

# **The Right to Education: It's Enforceability as a Human Right in Pakistan**

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## Abstract

*The main purpose of this article is to point out the problems which are being faced by the system of education in Pakistan due to multiple factors and highlight the importance of the “Right to Education” (RTE) as a fundamental right in the context of Pakistan. This paper is divided into several parts and will look into the formulation and development of RTE. It will provide a definition of the RTE and analyse it in light of the question, which asks why it is necessary for the right to education to be declared as a fundamental human right? The paper lays out documents of international law supporting this right and evidencing it to be a fundamental human right. The recognition of RTE as a fundamental right by local legislations and the Constitution of Pakistan will be looked at. Inferences and information drawn from these sources will be used to highlight the plethora of problems which exist in the system of education in Pakistan. Any initiatives taken by the government will be included in this discussion and the need for Pakistan, to do more in order to convey the right to education, will be expanded upon. International obligations requiring the country to uphold this right as a fundamental human right will be included in this discussion. These problems will be enumerated, discussed and solutions will be offered to the problems faced by the system of education in Pakistan, in the conveyance of this right, guaranteed by the constitution of the country. The paper also looks to see how this right can be made available, affordable and accessible for every citizen of Pakistan, without any discrimination and disparity, by enforcing it, in its true sense.*

## Introduction

“Education is the passport to the future, for tomorrow belongs to those who prepare for it today”: Malcolm X.

In the wake of World War II, the globe lay in shambles, torn by violence from Poland to the Philippines, from the tundra to the tropics. Discussion about the importance of education as an indispensable measure for post-World War II reconstruction emerged in the earliest work of the United Nations Human Rights Commission.<sup>1</sup> That body was set up in 1946 by the Economic Social and Cultural Council of the UN to make recommendations for promoting respect and observance of human rights on an untested theory that human rights respecting regimes do not make war on other such regimes.<sup>2</sup>

To bring peace to the world, members of the Commission began their work in 1947, and Mrs. Eleanor Roosevelt was elected to chair the Commission. The Commission’s Rapporteur, Dr. Charles Malik (Lebanon) said: “We must elaborate a general declaration of human rights defining in succinct terms the fundamental rights and freedoms of [everyone] which, according to the Charter, the United Nations must promote. ... This responsible setting forth of fundamental rights will exert a potent doctrinal and moral and educational influence on the minds and behavior of people everywhere”.

Malik’s statement echoed the Preamble to the Universal Declaration proclaiming the instrument as a common standard of achievement for all peoples and all nations who should “strive by teaching and education to promote respect for these rights and

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<sup>1</sup> Richard Pierre Claude, ‘The right to education and human rights education’ (2005) 2 Sur - International Journal on Human Rights 36, 38 <[http://www.scielo.br/scielo.php?script=sci\\_arttext&pid=S1806-64452005000100003&lng=en&nrm=iso](http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1806-64452005000100003&lng=en&nrm=iso)> accessed 7 November 2017.

<sup>2</sup> Richard Pierre Claude, ‘The right to education and human rights education’ (2005) 2 Sur - International Journal on Human Rights 36, 38 <[http://www.scielo.br/scielo.php?script=sci\\_arttext&pid=S1806-64452005000100003&lng=en&nrm=iso](http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1806-64452005000100003&lng=en&nrm=iso)> accessed 7 November 2017.

freedoms ...”.<sup>3</sup> This entirely new global “bottom up” program of educating people regarding their human rights marked a challenge to the “top down” strategies of diplomatic state-craft, balance of power manipulations, and realpolitik that were to forestall the calamity of the two world wars.<sup>4</sup>

