Training Manual for
RIGHT TO EDUCATION

ACTION FOR
RIGHT TO EDUCATION
IN PAKISTAN

funded by
The United Nations Democracy Fund
Training Manual for
RIGHT TO EDUCATION
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GLOSSARY OF TERMS

ASER: Annual Status of Education Report
AEPAM: Academy of Education Planning and Management (Wing of Federal education Department)
AJK: Azad Jammu Kashmir
CSOs: Community service organizations.
CRC: Convention on the Rights of Child
CCI: Council of common interest
DEAs: District Education Authorities
EFA: Education For All
GB: Gilgit Baltistan
ICT: Islamabad Capital Territory
RTE: Right to Education
KP: Khyber Pakhtunkhwa
SDGs: Sustainable development goals
UNDEF: United Nations Democracy Education fund
UDHR: Universal Declaration of human rights
UN: United Nations
UPR: Universal Periodic Law
ITA: Idara-e-Taleem-o-Aagahi
LG: Local Government
MDGs: Millennium development Goals
NEMIS: National Education Management Information System
SMCs: School Management Committees
INTRODUCTION

Action for Right to Education in Pakistan (A necessity for community development) is embedded in the overarching goal to:

Develop a long-term mechanism for citizens’ participation in governance and democratic development by increasing support and awareness for right to education among youth, teachers, and communities.

This Training aims to mobilize citizens, especially youth, and teachers to promote democratic rights and civic participation of Pakistanis, particularly those of women and vulnerable minorities. It aims to achieve this by generating increased awareness and support among youth, school teachers and communities for Article 25-A of the Constitution, which ensures that all children between the ages of 5 -16 are extended the right to free and compulsory education. The training will mobilize target groups to become multipliers in their constituencies of core principles, knowledge and skills through appropriate materials and activities, leveraged through social media, campaigns, policy dialogues and public forums.

The project entails active engagement with a wider group of stakeholders for capacity building, policy dialogues and round table discussions generating policy briefs, concept notes and case studies for advocacy and lobbying for improved access to quality education.

Target Groups Mobilized in 15 districts across Pakistan
- Youth 750
- Teachers 750
- Government officials 200
- CSOs/Community 300, (activists, NGOs, parents and community leaders).
- Total 2000

UNIT 1: ICE BREAKING SESSION:

This session has been designed to help the participants get acquainted with each other. The sessions will help the participants to introduce themselves in groups and to identify expectations that they have from this workshop. They will help identify scope and objectives of training.

UNIT 2: CURRENT EDUCATION SCENARIO:

This unit is dedicated to understanding the Education scenario in Pakistan and understanding the global and local movements and initiatives that have influenced the current education system in the country.
UNIT 3: HISTORY OF RIGHT TO EDUCATION:

The history of Right to education in global and local contexts will be introduced in the third unit. The trainer will discuss the history that brought about the shift in the constitution and how it worked.

UNIT 4: ARTICLE 25 A AND WHAT IT ENTAILS:

The unit will help participants understand the constitutional entitlements of citizens under the RTE act and the main components of the article/laws. The unit will also touch upon the organizational setup that it entails.

UNIT 5: RELEVANT RTE ACTS:

The trainer will introduce all relevant RTE acts the dates they have been passed in a cross comparative analysis across bills of the provinces.

UNIT 6: THE STATUS OF IMPLEMENTATION OF THE REGIONAL RTE ACT

The trainer will introduce the regional RTE act in this part of the training. The current implementation status of the RTE act will also be discussed in this unit.

UNIT 7: TEACHERS ROLE IN IMPROVING ACCESS TO EDUCATION:

The unit is designed to discuss in detail about the roles and responsibilities of teachers as agents of change for their students and societies. The activities will help trainers to understand how effectively they can be a part of their societies for better implementation of RTE.

UNIT 8: CHILD PROTECTION AND RTE:

The unit helps the participants develop the understanding of Rights of the Child in light of International laws and local laws. It also familiarizes teachers with child abuse and issues like corporal punishment and their understanding in the light of Right to Education.

