action groups if there is sufficient interest. These action groups could help educate other learners about the importance of obtaining a full education. The action groups could also initiate campaigns such as "how to say no" and how to deal with peer pressure. The action groups should be given support from the teachers and be assisted to develop links with community members and community groups. Pregnant learners, expectant fathers and learner-parents should be encouraged to join these groups to help educate others about the difficulties associated with learner pregnancy.

5.2.5 The key line **ministries** which will support the Ministry of Education in the implementation of this policy are the Ministry of Health and Social Services and the

Ministry of Gender Equality and Child Welfare. These ministries shall be expected to provide support to pregnant learners, expectant fathers and learner-parents to assist them to shoulder their extra burden of responsibilities. The relevant ministries shall assign a social worker and nurse to oversee a school or cluster of schools and assist with the implementation of this policy in that school cluster. In addition, the Ministry of Safety and Security and the Ministry of Youth, National Service, Sport and Culture have an important role to play in the prevention and management of learner pregnancy, as detailed below.

- **Role of the Ministry of Health and Social Services:** To provide adolescent friendly health services (including mobile services where needed), pre- and post-natal medical care, medication, information, counselling on HIV infection and mother-to-child transmission, information and access to legal abortions and other related services, family life empowerment services, the promotion of effective parenting and information on pregnancy prevention. These services should be made as accessible as possible for learners.
- **Role of the Ministry of Gender Equality and Child Welfare:** To provide social services to the expecting parents and learner-parents and to liaise with the school in the management of the best interest of all stakeholders.
- **Role of the Ministry of Safety and Security (specifically the Women and Child Protection Units):** To provide prompt and sensitive social services and investigation of cases where rape or any other crime has occurred.
- **Role of the Ministry of Youth, National Service, Sport and Culture:** To provide safe entertainment options for learners in an alcohol-free environment.

6. Grievance procedure

The Government's customer service charters assure the public that they will receive the services to which they are entitled. By encouraging the public to air their grievances and providing clear and open channels for doing so, problems in the system can be eliminated and the protection of children's rights ensured.

Heads of institutions and teachers should always establish collaborative partnerships with parents. Steps must be taken to ensure that a "parents are welcome" culture is instituted. The parent must be accommodated rather than intimidated by the school's response to grievances.

6.1 Grievances to be communicated to School Board: Learners, parents of learners or other interested parties may direct a complaint about the application or implementation of this policy to any member of the School Board. Any person wishing to

make a complaint can engage traditional or church leaders or other trusted members of the community to assist them. The complaint may be submitted orally or in writing.

6.2 **Action by School Board:** The School Board shall designate one member to accept, resolve and follow up on complaints by parents and learners in an ethical, confidential and sensitive manner. The School Board shall provide a written response to the person who filed the complaint within two weeks.

6.3 **Appeal and reporting to Regional Office:** If the person who made the complaint is not satisfied with the response from the School Board, that person may make an oral or written complaint to the Regional Office. The school shall forward a summary of each complaint to the Regional Office for record-keeping purposes.

6.4 **Action by Regional Office:** Each Regional Office shall identify personnel to deal with complaints from learners, parents or their representative about any instance of non-compliance with this policy at schools. The Regional Office shall send a response to the school and to the person who filed the complaint within two weeks of receiving the complaint.

6.5 **Appeal to Ministry:** If the person who made the complaint is not satisfied with the response from the Regional Office, that person may make a written complaint to the Minister of Education.

6.6 **Action by the Ministry of Education:** The Minister shall designate an official to receive and consider complaints. This official shall provide a written response to the person who made the complaint within two weeks of receiving the complaint. The Ministry will publicise the grievance procedure along with the policy.

6.7 **Reporting by Regional Offices to the Ministry of Education:** Each Regional Office shall annually submit to the Permanent Secretary a report on complaints handled, giving details of the number and nature of complaints and of action taken.

6.8 **Prohibition on victimisation:** Any victimisation of learners or parents by school staff or fellow learners after a grievance is filed constitutes misconduct and will result in a disciplinary inquiry.

7. Implementation, dissemination and awareness

In order to ensure effective implementation of this policy, the Ministry of Education shall ensure that it is widely disseminated to all relevant stakeholders.

7.1 **Dissemination of policy:** The Ministry shall publish a summary of the policy in at least two national newspapers and provide a copy to every school Principal. The Principal shall share the contents with the staff within three months of receiving it. Newly appointed staff shall acquaint themselves with the policy within their first month of school.

7.2 **Workshops:** The Ministry shall convene regional workshops to inform School Boards, Inspectors of Education and Principals of the policy, and to periodically discuss implementation issues and exchange information on best practices in terms of practical support to pregnant learners, expectant fathers and learner-parents.

7.3 **Life skills programmes:** The new policy shall be incorporated into curricular and extracurricular life skills programmes, such as “My Future My Choice” materials, to avoid confusion and unnecessary discouragement of pregnant learners.

7.4 **Partnerships:** The Ministry shall cooperate with line ministries and non-governmental groups on prevention, support and policy implementation.

7.5 **Communicating policy:** Schools shall make a copy of the policy accessible to all learners and shall discuss the policy with the school’s Learner Representative Councils and involve the Councils in implementing the policy. Schools shall make available copies of the policy to all School Board members upon their election. Schools shall also ensure that families are adequately informed about the policy.

7.6 **Information packages:** The Ministry of Education shall develop information packages to fulfil the information objectives of this policy, and shall make these packages available to schools for distribution as required by the policy.

8. Planning

The Ministry of Education commits itself to integrate an understanding of the needs of pregnant learners, expectant fathers and learner-parents into all aspects of the planning process within the education sector.

9. Budget

The Ministry of Education commits itself to making adequate provision in the budget for the effective implementation of all aspects of this policy.

10. Monitoring and evaluation

10.1 **Record-keeping:** Schools shall ensure that an accurate record of learner pregnancies and learner-parents is maintained. The record should include information about what services the learner received from the school and elsewhere. The record shall also include information about complaints about implementation or application of the policy submitted to the School Board, and the outcome of all such complaints. Inspectors of Education and Regional School Counsellors shall have access to these records during school visits.

The Directorate responsible for school inspections shall develop a format, based on the National Standards and Performance Indicators for Schools in Namibia, for schools to report on the extent to which this policy has been implemented, and on constraints to implementation. Each school shall annually submit this report to the Regional Office, via the Inspector of Education. The reports shall be studied by the Inspector of Education, who shall follow up any matter of concern with the school and report in writing to the Regional Director on the nature of the follow-up.

The Ministry shall annually compile a summary extraction from reports on the implementation of this policy for discussion with ministry staff, local health care providers, relevant non-governmental organisations, community-based organisations, faith-based organisations, development partners and other stakeholders involved in the sector. This summary shall be included in the Ministry of Education's Annual Report.

10.2 **Statistics:** The Ministry of Education shall keep statistics on learner pregnancy including drop-out and return rates of learner-parents and the receipt and outcome of complaints about the implementation or application of this policy. These statistics must be disaggregated by gender, age and region. The data will be collected as part of the existing Ministry of Education monitoring procedures. These statistics shall be included in the Ministry of Education's Annual Report.