### A. Formulation of Right to Education

The Universal Declaration shows its framers realized that education is not value-neutral, and in drafting the document, the Soviets, being most ideologically sensitive, were the first to speak on this point.<sup>5</sup> Mr. Alexandr Pavlov for the USSR argued that one of the fundamental factors in the development of Fascism and Nazism was “the education of young people in a spirit of hatred and intolerance”.<sup>6</sup> As it finally turned out, Article 26 took up Pavlov’s point that education inescapably has political objectives, but ignored his ideologically rigid ideas substituting several goals in positive terms. Thus Article 26, in its most contentiously debated section says that the right to education should be linked to three specific educational goals:

- The full development of the human personality and the strengthening of respect for human rights and fundamental freedoms.<sup>7</sup>

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<sup>3</sup> Charles Malik, *These Rights and Freedoms* (UN Department of Public Information, 1950) 4, 5.

<sup>4</sup> Richard Pierre Claude, ‘The right to education and human rights education’ (2005) 2 Sur - International Journal on Human Rights 36, 38 <[http://www.scielo.br/scielo.php?script=sci\\_arttext&pid=S1806-64452005000100003&lng=en&nrm=iso](http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1806-64452005000100003&lng=en&nrm=iso)> accessed 7 November 2017.

<sup>5</sup> Richard Pierre Claude, ‘The right to education and human rights education’ (2005) 2 Sur - International Journal on Human Rights 36, 38 <[http://www.scielo.br/scielo.php?script=sci\\_arttext&pid=S1806-64452005000100003&lng=en&nrm=iso](http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1806-64452005000100003&lng=en&nrm=iso)> accessed 7 November 2017.

<sup>6</sup> ‘Summary Record of the 69th Meeting (Lake Success)’ (E/CN.4/SR.67, Commission on Human Rights: Third Session, 11 June 1948) 13.

<sup>7</sup> Richard Pierre Claude, ‘The right to education and human rights education’ (2005) 2 Sur - International Journal on Human Rights 36, 38, 39 <[http://www.scielo.br/scielo.php?script=sci\\_arttext&pid=S1806-64452005000100003&lng=en&nrm=iso](http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1806-64452005000100003&lng=en&nrm=iso)> accessed 7 November 2017.

- The promotion of understanding, tolerance and friendship among all nations, racial or religious groups.<sup>8</sup> and,
- The furthering of the activities of the United Nations for the maintenance of peace.<sup>9</sup>

## B. Right to Education as a Human Right

There has always been education, but the universal “Right to Education” dates only from the *Universal Declaration of Human Rights 1948*. In accordance with Article 26, the meaning of the right to education may be summarized as everyone having the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.

Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) also recognizes the right of everyone to education. Education is to be directed to the full development of the human personality and the sense of its dignity, and should strengthen the respect for human rights and fundamental freedoms.<sup>10</sup>

The goal of Article 13 is to be ensured through free compulsory primary education whereas secondary education, including technical and vocational, should be generally available.<sup>11</sup> Higher education should be equally accessible to all on the basis of capacity. Article 13 calls for the progressive introduction of free

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<sup>8</sup> Richard Pierre Claude, ‘The right to education and human rights education’ (2005) 2 Sur - International Journal on Human Rights 36, 38, 39 <[http://www.scielo.br/scielo.php?script=sci\\_arttext&pid=S1806-64452005000100003&lng=en&nrm=iso](http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1806-64452005000100003&lng=en&nrm=iso)> accessed 7 November 2017.

<sup>9</sup> Richard Pierre Claude, ‘The right to education and human rights education’ (2005) 2 Sur - International Journal on Human Rights 36, 38, 39 <[http://www.scielo.br/scielo.php?script=sci\\_arttext&pid=S1806-64452005000100003&lng=en&nrm=iso](http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1806-64452005000100003&lng=en&nrm=iso)> accessed 7 November 2017.

<sup>10</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966, art 13(1).