UNIT 9: RESOURCES AND USEFUL LINKS FOR RTE

This will be dedicated to understand how teachers/youth can access material and resources available to them to better put to use their knowledge and bring change.
UNIT 1

ICE BREAKING SESSION

Name Stickers

All participants will be requested by the facilitators to sit in groups of ten. The 50 participants will call out numbers from 1-5; once done all 1s, 2s, 3s, 4s and 5s will sit together in groups of 10, the session is dedicated for the following activity within each group.

Participants will be able to:

- Know each other by name (write their names on stickers)
- Share their individual professional background-why they became a teacher.

ACTIVITY 1.1

Material: Notepads, pen and Chart papers.
Handouts

Duration: 20 MINUTES

The participants will continue sitting in their groups and will be asked to share their expectations from the workshop on a chart paper. A volunteer from each group will narrate the list of expectations to the wider group. The “Expectation” charts will be put up on the walls of the training facility for review at the end of the day long training.

DID WE ACHIEVE WHAT WE EXPECTED FROM THIS WORKSHOP?
CURRENT EDUCATION SCENARIO

Objectives:

1. Understand the background of how education has transformed over the years.
2. Important statistics and information about education indicators in Pakistan.

Background

The 18th amendment to the Constitution of Pakistan led to the abolition of the concurrent list of subjects including education, and the insertion of article 25-A of the Constitution. Article 25 A made, education a fundamental right for ALL children aged 5-16 years across the country. This is a major historical shift in all education obligations of the state and the inter-provincial governance arrangements.¹

*Article 25 A*

“The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.”

This is a positive step in the right direction, however, at present, Pakistan still has 22.6 million children (aged 5-16) out of school² and, 13.7 million of these children are girls. The recent Annual Status of Education Report (ASER)³ 2016 data shows that of the total out of school children of age group 5-16 (19%), 11% are girls. Moreover, the results highlight that income matters and influences gender inequity; the richest quartile or 25% has the highest percentage of children enrolled (80%) whereas the poorest quartile has the lowest enrollment rate (61%). The patterns on severe gender exclusion are similar across all provinces of Pakistan where poorest females are most disadvantaged and do not have equal opportunity of getting enrolled or learning, thus impinging on their right to quality, access and equity in education. Pakistan also has been struggling with lamentably poor achievement and learning levels of children as per ASER Reports (2013, 2014 and 2015) and the annual Alif Ailaan District Rankings. The ASER 2016 findings further suggest that children from the poorest households have the lowest learning levels, only 52% children in grade 5 could read at story level in Urdu/Pashto/Sindhi dipping from 55% in 2015.

While there are many factors – such as lack of access to schools, missing facilities, insufficient and untrained teachers, contribute to the low enrollment and high dropout rates, at the heart of the issue lies the fact that majority of the people, including teachers, youth, civil society and media, are

¹ Before the 18th Amendment, all responsibilities with regards to education lay with the Federal government. All responsibilities now lie with provincial governments.

²Alif Ailaan:

³The Annual Status of Education Report (ASER) is the largest citizen led; household based initiative that aims to provide reliable estimates on the schooling status of children aged 3-16 years residing in all rural and urban districts of Pakistan.
not aware of this new amendment, the laws made for 25 A in each province regarding the fundamental constitution right to education and their basic rights and responsibilities. Without access to information about their entitlements, the citizens fail to demand their fundamental rights, fulfill obligations expected, and thus the government fails to fulfill its obligations.

The 18th Amendment in 2010 also led to the addition of Article 19 A or the Right to Information in the constitution. Article 19-A, like 25 A, has also been introduced for the first time which each province has to enact for implementation. 19 A is enabling citizens to have complete access to information from any public office that they so want, so that they can know their rights and also push government to fulfill its fundamental constitutional obligations.

| Article 19A |

This lack of understanding of entitlements by citizens, in turn keeps them from exercising their democratic rights and influencing public decision making processes. The 22.6 million children out of school, in spite of provisions defined in the Pakistani Constitution, is an example low citizens’ participation. As parents, families and communities at large are mostly unaware of their right to education– they fail to hold the government accountable, and end up with a governance system at all levels, that increasingly lacks transparency and accountability.
PTI Election 2018 Manifesto

PTI will put in place the most ambitious education agenda in Pakistan’s history, spanning reform of primary, secondary, tertiary, vocational, and special education.

