

*Free and Compulsory Primary Education  
as a Right!*

By  
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### **Education as a Human Right**

Education is more than just learning how to read, write or calculate. The Latin origin of the word itself is “*to lead somebody out.*” A person’s right to education incorporates opportunities and access to primary, secondary, and tertiary education. The human right to education as prescribed in the International Bill of Human Rights of the United Nations refers to free education in the “*elementary and fundamental*” stages.

Education is internationally recognized as a human right. It is the great liberator which lifts people out of poverty and fuels economic growth with social justice, especially in an increasingly knowledge-based global economy.

Every woman, man, youth and child has the right to education, training and information, and to other fundamental human rights dependent upon realization of the right to education. Equality of access to all levels of education is crucial to empowering women and girls to participate in the economic, social and political spheres of their lives.

The rationale of the right to education is a system whereby education is free at the point of use, on the basis of entitlement rather than ability to pay. The human rights obligation of governments to fund education adequately should ensure that parents would do not have to pay for their children’s schooling nor have their children remain deprived of education when they cannot afford the cost.

### **Why a human right to education?**

Nearly a billion people entered the 21<sup>st</sup> century unable to read a book or sign their names. This figure represents 1/6 of the world’s population, or the entire population of India, and it is increasing. The human right to education can be characterized as an “*empowerment right*”. Such a right provides the individual with more control over the course of his or her life, and in particular, control over the effect of the state’s actions on the individual. In other words, exercising an empowerment right enables a person to experience the benefits of other rights. The enjoyment of many civil and political rights, such as the freedom of information, the freedom of expression, the right to vote and to be elected and many others, depends on at least a minimum level of education. Similarly, a number of economic, social and cultural rights such as the right to choose work, to receive equal pay for equal work, to enjoy the benefits of scientific and technological progress and to receive higher education on the basis of capacity, can only be exercised in a meaningful way after a minimum level of education has been achieved. The same holds true for the right to take part in cultural life. For ethnic and linguistic minorities, the right to education is an essential means to preserve and strengthen their cultural identity. Education can also promote (although does not guarantee) understanding, tolerance, respect and friendship among nations, ethnic or religious groups and can help creating a universal human rights culture. The denial as well as the violations of the right to education damage people’s capacity to develop their own personalities, to sustain and protect themselves and their families and to take part adequately in social, political and economic life. On a society-wide scale, the denial of education harms the cause of democracy and social progress, and by extension international peace and human security. The right to know one’s human rights through human rights education and learning can make a vital contribution to human security. Through education and learning about human rights and humanitarian law, violations of human rights and armed conflicts can be prevented or regulated and societal reconstruction after conflicts facilitated.

### **Free and Compulsory Education as a Right**

On the global level, the guarantee of free and compulsory education was linked to the elimination of child labour in 1921, more than 80 years ago. The rationale was - and remains - that the right to education unlocks other rights when guaranteed, while its denial leads to compounded denials of other human rights and perpetuation of poverty.

At the 1990 World Conference on Education for All held in Jomtien, Thailand, a joint declaration was adopted by member countries to provide basic education for the people. To monitor the outcome of the implementation, each country was asked to conduct its own monitoring, the process of which could be consistent with the situation of each country. In order to steer the assessment towards the same direction, the International Consultative Forum on Education for All established 18 core indicators, classified in 4 groups: early childhood care and development, primary education, learning achievement and outcomes, and adult literacy.

## Historical Development

At the beginning of the 16th and 17th century, the eminent philosophers John Locke and Jean Jacques Rousseau alluded in their writings to the modern conception of the individual right to education. In the 19th century, the emergence of socialism and liberalism placed education more firmly in the realm of human rights. During the latter half of the 19th century the explicit recognition of educational rights emerged. The 1871 Constitution of the German Empire contained a section entitled "Basic Rights of the German People"; similarly the German Weimar Constitution of 1919 included a section on "Education and Schooling" which explicitly recognized the duty of the state to guarantee education by means of free and compulsory school attendance. The conclusion of various treaties after the First World War and the proclamation of the Declaration of Geneva in 1924 led to an international recognition of the right to education. During the 20th century aspects of the right to education were enshrined in national constitutions and international bills of rights or recognized in non-constitutional or ordinary pieces of domestic legislation.

### World commitment on Free & compulsory Education as a Right

#### **Universal Declaration of Human Rights (1948)**

*Every one has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. (Article No 26)*

#### **European Convention on Human Rights, Protocol 1 (1952)**

*No person shall be denied the right to education.*

#### **UNESCO Convention against Discrimination in Education (1960)**

*The States Parties to this Convention undertake to formulate, develop and apply a national policy which, ... will tend to promote equality of opportunity and of treatment ... and in particular: (a) To make primary education free and compulsory.*

#### **International Covenant on Economic, Social and Cultural Rights (1966)**

*Primary education shall be compulsory and available free for all.*

#### **Convention on the Rights of the Child: (1989)**

*States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free for all.*

#### **World Declaration on 'Education For All' at Jomtien, Thailand (1990)**

*"... Education is a fundamental right for all people, women and men, of all ages, throughout the world.... Every person -- child, youth and adult -- shall be able to benefit from educational opportunities designed to meet their basic learning needs.... to be able to survive, to develop their full capacities, to live and work in dignity.... to improve the quality of their lives, to make informed decisions.... Basic education should be provided to all children, youth and adults.... The most urgent priority is to ensure access to, and improve the quality of, education for girls and women, and to remove every obstacle that hampers their active participation. All gender stereotyping in education should be eliminated." (Articles 1 & 3).*