<sup>11</sup> R.M.M. Wallace and K. Wylie, *Substantive Rights under United Nations Human Rights Treaties* (Rev ed. 2, London: University of London, 2015) 18.

education both at secondary and higher education levels.<sup>12</sup> The liberty of parents to choose schools outside the public authority system is also recognized.<sup>13</sup>

In accordance with Article 14 of the International Covenant on Economic, Social and Cultural Rights, those state parties which, prior to ratification, were not able to secure in the territories under their jurisdiction, compulsory primary education free of charge, must work out and adopt a detailed plan of action.<sup>14</sup> The plan of action required is to set out detailed steps for the progressive implementation of a programme which would ensure that the principle of compulsory education free of charge for all would be implemented within a reasonable number of years.<sup>15</sup> Such a detailed plan of action must be adopted within two years of the state becoming a party to the ICESCR.<sup>16</sup>

The European Convention on Human Rights provides that no person shall be denied the right to education and requires contracting states, in the exercise of any functions which they assume in relation to education and to teaching, to respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.<sup>17</sup>

Moreover, Education is an institution that typically is established through a collective social desire to have civil and

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<sup>12</sup> R.M.M. Wallace and K. Wylie, *Substantive Rights under United Nations Human Rights Treaties* (Rev ed. 2, London: University of London, 2015) 18.

<sup>13</sup> R.M.M. Wallace and K. Wylie, *Substantive Rights under United Nations Human Rights Treaties* (Rev ed. 2, London: University of London, 2015) 19.

<sup>14</sup> R.M.M. Wallace and K. Wylie, *Substantive Rights under United Nations Human Rights Treaties* (Rev ed. 2, London: University of London, 2015) 19.

<sup>15</sup> R.M.M. Wallace and K. Wylie, *Substantive Rights under United Nations Human Rights Treaties* (Rev ed. 2, London: University of London, 2015) 19.

<sup>16</sup> R.M.M. Wallace and K. Wylie, *Substantive Rights under United Nations Human Rights Treaties* (Rev ed. 2, London: University of London, 2015) 19.

<sup>17</sup> Convention for the Protection of Human Rights and Fundamental Freedoms 1950; European Convention on Human Rights 1952, Protocol 1, art 2; The United Kingdom has entered a reservation to Protocol 1 art 2: see para 558. As to the Convention and its Protocols generally see para 88. The Convention is incorporated into the law of the United Kingdom by the Human Rights Act 1998: see paras 14–30. The right to education is also recognised in domestic law (see para 549) and is protected by all major human rights treaties (see para 550).

supportive societies.<sup>18</sup> Many existing international laws and UN documents have been created to promote and to protect this notion of education like Articles 28, 29 & 40 of the Convention on the Rights of the Child.<sup>19</sup>

### C. Status of Right to Education in Pakistan

The concept of a Right to Education (RTE) entails the inalienable right of all individuals to be provided quality education as not just a possibility but a delivered actuality.<sup>20</sup> The concept of RTE aims to make education accessible in all circumstances by not leaving its attainment dependent upon privileged background or circumstances.<sup>21</sup> Speaking of education as a human right makes it a part and parcel of not only being a citizen but also essential to the attainment of dignity as a human being.<sup>22</sup> Over the past decade, the debate in Pakistan over improving the quality of and access to education has also centered on dealing with the issue through the paradigm of RTE and the resultant responsibility of the state to deliver this right.<sup>23</sup> After having afforded constitutional recognition to RTE as a fundamental right, it is more important than ever before to appreciate how this right must be universally achieved in Pakistan.<sup>24</sup>

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<sup>18</sup> Sharon E. Lee, 'Education as a Human Right in the 21st Century: Democracy and Education' (2013) 21(1) <<http://democracyeducationjournal.org/home/vol21/iss1/1>> accessed 1 November 2017.

<sup>19</sup> Convention on the Elimination of All Forms of Racial Discrimination 1965; Convention on the Elimination of All Forms of Discrimination Against Women 1979, art 10, 14; American Declaration on the Rights and Duties of Man 1948, art 12.

<sup>20</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 21, 22.

<sup>21</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 21, 22.