Since the devolution of Education as a subject to the provinces, a national consensus on critical matter of equity in education has been evasive. Pakistan’s National Curriculum has not been reviewed or updated in the past 12 years, and no national consensus on medium of instruction and teaching of languages exists. The education budget allocation remains well below the prescribed 4% of GDP and poor education planning results in supply and demand mismatches. Nearly 22.5 million children are out of school in Pakistan and the ones who are not learning commensurate to their age or grade. The public school delivery system is under-resourced and has capacity constraints. At the higher education level, research volume and quality is limited, and university administration continues to be highly politicised.

We will establish a National Ministry/Commission for Human Capital Development to forecast future domestic and international labour force requirements to increase or decrease supply of different fields of education, evaluate the curricula based on needs and trends of the labour market and develop a National Human Development Strategy annually to propose the supply of any new fields of technical or professional education.

We will establish a National Commission for Education Standards that will issue a revised “Minimum Standards” list within 6 months of its constitution and initiate a National Dialogue and technical consultation to approve a policy on the teaching of languages at each level of education.

We will build the largest public-private partnership for education access in the developing world through vouchers for low-fee private schools & access to credit for educated youth to teach students in their communities.

We will create an Education Fund for young entrepreneurs to develop technology and communication-enabled solutions to provide access to education in remote areas.

We will establish minimum standards for all public schools to ensure provision of facilities and a child-friendly learning environment.

We will launch a nationwide literacy programme to engage 50,000 youth volunteers to teach literacy in exchange for university credits.

We will launch a Teach for Pakistan effort to bring high quality talent into the public system as teachers or coaches.

We will launch a large-scale teacher certification programme.

We will increase schools at secondary level for girls by upgrading schools every year in high-enrolment areas and launching nation-wide radio, television and online self-learning programmes for secondary students.

We will provide stipends to secondary school-going girls to reduce barriers to access.

We will establish a National Steering Committee to enact examination board overhaul and move towards instituting a standardised central examination scheme and participate in the PISA-D.
▶ We will launch a strategy to provide equipment, teacher training and competitions and co-curricular activities for students to improve instruction and learning of STEM subjects.
▶ We will establish at least 10 technical universities in Pakistan to provide skills to our youth.
▶ We will provide public scholarships and set up a National Endowment Fund for international universities, and provide international distance-learning opportunities for tertiary education.
▶ We will attract foreign university graduates from Pakistan to teach and supervise research in local universities.
▶ We will create partnerships with international universities to improve teaching and research quality and will incentivize research quality (as judged by international benchmarks) as opposed to research volume.
▶ We will remove political influence and create an independent, transparent mechanism to select Vice Chancellors and senior administrators.
▶ We will regulate university curriculum to include compulsory courses on communication, reasoning, IT literacy as well as instruction in social sciences.
▶ We will transform the National Vocational and Technical Training Council (NAVTTC) to a best-in-class organisation to plan, monitor and support provincial bodies in implementation.
▶ We will streamline the role of provincial institutions such as TEVTA, Skills Development Funds, Boards of Technical Education and eliminate obsolete institutions.
▶ We will engage foreign technical universities and providers under public-private partnership agreements to offer specialised, high-quality training.
▶ We will expand vocational training programmes to provide relevant, high-quality skills to post-secondary students each year and will create partnerships with local industries and foreign governments to employ vocational and technical graduates.
▶ We will map out and register all seminaries across Pakistan including information on finances, and introduce literacy and mathematics teaching as formal subjects within the Madrassah curriculum.
The participants will sit in pairs and the provincial ASER Education Report Cards for their own province will be handed out to them (handout 2).

- The provincial education report cards are a stocktake of the provincial government on the milestones/promises of the ruling party of the province to achieve in the political manifestos. The card is a comparison between the Government & Political Party promises and actual on-ground achievements recorded in the latest ASER survey. The Political Party manifesto with respect to education will be shared with the groups (handout 1).

- Each pair will be asked to read through the Education Report Card and outline the achievements and unmet targets of the provincial governments.