#### **Dakar Framework for Action (2000)**

*The six Dakar goals:*

- *Expand early childhood care and education.*
- *Free and compulsory education of good quality by 2015.*
- *Promote the acquisition of life-skills by adolescents and youth.*
- *Expand adult literacy by 50 per cent by 2015.*
- *Eliminate gender disparities by 2005 and achieve gender equality in education by 2015.*
- *Enhance educational quality.*

## Constitutional guarantees

The right to education has been explicitly mentioned in the constitutions of some, for example Nicaragua, Cyprus, Spain, Viet Nam, Ireland, Egypt, Japan, Paraguay and Poland. England and Peru have recognized the right to education in non-constitutional legislation, South Korea, Morocco and Japan have recognized the right in both their constitution and ordinary legislation. No right to education is mentioned in the United States Constitution. US Courts at both - the federal and state level - have developed certain educational entitlements, particularly relating to equality of educational opportunity. Making education compulsory requires parents and governments to perform their obligations towards children. This logic was aptly summarized in 1956: Just as school legislation imposes upon the parents the duty of sending their children to school, States should accept the obligation of providing enough schools to educate all children. Nobody can be required to do the impossible and thus parents cannot be obliged to ensure that their children attend school if they cannot afford the cost of schooling. Making education compulsory was thus conditional on making it free.

**Constitutional guarantees of Free and Compulsory Education for all children**

**Free and Compulsory Education for all constitutionally guaranteed by 76 countries**

Albania, Algeria, Argentina, Australia, Austria, Azerbaijan, Barbados, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Chile, China, Colombia, Congo-Brazzaville, Costa Rica, Croatia, Cuba, Denmark, Ecuador, Egypt, Estonia, Finland, France, Gambia, Georgia, Germany, Ghana, Haiti, Honduras, Iceland, Ireland, Italy, Japan, Korea (North), Latvia, Liechtenstein, Lithuania, Macedonia, Madagascar, Malta, Mauritius, Mexico, Moldova, Netherlands, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Romania, Russia, Rwanda, Saudi Arabia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Tajikistan, Thailand, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Yugoslavia.

**Progressive realization or partial guarantees by 29 countries**

Bangladesh, Belarus, Benin, Bhutan, Burma, Cameroon, Comoros, Guinea, Guinea-Bissau, India, Iran, Iraq, Israel, Maldives, Micronesia, Monaco, Mongolia, Namibia, Nepal, Nigeria, **Pakistan**, St Kitts and Nevis, Sierra Leone, Sudan, Tanzania, Togo, Uganda, Uzbekistan, Zimbabwe.

**No constitutional guarantee by 44 countries**

Angola, Antigua and Barbuda, Bahamas, Botswana, Brunei, Burkina Faso, Burundi, Central African Rep., Côte d'Ivoire, Djibouti, Dominica, Eritrea, Ethiopia, Fiji, Gabon, Indonesia, Jamaica, Kenya, Kiribati, Laos, Lebanon, Lesotho, Liberia, Malaysia, Marshall Islands, Mauritania, Mozambique, Nauru, Niger, Oman, Papua New Guinea, St Lucia, St Vincent, Samoa, San Marino, Senegal, Singapore, Solomon Islands, Swaziland, Tonga, Tuvalu, USA, Vanuatu, Zambia.

(Source: *Free and compulsory education for all children: the gap between promise and performance* by K. Tomaševski published by SIDA)

Note: Article 37-2b of Constitution of Pakistan does not set a date for its enforcement.

**Education & Budgetary allocations**

For governments, education should be one of the major items in their budgets. Parents finance their children's education indirectly through general taxation, and directly by paying the costs of books, transportation, uniforms, stationery and sports equipment. The requirement for governments to make primary education free denotes that governments should eliminate financial obstacles in order to enable all children – no matter how poor – to complete primary schooling. The distribution of the cost of primary education between the government and parents depends on budgetary allocations. The budget demonstrates the translation of political choices into financial commitments.

Suggestions for an optimal level of public expenditure for education tend to converge at about 5– 7% and reflect the practice of a large, but regrettably decreasing number of countries. There is, however, increasing agreement on three points:

- firstly, that public funding for primary education is necessary;
- secondly, that primary education should be prioritized within education, and,
- thirdly, that public funding is particularly important in those countries that have low net enrolments.