<sup>22</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 21, 22.

<sup>23</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 21, 22.

<sup>24</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 21, 22.

Since the adoption of RTE, the Constitution of the Islamic Republic of Pakistan, 1973 (the 'Constitution') has always provided for 'the responsibility of each organ and authority of the State', and of each state functionary to act towards 'removing illiteracy and providing free and compulsory education to the citizens of Pakistan'.<sup>25</sup>

Unfortunately, since this prescription was found under 'Principles of Policy', Articles 29 and 38(b) of the Constitution, they were only guiding principles for the states to follow, as they see fit, in their own determination.<sup>26</sup> Accordingly, this right had remained non-justifiable by the courts of law in accordance with Article 30 which does not empower the courts to act under the powers of judicial review of public actions as they may with regard to fundamental rights under Articles 199 and 184(3) of the Constitution.<sup>27</sup> This meant that governments and other state institutions could not be held accountable for their violation of the Principles of Policy or their omission to deliver the right. Resultantly, the right to free and compulsory education was undelivered by the state for decades.<sup>28</sup>

However, sustained lobbying by the civil society and the nation at large, which had been suffering as a result of this failure, led to the inclusion of the right to education as a 'Fundamental Right' under Article 25A, as part of the sweeping changes brought about by the democratic restoration of the Constitution, under Section 9 of the Constitution (Eighteenth Amendment) Act, 2010.<sup>29</sup> This has made RTE not only justifiable before the superior courts in their constitutional jurisdictions but also has made all legislation

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<sup>25</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 21, 22.

<sup>26</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 21, 22.

<sup>27</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 21, 22.

<sup>28</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 21, 22.

<sup>29</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 21, 22.



and executive acts subject to compliance with this right in accordance with Article 8 of the Constitution.<sup>30</sup>

RTE lays an equal and complementary responsibility and duty on the state to deliver access to education to all its citizens by overcoming all existing and possible hurdles and limitations that prevent a citizen from being provided such access to quality education.<sup>31</sup>

#### **D. International Obligations towards RTE**

While Pakistan has unfortunately left behind the last opportunity to meet its obligations towards education under the Millennium Development Goals (MDGs) due for 2015<sup>32</sup> and is nowhere close to its target of 80%<sup>33</sup> school enrolment, there are still a multitude of international obligations that we are not only required to be fulfilled but which also serve as guidelines for what needs to be achieved. These include Article 26 of the Universal Declaration of Human Rights; Article 13 of the International Covenant on Economic Social and Cultural Rights; Articles 28 and 29 of the Convention on the Rights of the Child, the UNESCO Convention Against Discrimination in Education; and the six goals of the Dakar Framework for Education.<sup>34</sup>

The Committee on Economic, Social and Cultural Rights has identified four core elements of state obligation with regard to operationalising the right to education. The four elements are: availability, accessibility, affordability and adaptability. These core contents should form part of the on-going discussion on the right to

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<sup>30</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 21, 22.

<sup>31</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 21, 22.

<sup>32</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 21, 22.

<sup>33</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 21, 22.

<sup>34</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 21, 22.

education in Pakistan as they are useful in untangling the thicket of problems surrounding the implementation of this right.<sup>35</sup>

These international obligations necessitate that the attempts to deliver RTE in Pakistan should not only be grounded in domestic realities but also in tandem with the global conception of human rights and the expectations of international organizations and treaties towards the treatment of citizens in light of international best practices.<sup>36</sup>

### **E. Problems with the Education System in Pakistan**

It might come across as an unnecessary question with an obvious answer at first, but determining what is considered necessary to a complete education in terms of the minimal level of skills and abilities that are imparted through the educative process, is central to determining the scope of the RTE that is to be achieved in Pakistan.<sup>37</sup>

It is important to deal with this question in terms of standardization of quality of education with reference to curriculum, standardized testing, parental options to home school and subsequently test back into the school systems, alternate religious education, recognizing the need to focus on different vocational and life skills in different educational systems while ensuring that the need for diversely tailored education is sufficiently addressed through state institutions as well.<sup>38</sup>

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<sup>35</sup> Arif Azad, 'Right to education' (*DAWN*, February 27, 2014) <<https://www.dawn.com/news/1089753>> accessed 1 November 2017.