- The groups will then come up with suggestions for the government/parties on how to improve performance and other major challenges to become an integral part of Government’s political agenda in the upcoming General Elections and beyond.
Current Education Scenario

CONTEXT OF PAKISTAN

Since the country’s independence in 1947, Pakistan has seen multiple shifts in the education policies and laws that have been adopted. The first ever step taken to recognize the importance of education was at the All Pakistan Education Conference convened in November 1947 recognizing “Universal Primary Education” as imperative. This was followed by the formation of a Commission on National Education in 1959 which suggested that the educational system in Pakistan should pursue quality as an essential objective and recommended compulsory education for children till the elementary stage. This Commission’s recommendations also known as the Sharif Commission, influenced the National Policies on Education to follow in 1969, 1972-1980, 1992-2002, 1998 and 2009, the latter being followed currently. Together with the current National Education Policy 2009, the constitutional commitment boldly guaranteed education as a fundamental right to the Citizens of Pakistan.

The 18th amendment in 2010 and the new article 25-A:

“Article 25 A: the State shall provide free and compulsory education to all children of age 5-16 years in such a manner as may be determined by law” was finally made a part of the constitution.

The 18th amendment also led to major shifts in entitlements, decision making, and responsibilities across the federation. How? Subjects on which earlier both federal and provincial governments could make laws were devolved completely to the provinces, the responsibility of implementing 25-A, thus also fell to each individual province.

Despite its efforts and various national and international commitments, Pakistan is still faced with a profound educational crisis With 22.6 million lives affected, children still out of school— as reported by NEMIS. In addition to a staggering number of Out of School Children (OOSC) there are gender discrepancies in enrollment and low learning levels, a consistent challenge to Pakistan. Recent ASER data shows that of the total number of children enrolled, only 38% girls are enrolled in Government schools and 40% are enrolled in Private schools.

The low enrollments are compounded by low learning levels. Recent ASER data (2016) also shows lowering in learning levels compared to the year 2015; For instance out of all children accessed through ASER (for Pakistan), 46% could read English which was 49% in 2015 and for arithmetic, it also revealed a dip in learning levels as it was 48% in 2016 compared to 50% in 2015. The major challenge for Pakistan therefore is to not only to increase access to schooling of ALL children, but more importantly to improve learning levels too.

\(^4\)http://shoaibahmed86.yolasite.com/resources/pep.pdf
\(^5\)Constitution (Eighteenth Amendment) Act, 2010
\(^6\)President’s Assent Received: April 19, 2010: http://www.pakistani.org/pakistan/constitution/amendments/18amendment.html
\(^7\)Pakistan Education Statistic 2015-16 launched by the National Education Management Information System (NEMIS).
HISTORY OF RIGHT TO EDUCATION

OBJECTIVES

1. Understanding the evolution of human rights that led to changes in global education scenario.
2. Analysis of global movements that led to local revolutions in education rights.
3. Detailed context of post 18th amendment.

INTRODUCTION

On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and “to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories”.

The Universal Declaration of Human Rights (UDHR) recognizes “education” as a fundamental right amongst the most important rights for survival for humans universally. Education plays a major role in containing the spread of poverty, child mortality and population growth. Moreover, it fosters gender equality, participation in social, economic and political spheres of life, and critical thinking besides, ensuring sustainable development, peace and democracy – all of which highlight the catalytic significance of Education and Learning serving as the basis for Education for All (EFA) movement since 1990 when the Jomtien/Thailand EFA Conference was held, followed by Dakar/Senegal in 2000 and Incheon /South Korea in 2015.

UDHR also influenced many other international conventions and resolutions:


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ACTIVITY

3.1

Material: Noted pads pens
Handouts:
Tools: ☑
Duration: 20 MINUTES

- The participants will be given a presentation on history of Right to Education in a global and local context.
- The participants will than have a Q & A session on the topic with the facilitator.

HANDOUT 3

Constitution of Pakistan 1973

a) Article 37: “Promotion of Social Justice and Eradication of Social evils”
   ➢ Article 37-C: “Make Technical and Professional Education generally available and higher education equally accessible to All on the basis of merit”
   ➢ Article 37-F: “Enable the people of different areas, through education, training, agricultural and industrial development and other methods, to participate fully in all forms of national activities, including employment in the service of Pakistan”

b) Article 38: “Promotion of Social and Economic Well-being of the People”
   ➢ Article 38-D: “Provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment”

Globally:
Millennium Development Goals (MDGs) 2000:

In the year 2000 leaders from around the world came together and developed the Millennium Development Goals (MDGs) – 8 goals sought to end extreme poverty through a set of time-bound, measurable goal. These MDGs succeeded in bringing together government, civil society, and private sector who although were unable to achieve ALL goals, made significant progress. MDG 2 in particular was the focus on access to Universal Primary Education (UPE), but not learning MDG 3 pertained to Gender Equality that applied to UPE as well. As the MDGs came to an end in 2015, global poverty has been more than halved, however, Pakistan as a signatory to MDGs, did not meet the targets it had committed to.