*In 1991 a group of senators in the Philippines challenged the constitutionality of the budgetary allocation of P86 billion for debt servicing, while P27 billion was allocated for education. The Constitution of the Philippines obligates the government to assign the highest budgetary priority to education. The issue to be decided was whether debt servicing, exceeding three times the budgetary allocation for education, was unconstitutional. The Court found that education had been the highest budgetary priority, while debt servicing was necessary to safeguard the creditworthiness of the country and thus the survival of its economy. This rare case of attempted legal challenge of priorities in financial allocations has affirmed the need to design international solutions for international problems.*

Source: Supreme Court of the Philippines – *Guingona, Jr. v. Carague*, G.R. No. 94571, 22 April 1991

<b>Public expenditure on education in relation to GNP</b>	
<b>More than 7% (Total 22 countries)</b> <i>Barbados, Botswana, Canada, Denmark, Estonia, Finland, Israel, Jamaica, Kenya, Kiribati, Lesotho, Moldova, Namibia, New Zealand, Norway, Poland, Seychelles, South Africa, St Lucia, Ukraine, Uzbekistan, Sweden</i>	
<b>6 to 7% (Total 06 countries)</b> <i>Congo-Brazzaville, France, Italy, Maldives, Mongolia, Yemen</i>	
<b>5 to 6% (Total 29 countries)</b> <i>Australia, Austria, Belarus, Belgium, Belize, Costa Rica, Croatia, Czech Republic, FYROM, Georgia, Iceland, Kyrgyzstan, Lithuania, Malawi, Malaysia, Malta, Mauritania, Morocco, Netherlands, Panama, Portugal, Saudi Arabia, Slovakia, Slovenia, Spain, Switzerland, United Kingdom, USA, Venezuela</i>	
<b>4 to 5% (Total 21 countries)</b> <i>Bolivia, Burundi, Colombia, Comoros, Cyprus, Egypt, Ethiopia, Gambia, Germany, Guyana, Hungary, Iran, Kazakhstan, Kuwait, Mauritius, Mexico, Oman, Thailand, Togo, Trinidad and Tobago, Vanuatu</i>	
<b>3 to 4% (Total 22 countries)</b> <i>Albania, Argentina, Azerbaijan, Benin, Bulgaria, Chile, Ecuador, Greece, Honduras, India, Japan, Korea, Nepal, Philippines, Qatar, Romania, Russia, Senegal, Singapore, Sri Lanka, St Kitts and Nevis, Uruguay</i>	
<b>2 to 3% (Total 12 countries)</b> <i>Bangladesh, China, Dominican Republic, El Salvador, Laos, Lebanon, Paraguay, Peru, Tajikistan, Turkey, Zambia, Viet Nam</i>	
<b>Less than 2% (Total 05 countries)</b> <i>Chad, Guatemala, Myanmar, <u>Pakistan</u>, United Arab Emirates</i>	
Source: UNESCO – World Education Report 2000 & Human Development Report 2004	

### Minimum age for employment & Compulsory Education

As with the requirement that primary education be free of charge, information about the requirement that education be compulsory is routinely confined to international treaties and domestic laws, while there is no review of the gap between normative and empirical worlds. Compulsory education has a much longer tradition than the right to education. The changed vision of the child as a subject of rights, embodied in the Convention on the Rights of the Child (1989), is slowly being translated into domestic laws and policies. Enforcement of compulsory education thus raises important human rights issues.

4	Sao Tome and Principe (Total 01 country)
	Note: Supplementary sources have been used for Cambodia (HRI/CORE/1/Add.94 para 9), Latvia (CRC/C/11/Add.22 para.197), and Sierra Leone (CRC/C/3/Add.43 para.77). Source: UNESCO – World Education Report 2000
13	Netherlands (Total 01 country)
12	Belgium, Brunei Darussalam, Germany, St Kitts and Nevis (Total 04 countries)
11	Antigua and Barbuda, Armenia, Azerbaijan, Barbados, British Virgin Islands, Dominica, Grenada, Israel, Kazakhstan, Malta, Moldova, United Kingdom (Total 12 countries)
10	Argentina, Australia, Belize, Canada, Congo, Costa Rica, Dominican Republic, DPR Korea, Ecuador, France, Gabon, Hungary, Iceland, Kyrgyzstan, Liberia, Monaco, Namibia, New Zealand, Seychelles, Spain, St Lucia, St Vincent and the Grenadines, Venezuela, USA (Total 24 countries)
9	Algeria, Austria, Bahamas, Bahrain, Belarus, Cambodia, China, Comoros, Cook Islands, Cuba, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, Georgia, Greece, Hong Kong, Indonesia, Ireland, Japan, Jordan, Korea, Kiribati, Lebanon, Libya, Lithuania, Luxembourg, Mali, Netherlands Antilles, Norway, Portugal, Russia, Sierra Leone, Slovakia, South Africa, Sri Lanka, Sweden, Switzerland, Tajikistan, Tunisia, Ukraine, Yemen (Total 44 countries)
8	Albania, Angola, Bolivia, Brazil, Bulgaria, Chile, Croatia, Egypt, Fiji, FYROM, Ghana, Guyana, India, Italy, Kenya, Kuwait, Latvia, Malawi, Mongolia, Niger, Poland, Romania, Samoa, San Marino, Slovenia, Somalia, Sudan, Tonga, Turkey, Yugoslavia, Zimbabwe (Total 31 countries)
7	Burkina Faso, Eritrea, Lesotho, Mauritius, Mozambique, Swaziland, Tanzania, Trinidad and Tobago, Tuvalu, Zambia (Total 10 countries)
6	Afghanistan, Benin, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Côte d'Ivoire, Djibouti, Ethiopia, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Iraq, Jamaica, Madagascar, Mauritania, Mexico, Morocco, Nicaragua, Nigeria, Panama, Paraguay, Peru, Philippines, Rwanda, Senegal, Suriname, Syria, Thailand, Togo, United Arab Emirates, Uruguay, Vanuatu (Total 36 countries)
5	Bangladesh, Colombia, Equatorial Guinea, Iran, Laos, Macao, Myanmar, Nepal, <u>Pakistan</u> , Viet Nam (Total 10 countries)

### Impact of Education on life

A sizable body of literature shows education provides significant positive returns in the form of higher wages, increased lifetime income, and increased productivity. Education raises the expected earnings of anyone, male or female, by an estimated 10% to 20% or more for each, additional year of schooling.