<sup>36</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 21, 22.

<sup>37</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 25, 26.

<sup>38</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 25, 26.

In the context of Pakistan, there are at least four different institutionalized forms of education that exist in the mainstream education sector in addition to other less prevalent forms:<sup>39</sup>

Firstly, there is a dichotomy between publicly-funded state schools and privately-owned schools for fee paying students, both of which follow the curriculum and examinations prescribed by the relevant provincial boards for textbooks and examinations.<sup>40</sup> As a constitutional right, it must be ensured that no citizen is at a disadvantage with regards to the quality of education provided due to discrepancies between the modes of education in the private and state spheres.

Second, the majority of state schools use Urdu as the medium of instruction until the introduction of English as a second language in middle school, in sharp contrast to private schools that primarily offer instruction in English.<sup>41</sup> This is often reflected in the linguistic preferences of education systems with the inevitable outcome of putting state-educated students at a disadvantage when sitting in university admissions, civil service or public sector competitive examinations later on in their academic careers. This social stratification cannot be allowed to continue if Article 25A is to be implemented in its letter and spirit. Otherwise, the education provided by the state would continue to disadvantage those who are most dependent on it.

Third, there are options for students to undertake vocational training in skills that may lead to employment while giving very limited attention to academic skills.<sup>42</sup> This requires the law to provide for continued curriculum review that allows for the participation of not just educationists but also industry and public-sector representatives to tailor and upgrade the skills imparted

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<sup>39</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 25, 26.

<sup>40</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 25, 26.

<sup>41</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 25, 26.

<sup>42</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 25, 26.

through the education system in line with the needs of the country and its economy.

Fourth, a very large number of students in the age bracket relevant under Article 25A are educated through religious seminaries, colloquially known as *madrassas* which are governed by various bodies pertaining to *madrassas* belonging to different sectarian affiliations prevalent in Pakistan.<sup>43</sup> Recognising the importance of alternate systems of education that supplement the state's responsibility for delivering this right, *madrassas* must also be provided with curriculum assistance, financial support and a sustained effort to synchronise the quality of performance of institutions recognised across the country. RTE requires that a citizen is not disadvantaged because of his choice of medium of education or limited access to a certain form of educational institution in accordance with the provision of Article 25 (equality of all citizens).

Pakistan's education system is facing a lot of problems because it is not according to the needs of the society. A number of grey areas have been identified. The provinces of Pakistan are not at par as regards the infrastructure, availability of staff, their training, content mastery, allocation of resources and their utilization. This develops a disparity not only in the system but in the turnover too. There is a need to revisit the schools in Balochistan (the largest province of Pakistan in terms of area) because these are not as groomed as schools in Punjab (the largest province of Pakistan in terms of population). In FATA, the literacy rate is deplorable, constituting only 29.5%<sup>44</sup> in males and 3%<sup>45</sup> in females. The conditions are to be made more congenial about teaching and learning in all parts of the country without any discretion.

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<sup>43</sup> Rana Amaar Faaruq, *Legislation on Right to Education in Pakistan: A Critical review* (Pakistan Coalition for Education (PCE), April 2015) 25, 26.

<sup>44</sup> Dr. Khalid Rashid and Sajida Mukhtar, 'Education in Pakistan: Problems and their Solutions' (2012) 2 International Journal of Academic Research in Business and Social Sciences 334, 334-338.

<sup>45</sup> Dr. Khalid Rashid and Sajida Mukhtar, 'Education in Pakistan: Problems and their Solutions' (2012) 2 International Journal of Academic Research in Business and Social Sciences 334, 334-338.