Using lessons learnt from the MDG experience and key development challenges, in 2012 at a Conference on Sustainable Development – Rio+20 – the UN Member States started developing a blueprint for post-2015. Broader than the MDGs, the SDGs are made up of 17 goals that seek to

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9 Constitution of Pakistan: http://www.pakistani.org/pakistan/constitution/
address the most pressing challenge facing the world by 2030 and pledge to “End poverty. Everywhere. Permanently”.¹⁰

Handout 4

Goal 4: Ensure inclusive and quality education for all and promote lifelong learning

SDG 4 is dedicated to Education. With 7 targets and 3 means of implementation, SDG 4, dedicated to education remains one of the most important goals to be achieved for transforming the world. Various policy makers and research papers acknowledge that SDG 4 holds an important place for revolution of life of the people around the globe and that without a comprehensive cross-sector effort, which begins with education, the SDGs cannot be realized. For instance, education can help accomplish Goal 1 of poverty reduction by enabling individuals to earn higher wages, improving livelihoods through formal & non-formal education, boosting incomes and preventing transmission of poverty generation.

7 Targets

- **4.1** By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes
- **4.2** By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education

¹⁰ The Sustainable development goals, The Goals to transform the world
http://www.un.org/sustainabledevelopment/education/
4.3 By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university

4.4 By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship

4.5 By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations

4.6 By 2030, ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy

4.7 By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture’s contribution to sustainable development.

3 MEANS OF IMPLEMENTATION:

4.a Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all

4.b By 2020, substantially expand globally the number of scholarships available to developing countries, in particular least developed countries, small island developing States and African countries, for enrolment in higher education, including vocational training and information and communications technology, technical, engineering and scientific programs, in developed countries and other developing countries.

4.c By 2030, substantially increase the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially least developed countries and small island developing states. ¹¹

National Context:

The 18th Amendment to the Constitution of Pakistan, passed on 19th April 2010, led to major shifts in entitlements, decision making, accountabilities and responsibilities across the federation. Subjects on which both federal and provincial governments could make laws were devolved completely to the provinces with the abolition of the concurrent list were reassigned, some selective functions to the federation to be guided by the Council of Common Interest (CCI) and the majority devolved others to the provinces¹². This meant new rights, responsibilities for policy, planning, budgets and implementation according to the needs, evidence and priorities of each province. Each decision was to made with accountability forreaction


¹² The 18th Constitutional Amendment: Glue or Solvent for Nation Building and Citizenship in Pakistan? Shah, Anwar, September 2012
The Concurrent List had many important subjects and sectors. Some of these include:

**Article 25-A** declared “the State shall provide free and compulsory education to all children of age 5-16 years in such a manner as may be determined by law”

Since subjects on which earlier both federal and provincial governments could make laws were devolved completely to the provinces, the responsibility of making the law and implementing 25-A also fell to each individual province.

The Right to Education bills were passed in the provincial assemblies under the devolved authority to the provincial governments to pass and enforce laws. The constitutional law was presented as Bill for right to education in the provincial assemblies (2013-2017). The bill was passed in ICT in 2012, Sindh in 2013, Punjab and Baluchistan in 2014 and in April 2017 in the Province of KPK. To date only one province viz. Sindh has made and notified the rules for implementation in 2017. Each participant will be shared the law under 25 A or right to education for their respective province and can also look up these laws from the following websites:


Goal 4: Ensure inclusive and quality education for all and promote lifelong learning

SDG 4 is dedicated to Education. With 7 targets and 3 means of implementation, -SDG 4, dedicated to education remains one of the most important goals to be achieved for transforming the world. Various policy makers and research papers acknowledge that SDG 4 holds an important place for revolution of life of the people around the globe and that without a comprehensive cross-sector effort, which begins with education, the SDGs cannot be realized. For instance, education can help accomplish Goal 1 of poverty reduction by enabling individual to earn higher wages, improving livelihoods through formal & non-formal education, boosting incomes and preventing transmission of poverty generation.