### Social impacts of Education

Education has its social impacts. Improved education can encourage better utilization of health facilities and increased consciousness about water and sanitation issues, and can encourage positive women's behaviors in matters related to fertility, family welfare and health. Education of girls provides particularly strong social returns. An educated girl takes better care of her house and her future family. Education unlocks a woman's potential, and is accompanied by improvements in health, nutrition, and well-being of women and their families.

Non-governmental organizations, teachers' unions, religious organizations, parents and learners play a major role in education as they work with communities in providing alternative solutions where state provision is absent or insufficient. They have the advantage of being flexible, more innovative and closer to the grassroots and local cultures.

- *At the Alexandra Health Clinic in South Africa, a strong correlation has been discovered between women's literacy and commitment to the immunization of their children (Bown 1990).*
  - *Reports from the Health Education and Adult Education (HEAL) project in Nepal show that neo-literate women were more likely to use oral rehydration solution (Smith 1994).*
  - *The child of a Zambian mother with a primary education has a 25 per cent better chance of survival than a child of a mother with no education*
- Source: CFR Publications Toward a Global Compact on Universal Education.mht (accessed in July 2004)*

### Parental education

Parental education also plays a large role in determining children's schooling and employment. Parents who are educated are more likely to understand the importance of schooling from their own personal experience and are more likely to send their children to school.

- *Parental education, especially a mother's education, was an important determinant of school enrollment in Philippine households (King and Lillard 1987).*
- *Further, a study in Nepal found that literate women were more likely to help their children with their homework than non-literate women (Bown 1990).*
- *Educated mothers also provide positive reinforcement of their daughters' educational and occupational aspirations (Bach et al. 1985). Literacy also instills a sense of empowerment to those who have it.*

### Mean Fertility Rate Comparison in Pakistan (By Provinces)

Area	Literacy rate	Female literacy rate	Average numbers of children of women who are:			
			Illiterate	Literate	Matric & above	Degree Holders & above
Punjab	46.56	35.10	4.46	3.97	3.02	1.97
Sindh	45.29	34.78	5.33	4.01	3.68	2.38
NWFP	35.41	18.82	5.03	3.41	3.07	2.98
Balochistan	19.18	15.00	4.14	3.13	2.96	2.13
All Pakistan	45.00	32.60	4.74	3.63	3.24	2.61

*Source: Pakistan Census Report of 1998.*

### Education & Democracy

Education is empowerment. It is the key to establishing and reinforcing democracy, and to development that is both sustainable and humane as well as to maintaining peace founded upon mutual respect and social justice. Indeed, in a world in which creativity and knowledge play an ever greater role, the right to education is nothing less than the right to participate in the life of the modern world. The priority of priorities must be the education of women and girls. There can be no enduring success in basic education until the gender gap is closed.

*In Bangladesh, women with a secondary education are three times more likely to attend a political meeting than are women with no education.*

The effects of education on civic and political life have only recently been studied, but initial research has found, not surprisingly, that educating a country's population promotes a more responsible, representative government. A review of data from more than 100 countries found that the emergence of democracy followed increases in primary enrollments, particularly when girls' enrollment levels caught up to the boys'. The study argues that these findings confirm the hypothesis that "expanded educational opportunities for females goes along with a social structure that is generally more participatory and, hence, more receptive to democracy."

The denial as well as the violations of the right to education damage people's capacity to develop their own personalities, to sustain and protect themselves and their families and to take part adequately in social, political and economic life. On a society-wide scale, the denial of education harms the cause of democracy and social progress, and by extension international peace and human security.

As an indirect impact of EFA, education improves the quality of life in terms of income, health, environment, religion, art and culture. It creates self-reliance and ensures sustainable development of the individual, community and eventually the overall development of the nation.

Education guarantees the freedom to pursue life-long learning at individuals' own pace to meet their own needs by learning how to solve their own problems by sharing ideas and identifying solutions. Education motivates the community to join together in planning, implementing and celebrating the results. Moreover, education provides an opportunity to organize development activities according to the identified needs of the community by solving problems effectively and making people self-reliant and, finally, leads to an empowered nation.