Gender discrimination is a major cause contributing towards the low participation rate of girls at the basic level education. The male and female participation ratio is projected at the primary school in the shape of ratio of boys and girls as 10:4<sup>46</sup> respectively. This gender based difference in the education of males and females have consequently created clear-cut tiers in the society and a wide gap among those with the haves and have not's.

Furthermore, the allocation of funds for education is very low as it never went beyond 1.5 to 2.0<sup>47</sup> percent of the total GDP. Unfortunately, even this amount in most instances had also not been fully utilized and had to be surrendered back to the government because of want of expertise and the knowledge of formalities, and the requirement of in time release of funds. It is undisputable that there is an evident need to increase these funds up to at least around 7%<sup>48</sup> of the total GDP keeping in view the allocations by the neighboring countries in the region.

Additionally, the escalation of poverty has further restricted the parents to send their children to schools where they rather require them greatly to go for some cheap labor and contribute towards the household. In many rural and less developed areas, there is a high dropout rate. Along with economic reasons, the schools are also not attractive places, the curriculum is dry and the teaching standards also do not match the live situations. Hence, poor parents are constrained to send their children either for some cheap labour or maximum to *madressahs* where not only the education is totally free,<sup>49</sup> rather they also provide food and maintenance to many of their students.

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<sup>46</sup> Dr. Khalid Rashid and Sajida Mukhtar, 'Education in Pakistan: Problems and their Solutions' (2012) 2 International Journal of Academic Research in Business and Social Sciences 334, 334-338.

<sup>47</sup> Dr. Khalid Rashid and Sajida Mukhtar, 'Education in Pakistan: Problems and their Solutions' (2012) 2 International Journal of Academic Research in Business and Social Sciences 334, 334-338.

<sup>48</sup> Dr. Khalid Rashid and Sajida Mukhtar, 'Education in Pakistan: Problems and their Solutions' (2012) 2 International Journal of Academic Research in Business and Social Sciences 334, 334-338.

<sup>49</sup> Dr. Khalid Rashid and Sajida Mukhtar, 'Education in Pakistan: Problems and their Solutions' (2012) 2 International Journal of Academic Research in Business and Social Sciences 334, 334-338.

Besides, the examination system in Pakistan's education system is another huge problem. While examination is conducted to test the ability of a student and find out his standard of academic learning and knowledge, the rampant use of illegal practices in examinations, have completely spoiled the examinations and their results, practically making them devoid of their core objectives. The problem of illegal practices concern examiners, the invigilators, the students, the parents and examination board.<sup>50</sup> Sadly, the prevalent examination system encourages rote learning and cramming. It rather defines education as the pursuit of high marks and not the development of one's intellectual power through learning<sup>51</sup>. The system that even at its best may not be able to render an accurate measure of one's actual achievement and future performance, has been further struck by the use of illegal means and corrupt practices.

This brings us to the issue of corruption as one of the major contributing factors for failure of educational policy. It is due to lack of accountability and transparency along with low salaries of the staff.<sup>52</sup> Interestingly, while a large number of schools are operating in the records, they do not actually exist in fact. The records are prepared and maintained by corrupt officials. There is also political, social cultural and moral corruption found in the education system. Teachers are poorly paid in the best of circumstances, and then have to make extra money by tutoring and receiving bribes<sup>53</sup>. The ultimate corruption has been the outright sale of bogus certificates and degrees. And for teachers, the transfers and securing desired postings often require payment of bribes to the government officials.

Undoubtedly, the provision of providing basic education has been a goal since independence and enrolment in primary

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<sup>50</sup> Dr. Nushad Khan and Hina Rehman, 'Flaws in Pakistan's Educational System' 4 *Abasyn Journal of Social Sciences* 72, 72-78.

<sup>51</sup> Dr. Nushad Khan and Hina Rehman, 'Flaws in Pakistan's Educational System' 4 *Abasyn Journal of Social Sciences* 72, 72-78.