7 Targets

- **4.1** By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes
- **4.2** By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education
- **4.3** By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university
- **4.4** By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship
- **4.5** By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations
- **4.6** By 2030, ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy
- **4.7** By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture’s contribution to sustainable development.

3 Means of Implementation:

- **4.a** Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all
- **4.b** By 2020, substantially expand globally the number of scholarships available to developing countries, in particular least developed countries, small island developing States and African countries, for enrolment in higher education, including vocational training and information and communications technology, technical, engineering and scientific programs, in developed countries and other developing countries.
• **4.c** By 2030, substantially increase the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially least developed countries and small island developing states.  

**National Context:**

The 18th Amendment to the Constitution of Pakistan, passed on 19th April 2010, led to major shifts in entitlements, decision making, accountabilities and responsibilities across the federation. Subjects on which both federal and provincial governments could make laws were devolved completely to the provinces with the abolition of the concurrent list were reassigned, some selective functions to the federation to be guided by the Council of Common Interest (CCI) and the majority devolved others to the provinces. This meant new rights, responsibilities for policy, planning, budgets and implementation according to the needs, evidence and priorities of each province. Each decision was to be made with accountability for reaction.

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13 Critical Reference and action document on SDG 4:  

14 The 18th Constitutional Amendment: Glue or Solvent for Nation Building and Citizenship in Pakistan? Shah, Anwar, September 2012
The Concurrent List had many important subjects and sectors. Some of these include:

**Article 25-A** declared “the State shall provide free and compulsory education to all children of age 5-16 years in such a manner as may be determined by law”

Since subjects on which earlier both federal and provincial governments could make laws were devolved completely to the provinces, the responsibility of making the law and implementing 25-A also fell to each individual province.

The Right to Education bills were passed in the provincial assemblies under the devolved authority to the provincial governments to pass and enforce laws. The constitutional law was presented as Bill for right to education in the provincial assemblies (2013-2017). The bill was passed in ICT in 2012, Sindh in 2013, Punjab and Baluchistan in 2014 and in April 2017 in the Province of KPK. To date only one province viz. Sindh has made and notified the rules for implementation in 2017. Each participant will be shared the law under 25 A or right to education for their respective province and can also look up these laws from the following websites:

**PUNJAB:** [http://punjablaws.gov.pk/laws/2580.html](http://punjablaws.gov.pk/laws/2580.html)


ARTICLE 25 A AND WHAT IT ENTAILS

In Pakistan, the Right to Education as defined by the UDHR is the responsibility of the state. It is now a fundamental human and constitutional right under Article 25-A of the Constitution of Pakistan.

**Article 25-A**

“The state shall provide free and compulsory education to ALL children of the age of five to sixteen years in such manner as may be determined by law”.

**Article 25-A** of the Constitution of Pakistan in the context of Article 26 of the UDHR (Annex-RTE) mandates the state to fulfill its responsibility of providing free and compulsory education to all children of age of five to sixteen years under the fundamental rights chapter of the constitution of Pakistan.

The subject of education was devolved to regional offices/Education ministries; local governments include municipalities, districts, district education authorities (DEAs) local offices, schools, and heads of schools or a governing school board.
ORGANIZATIONAL SETUP FOR RIGHT TO EDUCATION IN PAKISTAN

The organizational setup of education in Pakistan is at three levels.

1. Federal level (Ministry of Education, Govt. of Pakistan) – this is now only for data consolidation, standards and national representation in global forums and dialogues with development partners/international agencies.

2. Provincial level (Department of Education & Literacy, Govt. of Particular Province KP, Punjab, Balochistan and Sindh etc.)

3. District level – Local Governments as per ordinances in each province (Education is mostly a provincial function but in Punjab it lies with the District Education Authorities – DEAs . In other provinces there are varying arrangements)

In accordance with the 18th Amendment to the Constitution, the provincial assembly of Balochistan passed the Local Government Act in 2010, whereas the provincial assemblies of Punjab, Sindh and Khyber Pakhtunkhwa passed their Local Government Acts in 2013. The Local Government Acts of all four provinces tend to subordinate the local governments to the provincial governments.  