Seats in parliament held by women (% of total)	Female administrators and managers (% of total)	Female professional and technical workers (% of total)	Estimated female earned income (PPP US\$)	Ratio of female earned income to male earned income
1. Sweden (45.3) 2. Rwanda (45.0) 3. Denmark (38.0) 34. Tanzania, U. Rep. of (21.4) 35. Mexico (21.2) 36. Latvia (21.0) <b>37. Pakistan (20.8)</b> 163. United Arab Emirates (0.0)	1. Philippines (58.1) 2. Costa Rica (53.4) 3. Fiji (50.6) 73. Occupied Palestinian Territories (9.8) 74. Japan (9.6) 75. Egypt (9.3) <b>76. Pakistan (8.7)</b> 83. Saudi Arabia (0.9)	1. Lithuania (70.2) 2. Estonia (68.5) 3. Latvia (65.7) 76. Saudi Arabia (30.8) 77. Egypt (30.3) 78. Costa Rica (28.4) <b>79. Pakistan (25.6)</b> 84. Fiji (9.5)	1. Luxembourg (33,517) 2. Norway (31,356) 3. United States (27,338) 126. Kenya (962) 127. Comoros (950) 128. Togo (941) <b>129. Pakistan (915)</b> 153. Sierra Leone (337)	1. Kenya (0.90) 2. Sweden (0.83) 3. Cambodia (0.77) 136. Kuwait (0.34) 137. Bahrain (0.34) 138. Guatemala (0.33) <b>139. Pakistan (0.33)</b> 153. Saudi Arabia (0.21)

Source: Human Development Report 2004

**Education and poverty:** Education and poverty are inversely related: in general: the higher a population's education level, the lower the proportion of poor people. The biggest barrier is poverty itself. In most countries with the worst education indicators, most children - particularly girls - from the poorest households have no schooling. A policy for improving the educational opportunities of the poor needs to reduce the direct and indirect costs that make education prohibitively expensive for them, and to enhance the income levels of parents so that they are no longer so dependent on the work of their children.

Countries	Per capita income (US\$)	Total adult literacy rate	% of GDP expenditure on Education
	2002	2002	2001
Bangladesh	360	41.1	2.3
Bhutan	590	47	2.3
Brazil	2,850	86.4	4.0
China	940	93.5	4.1
Fiji	2,160	92.9	5.5
Hungary	5,280	99.3	5.1
India	480	61.3	4.1
Iran (Islamic Republic of)	1,710	77.1	5.0
Italy	18,960	98.5	5.0
Kenya	360	84.3	6.2

Malaysia	3,540	88.7	7.9
Mexico	5,910	90.5	5.1
Nepal	230	44	3.4
<b>Pakistan</b>	<b>410</b>	<b>43</b>	<b>1.8</b>
Poland	4,570	100	5.4
South Africa	2,600	86	5.7
Spain	14,430	98	4.4
Thailand	1,980	96	5.0

Source: The State of the World's Children – 2004 and Human Development Report - 2004

Countries like Brazil, China, Fiji, Hungary, Iran, Italy, Malaysia, Mexico, Poland, South Africa, Spain, and Thailand with high per capita income spend about 4 percent or more of their GDP on education have literacy rates between 75 and 100 %. A major indicator of the GDP is spent on primary education which has a direct bearing on the literacy rate. Countries like Bangladesh, Bhutan, Nepal and Pakistan invest about 1-3 percent of GDP on primary education and basic education and have relatively low literacy rates as compared to other countries in the above table. The UNESCO recommends a minimum 6 per cent of gross domestic product (GDP) for education and the World Bank's emphasis on the negative "impact of nonproductive expenditures, such as military expenditures" on poverty reduction.

- *In South Asia, Sri Lanka has the highest rate of literacy and the lowest poverty ratio in the region. Its primary education is universal and the enrollment percentage in secondary education is as high as 74%. Very few children drop out of school or repeat levels in Sri Lanka as compared with other countries in the region.*
  - *Bangladesh has the highest incidence of poverty and around two-thirds of the adult population is illiterate. More than half the children in primary education in Bangladesh drop out.*
  - *In Thailand almost 99% of the poor have no education or less than middle/secondary education.*
- (Source: Universal Primary Education: The key to poverty reduction, by the Clare Short, Secretary of State for International Development UK)

### School Fees & Poverty

Education as a key to poverty reduction conflicts with school fees, which prevent poor children from accessing education because they are too poor to pay fees, closing off their pathway out of poverty. School fees negate the children's right to education, replacing it with by access for those who can afford the cost. There is increasing global consensus that "elimination of school fees" is a key strategy for girls as fees victimize them more than boys.

#### Countries with school fees paid by parents in public primary education by region

- **AFRICA (Total 38 countries):** Angola, Benin, Burkina Faso, Burundi, [Cameroon], Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Eritrea, Ethiopia, Gabon, [Gambia], Ghana, Guinea, Guinea-Bissau, [Kenya], Lesotho, Liberia, Madagascar, Mali, Mauritania, Mozambique, Namibia, Niger, [Nigeria], Rwanda, [Senegal], Sierra Leone, South Africa, Sudan, Swaziland, [United Republic of Tanzania], Togo, [Uganda], [Zambia], Zimbabwe.
- **ASIA (Total 19 countries):** [Bangladesh], Bhutan, Cambodia, China, Fiji, [India], Indonesia, Lao People's Democratic Republic, Malaysia, Maldives, Mongolia, Myanmar, Nepal, **Pakistan**, Papua New Guinea, Philippines, Singapore, Vanuatu, Viet Nam.
- **EASTERN EUROPE AND CENTRAL ASIA (Total 14 countries):** Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Georgia, Kyrgyzstan, Republic of Moldova, Russia, Serbia and Montenegro, Tajikistan, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, Uzbekistan.
- **SOUTH AMERICA AND THE CARIBBEAN (Total 11 countries):** Colombia, Grenada, Haiti, Jamaica, Nicaragua, Paraguay, Peru, St Lucia and the Grenadines, St Vincent, Suriname, Trinidad and Tobago.
- **MIDDLE EAST AND NORTH AFRICA:** Djibouti, Egypt, Israel, Lebanon, [Qatar], Sudan, United Arab Emirates, Yemen, Turkey.