<sup>52</sup> Dr. Nushad Khan and Hina Rehman, 'Flaws in Pakistan's Educational System' 4 *Abasyn Journal of Social Sciences* 72, 72-78.

<sup>53</sup> Dr. Nushad Khan and Hina Rehman, 'Flaws in Pakistan's Educational System' 4 *Abasyn Journal of Social Sciences* 72, 72-78.

schools have been increasing but percentage of students completing primary school has been falling. Only 30 percent<sup>54</sup> of those who enroll in primary education ever reach to their matriculation exam. The reasons enumerated above all play their part in this outcome. Thus, our school going children cannot even acquire the basic skill of learning and a number of them fall back into the category of illiterates.

## **F. Ensuring the Enforceability of Right of Education in Pakistan**

Pakistan has expressed its commitment to promote education and literacy in the country by education policies at domestic level and getting involved into international commitments on education. In this regard national education policies are the visions which suggest strategies to increase literacy rate, capacity building, and to enhance facilities in the schools and educational institutes. Millennium Development Goals (MDGs) and Education for All (EFA) programmes are global commitments of Pakistan for the promotion of literacy in the country.<sup>55</sup>

A report by the Academy of Educational Planning and Management (AEPAM) provides that Punjab tops the list of all the four provinces and federating units as well as Islamabad Capital Territory (ICT) in terms of provision of basic facilities, including drinking water, electricity, toilets and boundary walls in public schools.<sup>56</sup>

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<sup>54</sup> Dr. Nushad Khan and Hina Rehman, 'Flaws in Pakistan's Educational System' 4 *Abasyn Journal of Social Sciences* 72, 72-78.

<sup>55</sup> Aftab Hussain, 'Education System of Pakistan: Issues, Problems and Solutions' (*Islamabad policy research institute*, 2 March 2015) <<http://www.ipripak.org/education-system-of-pakistan-issues-problems-and-solutions/>> accessed 2 November 2017.

<sup>56</sup> Niamatullah Khan, Nasir Amin, Muhammad Bilal Kakli, Zubair Farooq Piracha and Muhammad Adeel Zia, 'Pakistan Education Statistics 2015-16' (National Education Management Information System, Academy of Educational Planning and Management Ministry of Federal Education & Professional Training, Islamabad, 2017).

The report has noted considerable improvements in net enrollment rate in primary education, availability of physical facilities in government schools and reduction in number of Out-of-school Children (OOSC). “The number of OOSC in classes 1-12 and age bracket of 5-16 years has reduced by 3% per annum from 25.96 million in 2012-13 to 22.64 million in 2015-16 and Punjab has outperformed other provinces by reducing the number by 6% per annum from 12.87 million to 9.92mn during the same period”<sup>57</sup>.

The Minister for Federal Education and Professional Training, Engineer Baligh-ur-Rehman while formally launching Pakistan Education Statistics Report 2015-16 at a ceremony, announced that the three focus areas of the government in order to improve the accessibility of education would be first, improving the adult literacy rate; second, initiating accelerated learning programs for older OOSCs and third, encouraging non-formal education.

Vision 2030 of Planning Commission of Pakistan also looks for an academic environment which promotes ‘the thinking mind’. The goal under Vision 2030 is to achieve “one curriculum and one national examination system under state responsibility”. The strategies charted out to achieve this goal included:

- Increasing public expenditure on education and skills generation from 2.7% of GDP to 5% by 2010 and 7% by 2015<sup>58</sup>
- Re-introduce the technical and vocational stream in the last two years of secondary schools<sup>59</sup>.

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<sup>57</sup> Niamatullah Khan, Nasir Amin, Muhammad Bilal Kakli, Zubair Farooq Piracha and Muhammad Adeel Zia, ‘Pakistan Education Statistics 2015-16’ (National Education Management Information System, Academy of Educational Planning and Management Ministry of Federal Education & Professional Training, Islamabad, 2017).