The Punjab and Balochistan Local Government Acts state that the District Councils will function under the directives of the provincial government, giving the provincial government leverage over the local governments, all the Local Government Acts devolve the key service delivery functions to local governments. The Local Government Act of Punjab provides for the creation of education and health authorities, comprising members from the provincial government, local governments, technocrats and the private sector. The Chief Minister will be the appointing authority and can dismiss the heads of the authority or dissolve the authorities.

\[ \text{\textsuperscript{15}} \text{COMPARISON OF LOCAL GOVERNMENT ACTS IN PAKISTAN: A CONSUMER PERSPECTIVE.} \]

\[ \text{\textsuperscript{16}} \text{Local Government Acts 2013 and Province-Local Government Relations} \]

\[ \text{\textsuperscript{17}} \text{THE PUNJAB LOCAL GOVERNMENT ACT 2013} \]
EDUCATION UNDER THE LOCAL GOVERNMENT ACTS:

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<tr>
<td>FUNCTIONS OF THE DISTRICT AUTHORITY</td>
<td>The district education authority is created under the act and section 2v and declares the authority, Local Government. 2. Punjab government has appointed acting chief executive officers and secondary education directors for the newly established district education authorities and the nine divisions of the province.</td>
<td>The Act defines primary functions of the district council.</td>
<td>Education is devolved to the district government. The act requires Nazim, Village Council and neighborhood council to send quarterly reports on performance of the education offices.</td>
<td>Under the act local council makes bi laws.</td>
<td></td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>RESPONSIBILITIES</td>
<td>Establish, manage and supervise: Primary, elementary, secondary, higher secondary, non-formal basic education and special education. Ensure Free and compulsory education for all children aged five to sixteen under Article 25A of the constitution. Plan execute and monitor all education development activities. Constitute SMCs.</td>
<td>Responsible for identification, approval and appraisal of education related projects related to Primary, middle and secondary schools. Union council will do distribution and procurement of material only</td>
<td>List of education offices: Primary and secondary educated. Vocational educated Special educated Adult education and literacy</td>
<td>Management and promotion of education 1. Compulsory primary 2. Adult education 3. Construction and maintenance of buildings. Function or rural council to act as constructing and management agent for primary education. District council to: Provide for and manage primary schools, Payment of grants Promotion adult education.</td>
<td></td>
<td>Union council to provide for libraries and reading rooms.</td>
<td>NA</td>
</tr>
</tbody>
</table>

Source: Conceived by the Consumer Right commission of Consumer of Pakistan Report on Local government acts. 18

18 COMPARISON OF LOCAL GOVERNMENT ACTS IN PAKISTAN: A CONSUMER PERSPECTIVE
ACTIVITY  
Material: Chart papers, Markets  
ØDuration: 20 MINUTES

1. All participants will sit in the group of five individuals through random selection by the facilitator.
2. The participants through group activity will be required to make a flow chart/diagram
3. The flow chart will show the school at the bottom preferably or top and in tiers or decision making layers, they will recognize the organizational division of power and decision making in bureaucracy and government.
4. The exercise will help all the individuals/groups of participants to understand who influences decision making the most and outline with suggestions an effective and better way to approach them through demand based considerations of the beneficiaries.
PROVINCIAL RIGHT TO EDUCATION ACTS

OBJECTIVES:

i. Introduction to provincial RTE acts.
ii. Status of their implementation
iii. Nature of legislation
iv. Components of the Act/Rules

All bills that have been passed in the respective provincial assemblies along with the bill for ICT as of now declare the education in their provincial/geographical territory ‘free and compulsory’.

A detailed bill for Islamabad Capital Territory was passed in the national assembly in 2012. The law extends to the geographical boundaries of Islamabad. After the bill was passed in the National Assembly, similar bills were passed in Baluchistan, Sindh and Punjab. The bills, at one hand, largely signify the comprehensive motive of local governments to enforce a constitutional law, on the other hand, they differ in their scope and are centered on government commitments and their agendas. The bill was passed as an act/law by Sindh Assembly in March 2013, followed by Baluchistan Assembly in February 2014, Punjab Assembly in October 2014 and the Khyber Pakhtunkhwa Assembly in April 2017.