Note: Countries whose names are in brackets are those where the Government has made a commitment to eliminate school fees.

(Source: K. Tomasevski, "School fees as hindrance to universalizing primary education", available at [http://www.right-to-education.org/content/unreports/www.unesco.org/education/efa\\_report](http://www.right-to-education.org/content/unreports/www.unesco.org/education/efa_report))

### Education and Economic growth

Education increases the productivity and earning potential of a population. An educated person earns more and has greater labor mobility.

- *Evidence from East Asia indicates that by far the single largest determinant of economic growth for eight East Asian economies was primary education (World Bank 1993).*

**Education & Farmers:** Education also increases farmer productivity. Evidence from 13 low-income countries shows that 4 years of schooling were associated with increased farm output of about 8 percent, after holding land, capital and labor-time constant (Lockheed et al. 1980). This is attributed to the fact that better-educated farmers absorb new information quickly and are more innovative.

**Education & Health:** Education not only has high economic returns, it also generates non-market benefits. Literate people are more aware of their health and nutrition status and likely to take advantage of social services available for them. This may, in turn, reduce child and mortality rates. Evidence also confirms that educated women have fewer children (Cochrane 1979).

Education leads to healthier families, mainly by improving mothers' ability to care for themselves and their children. In Africa, a child born to an uneducated mother faces a 20 percent chance of dying before the age of five, whereas the risk for a child whose mother has at least five years of basic education drops to 12 percent. Across both Africa and Southeast Asia, mothers who have a basic education are 50 percent more likely to immunize their children than uneducated mothers are.

### **State of Education in Pakistan**

Education, especially school education, has been demoted to a back seat in Pakistan. Scarcity of resources is often held responsible for the poor state of schools. Monotony of teaching students' lack of application and parents' disappointment. Most of the resources of the education budget are spent on salaries and administrative costs, with only a little going to development. The sluggish administrative machinery is unable to utilize even what is allocated and a substantial amount of funds are lapsed each year. This reflects unrealistic planning, and highly centralized bureaucratic machinery focused on delaying implementation and on discouraging any initiative.

In Pakistan, politicians, education planners, policy makers and financial managers have started realizing that investment in basic education yields high economic returns to the society. Furthermore, there are a multitude of externalities and benefits associated with primary education, including positive effects on health, reduction in infant mortality rate and reduction in crime rates.

The country has a ten-year Perspective Development Plan (2001-11), visualizing the long term macro-economic and sectoral growth strategies. The Plan identifies the extent, nature and profile of current poverty and the response of the Government to reduce it, and sets out priority actions, policies and sectoral focus needed to reduce poverty and improve social indicators.

The perspective Development Plan comprises a four-pronged attack on poverty, centering around; (i) increased economic opportunities for the poor; (ii) their empowerment; (iii) access to physical and social assets; and (iv) access to welfare and support through the development of appropriate social safety nets. (Chapter 9 of Poverty Reduction Strategy under Perspective Plan 2001-11).

#### ***Pakistan Constitutional Guarantees of the Right to Education***

*Date of adoption/date of entry into force - 12 April 1973*

##### ***Chapter 2 - Principles of policy - Art.37***

##### **Promotion of social justice and eradication of social evils**

The State shall-

- (a) promote, with special care, the educational and economic interests of backward classes or areas;
- (b) remove illiteracy, and provide free and compulsory secondary education within minimum possible period;**
- (c) make technical and professional education generally available and higher education equally accessible to all on the basis of merit;

Today, Pakistan's Education Sector Reform (ESR 2001 – 2005) is attempting to address the problems in an integrated fashion, bolstered by a devolution process that provides provincial, district, and local levels with unprecedented opportunities for authorized action (Source: Second Draft National Plan of Action on Education For All (2001-2015) Pakistan; Government of Pakistan, Ministry of Education Islamabad August 2002).

### **Governance and management in Education**

Governance and management issues in education are being addressed through initiating programs for decentralization of education at the district level, redefining the role of federal, provincial, district and local-level education structures for learner-centered, rights-based and service oriented systems, assurance of community participation through effective PTA, SMCs and local School Board

*The present Government has accorded full recognition to the fundamental responsibility of providing universal access to Primary Education through a sector-wide approach in seven thrust areas. These areas have been earmarked through targeted time-bound programs. The seven thrust areas are: (i) Universal Primary Education (UPE) (ii) Adult Literacy (iii) Technical Stream in Secondary Education (iv) Establishment of Polytechnics (v) Public-Private Partnership (vi) Quality Assurance (vii) Mainstreaming Madrassahs. Literacy for Youth and Adults continues to be a major challenge for the Government. The projections for literacy up to 2015 are estimated at meeting 86% of the target. Source: CFR Publications Toward a Global Compact on Universal Education.mht(accessed in July 2004)-*

programs with legal backing and capacity building at all levels, adequate institutional mechanisms for ensuring resource availability at local levels, setting up independent monitoring and research programs to track decentralization for policy formulation and practice.