<sup>58</sup> Aftab Hussain, ‘Education System of Pakistan: Issues, Problems and Solutions’ (*Islamabad Policy Research Institute*, 2 March 2015) <<http://www.ipripak.org/education-system-of-pakistan-issues-problems-and-solutions/>> accessed 2 November 2017.

<sup>59</sup> Aftab Hussain, ‘Education System of Pakistan: Issues, Problems and Solutions’ (*Islamabad Policy Research Institute*, 2 March 2015)



- Gradually increase vocational and technical education numbers to 25-30% of all secondary enrolment by 2015 and 50 per cent by 2030<sup>60</sup>.
- Enhance the scale and quality of education in general and the scale and quality of scientific/technical education in Pakistan in particular<sup>61</sup>.

### **G. Suggested Solutions for Educational System**

1. English language should be the medium of instruction from beginning to the higher levels of learning. National language should be a supporting language for communication facilitation and every day business. Efforts should be made to enhance the knowledge treasure in the national language through translation of the research based information.
2. Hiring should be made from amongst the highly qualified and the teachers should be paid not according to the level of education but the qualification of the staff.
3. Efforts should be made to bring down the student-teacher ratio to 15:1 in lieu of current 40:1. Consequently, the number of teachers will have to be enhanced, leading to the rise in number of teachers and enabling the competent persons to be inducted to the system of education.
4. Primary education should be made compulsory and free (it is already free of cost but not compulsory). It should also be

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<<http://www.ipripak.org/education-system-of-pakistan-issues-problems-and-solutions/>> accessed 2 November 2017.

<sup>60</sup> Aftab Hussain, 'Education System of Pakistan: Issues, Problems and Solutions' (*Islamabad Policy Research Institute*, 2 March 2015) <<http://www.ipripak.org/education-system-of-pakistan-issues-problems-and-solutions/>> accessed 2 November 2017.

<sup>61</sup> Aftab Hussain, 'Education System of Pakistan: Issues, Problems and Solutions' (*Islamabad Policy Research Institute*, 2 March 2015) <<http://www.ipripak.org/education-system-of-pakistan-issues-problems-and-solutions/>> accessed 2 November 2017.

made appealing, impressive, interesting and utilitarian to attract the general masses.

5. Teachers should be offered more financial benefits by increasing their pays.
6. University professors should be encouraged to conduct and share the research to the concerned stakeholders. They should also be asked to translate the foreign research into local languages for sharing it with the lower formations of education enabling them to implement/take benefit out of it.
7. Government should strictly check all private educational institutions for keeping a balance of standards and level of practices.
8. Students should be offered more scholarships and government should support the intelligent and outstanding students to prosper, develop and serve their local community rather than migrating to the big cities.
9. The dilemma in Pakistan is that students are talented, but they use their intelligence in negative way, and hence end up contributing nothing towards the development of country. Another problem with Pakistan is brain drain. Capable and outstanding professionals prefer foreign jobs instead of serving in their own country. This is due to the low financial benefits and indifferent attitude of government towards them. Therefore, in order to control these factors, the government should provide its educated and trained citizens with jobs, facilities and special financial packages to encourage them to stay in their own country.
10. In the view of importance of education, the Government should take solid steps towards implementation instead of projecting policies. In this regard, the allocations should be made easy and timely from provinces to districts and then to educational institutes. Workshops must be arranged for teachers as a continuous feature for learning.
11. Technical education should be infused into the regular educational stream and plans must be devised to give technical education to the children of industrial workers.

## **Conclusion**

Education serves as the backbone for the development of nations. The countries with effective, impressive, need oriented, saleable and effective system of education produce leaders of the world, both socially and economically. It is only education which can turn the burden of population into productive human resource. Pakistan's current state demands that the allocations for education be doubled to meet the challenges of modern times.

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