Being a signatory to the Dakar Framework of Action, Pakistan is required to prepare national, provincial and regional EFA plans to achieve the targets of the plan by 2015. Sindh, Balochistan and NWFP as well as Azad Kashmir, FATA and FANA governments have already finalized and published their plans of action (*Source: Daily Dawn Karachi, July 28, 2004 p.12*)

As an indirect impact of the EFA campaign in the country (Pakistan), three provinces have abolished tuition fees and two provinces have announced that they will supply free books in a gradual/phased manner. Moreover, scholarship to regular girl students from class six to eight has also been announced by Punjab and Sindh provinces. In all provinces, education up to the higher secondary level has been devolved to the district level. In the case of NWFP and Punjab, this has been extended to the degree colleges' level. This is a radical shift from the previous arrangements, which had become increasingly centralized at the provincial headquarters. However, these initiatives are not enough and do not contribute effectively to reaching the un-reached.

### How to increase the demand for education in Pakistan

**Multi-pronged strategy:** A multi-pronged strategy is needed to increase the demand for education in Pakistani society. All the significant stakeholders should realize the children's right to a quality education. Direct and indirect methods of advocacy campaigns require to be employed through parents, community and civil society organizations including media, teachers' associations, and NGOs. Simply to provide more schools, either through private initiative or public partnership, is not a fulfillment of the State's obligation to provide children with access to quality education as a right.

**Economic exclusion from education:** The rationale of the right to education is a system whereby education is free at the point of use, on the basis of entitlement rather than ability to pay. The human rights obligation of Government to adequately fund education exists so that children would not have to pay for their schooling or remain deprived of it when they cannot afford the cost. Children cannot wait to grow, hence their prioritized right to education in international human rights law. The damage of denied education while they are growing up cannot be retroactively remedied.

There may be many ways through which the demand for education can be increased amongst parents in Pakistan. The most important one is reducing the costs of education. Financial constraints are a main reason why many, through which parents in Pakistan cannot send their children to school. These costs are also incurred in government schools, as the cost sending a child to school also includes paying for books, pencils, exam fees and school uniforms.

### School Timings

The right to education can be taken into account by considering school day & school terms with respect to agricultural cycles, which limit school attendance in rural areas. One way to overcome this is to offer schooling with flexible timings and holidays.

**Bangladesh** – Schools for the hard-to-reach, using the BRAC model, run for two hours each day, six days a week, and are attracting children who would otherwise have no chance to receive a basic education. With total enrolment now at about 1.2 million, the majority of whom are girls, and an overwhelmingly female faculty, the program is a success.  
Source: The State of The World's Children 2004(UNICEF)

### School vs Work

Another way of ensuring children's right to education is by increasing the benefits of schooling. Parents must be convinced they are getting a better deal by sending their children to school than to work. This can be achieved by mobilizing community support to change perceptions about the benefits of education. This can only be done by ensuring active community and parental participation

**Brazil** – The Bolsa Escola initiative to promote education and counter child labour has been so successful that it has been taken up on a national scale and is currently being applied in sub-Saharan Africa. Poor families that agree to keep their 7- to 14-year-old children in school and record at least 90 per cent attendance receive a minimum monthly salary.  
Source: The State of The World's Children 2004(UNICEF)

in the process of education.

### Access to school

Lack of physical access to schooling is a major cause of under-enrollment in primary schools. Children often do not go to school because places are not available or schools are too far away from home. Availability of school places within a reasonable distance is a prerequisite for children's, especially girls', school participation.

In addition to access, cultural norms often act as an impediment to girls' schooling. In such environments, girls' enrollment may be dependent on access to separate facilities such as lavatories and female teachers.

#### **Categorization of schools**

*There are many systems working here in Pakistan, resulting in not synergy but social division and conflict. For example we have English-medium schools, Urdu-medium schools, and religious Madrassah. Students coming out of English-medium schools, especially good private sector schools, have little or no awareness of their religion and culture whereas those passing out from Urdu-medium schools are usually destined to work in clerical and lower-level positions. Religious Madrassah churn out yet another class that are usually unaware of the world outside their own and, with little or no training in modern disciplines, their students are usually ill-equipped to interact meaningfully with the larger society.*

#### **Teacher shortages**

Teacher shortages are common in rural areas, and incentives may be required to encourage teachers, particularly female teachers, to work in remote regions. Incentives may include the provision of boarding facilities, increased training, or even additional pay.

#### **High-quality Teachers**

To ensure that all the children are motivated to attend a school compulsorily depends on the quality of instructions in the classrooms. There is need to introduce high-quality selection procedures for higher-level teachers and the candidates should be offered better incentives. Teacher training, both pre-service and in-service, is essential for improving the quality of education. Recurrent school-based in-

*Improving the overall quality of schooling is another effective mechanism for enhancing children's participation in school which could be addressed by providing textbooks, reducing teacher absenteeism, and improving teacher training. There is need to introduce standardization of curricula and licensing and certification of teachers to improve standards.*

service teacher training can cover areas from practical methods of teaching major subjects to ways to adapt the curriculum to the social and physical environment of the students, understanding how children develop and learn, methods of evaluating teaching and learning, management of classrooms, and parent-teacher and community relations.

#### **Nonformal Education**

In general, formal primary education is the preferred means of teaching basic literacy and numeracy skills. However, nonformal education methods may be appropriate in contexts where a sizable number of students drop out, or fail to be attracted by the formal system, or where formal schools are

***Bhutan** – Some 261 community schools have been established in huts, temples or farmhouses rather than in specialized school buildings, with management and supervision vested in parents and the local community. The Department of Education has successfully narrowed the difference in the proportion of primary school enrolment between boys and girls from 24 per cent in 1990 to 6 per cent in 2000. The drop-out rate for both boys and girls has also decreased significantly from 8 per cent in 1995 to 4 per cent in 1999.*

*Source: The State of The World's Children 2004(UNICEF)*

absent. Nonformal education programs have proven particularly successful in reaching marginalized groups such as rural females. In the spirit of the Dakar Declaration 2000 the government along with civil society sector should strive to integrate nonformal education provision to different age groups where there is no education provision.

#### **Schools & Media**

Electronic media can be used more extensively to advocate free and compulsory education as a right of every child. A channel could be devoted to just education. In this regard, (a) teachers of high caliber can take classes for different subjects at various levels, (b) these lecturers can be telecast as well as

- *The Republic of Korea is opening thirty television channels for educational purposes.*
  - *Mongolia has launched a distance education program for nomadic women through the use of radio.*
  - *The Philippines is using radio to reach out-of-school working children who can-not easily be assembled for face-to-face teaching.*
  - *Throughout China, school teachers are trained through correspondence courses*
- (Source: UNESCO - Education for All - Background Documents - Mid-Decade Meeting 1996).*

recorded, (c) the lectures can be delivered by telecasting them or by playing recorded cassettes, even in schools in far flung areas where quality education is usually not available, (d) later on, computers can also be used with sufficient data banks and with Internet and e-mail facilities for more interactive

education, and (e) if an appropriate system is designed, more students can be taught in one school using cassettes, computer discs, etc. with relatively fewer teachers.

### **Monitoring, Assessment & Examination**

Rights based education should be a framework for all educational institutions - private and public schools. In response to the low quality education offered in many public/private education institutions, State needs to evolve a workable mechanism for the monitoring of these.

For concept clarity, Multiple Choice Question (MCQ) tests are suggested for the students to provide them rights to equal access and quality opportunities for entitlements. For the assessment of writing skills, students can be tested by correctly writing a sentence that is read out in the classroom by the teacher. Reading skills can be assessed by asking students to read a paragraph or two from a textbook or even from a newspaper. By separating these skills it is expected that the vision of the student would be broadened as they will feel free to read, write or memorize the information imparted.

### **Resource Mobilization**

The obstacles include the priority attached to military expenditure in budgetary allocations and the consequently low investment in education, contrary to the thrust of international human rights law which mandates priority for human rights. There is global consensus behind the internationally recommended changes of budgetary allocations which inhibit the realization of the right to education. Investment in education is not guided by a determined result, such as ensuring good quality education for all children. Resource mobilization (financial and human resources) at the grass roots level may be enhanced. District/local govts. should be made compulsory to invest at least 20-25% of district/local taxes in education. This investment should be in addition to the finances provided by provincial/federal govts. Local industries and corporate sectors and city services, e.g., museums, parks, zoos, artists, media, etc., may be involved to contribute to enhancement of education at the local levels. In this way, local authorities and the community will feel ownership of their educational system and will keep a close eye on the investments and achievements in the education sector. This may lead to an enhancement of the school budget from the existing 2-3% to 20-25%.

Until the local people have control over resources, decentralization cannot be successful. There should be a school based budget depending upon the enrolment/achievements of students.

### **Conclusion**

Every woman, man, youth and child has the right to education, training and information, and to other fundamental human rights dependent upon realization of the right to education. Equality of access to all levels of education is crucial to empowering women and girls to participate in the economic, social and political life of their societies. Improved education can encourage better utilization of health facilities and increased consciousness about water and sanitation issues, and can encourage positive women's behaviors in matters related to fertility, family welfare and health.

One of the biggest barriers in attaining education is poverty. In Pakistan with the worst education indicators, most children - particularly girls - from the poorest households have no schooling. Many education systems impose costs of access - school fees and/or school funds in most of the Govt. schools - which are a further barrier to education for the poorest. And, of course, many children have to work to supplement the meager incomes of their families.

There is a strong need to initiate an advocacy drive to promote the concept of free and compulsory primary education, which will increase access and will also reduce the dropout rate and increase the quality and efficiency of the school system. Unless the Govt. of Pakistan does not recognize free and compulsory education as a right of every child, we can not achieve the goal of Education For All.

Education is empowerment. It is the key to establishing and reinforcing democracy, and to development that is both sustainable and humane, as well as to peace founded upon mutual respect and social justice. As an indirect impact of EFA, education improves the quality of life in terms of income, health, environment, religion, art and culture. It creates self-reliance and ensures sustainable development of the individual, community, and eventually the overall development of the nation.

Education guarantees freedom and motivates the community to join together in planning, implementing and celebrating development activities according to the identified needs, and makes people self-reliant.