The bills passed in Punjab, Sindh Baluchistan and ICT have some features in common:

- Defining age of the child which law encompasses and excludes gender disparity for this age group.
- Defines the geographical boundaries to which the government exercises their authority.
- Defines the role of parents/guardians to be liable under this law and also outlines conditions punishable by law if the guardian or parent is found guilty.
- Advice on formation of school management committees in some form under each act
- Addresses issue of attendance
- Capitation fee for the private sector is covered in all three acts

The Sindh, Punjab and ICT Acts for RTE are more comprehensive in their scope as compared to Khyber Pakhtunkhwa and Baluchistan. Sindh, Punjab and ICT Acts have been able to address ECE and inclusivity more precisely by not only adding in special children in their bills but also passing an entire section dedicated to special education. The Sindh Act 2013 also addresses race, ethnicity and religion in for better presence of all societal segments. It also, along with the bill for ICT, sets up an Education Advisory Council in the province for the purpose of guidance, action, interventions and monitoring of the law. The Bills passed in Punjab and Sindh establish birth certificates as criterions for age determination of children at the time of admittance to schools and also order registration of all new schools under the provincial governments. Monitoring of child rights has also been designated to local
authorities by the provincial governments in both the provinces. Punjab has setup an entire Taleemi Fund for the purpose of this constitutional responsibility, for its efficacy and implementation.

The Khyber Pakhtunkhwa Act, by far, is the briefest RTE Act that has been passed to date and does not encompass many issues that needed urgent address: these include the areas of coverage that otherwise can be incorporated into the bill in light of the law; it does not specify the geographical boundaries to which the province will exercise its power. Furthermore, the definition of child is limited to the age category and does not include children with special needs, nor does it address the education for other disadvantaged groups. The definition does not outline the category of ‘cost’ for ‘free education’. The authority of the government for this law’s applicability in the region is also compromised; no ‘power to make rules’ for enforcement of this law can be seen in the presented document. The manuscript has no mention of private schools, their responsibility towards this law and the kind of authority the local government will be able to exercise upon them. A pre-primary education section has been added in elaborate bills of Punjab and Sindh which are entirely missing here. The Khyber Pakhtunkhwa bill has 22 provisions missing that had to be a part of it for making it effective. In addition a detailed reference towards the government, being a law making, controlling, and inspection authority, has to be made in the bill to make it more expansive and show the serious commitment of the Government towards their pledge for Right to Education.

The RTE Act in Balochistan gives some critical definitions like the definition of ‘Child’, ‘Employer’, ‘Management Committee’ etc. It has no reference to ECE or to inclusive Education at all. However, it must be noted that Balochistan has in place an ECE Policy Framework since 2016 and more recently Balochistan has passed the Disability Act 2017. This RTE Act states that parents are obligated to enrol their children to school till the completion of highest education provided in the said school. The only exemption is given in the case of a ‘reasonable excuse’ (where prescribed authority is satisfied that the child is (1) incapable of attending school due to mental or physical infirmity, (2) where the child is receiving education through another source and the authority is satisfied by the standard of education or (3) in the case of unavailability of school in the area where the child resides). In case of mental or physical challenges the parents are required to make sure the child attends a special education school. In the Act, formation of a parent school Management committee is obligated and duties of this committee are given in detail. The committee is to keep records of attendance, of children who are exempted from compulsory education due to a ‘reasonable excuse’. It is required to look after the facilities and provide any missing facilities in schools as well as to maintain healthy educational environment. The Act also initiates the formation of School Attendance Authority. It clearly states the penalties to offences of any of the rules stated in the Act. It repeals the Balochistan Primary Education Ordinance, 1962 and the Balochistan Compulsory and Free Education Ordinance of 2013. A major shortcoming of the Act is that it places little emphasis on the responsibility of the Government, but more on the parents.

### HANDOUT 7

<table>
<thead>
<tr>
<th>Province/Area</th>
<th>Status of Legislation</th>
<th>Nature of Legislation</th>
<th>Components of the bill</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Responsibility of govt.</td>
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<td></td>
<td></td>
<td></td>
<td>• Responsibility of teachers</td>
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<td></td>
<td></td>
<td></td>
<td>• Duty of parents</td>
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<td></td>
<td></td>
<td></td>
<td>• SMCs</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>• Private schools and their roles</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Financial responsibility</td>
</tr>
<tr>
<td>Province</td>
<td>Assent Details</td>
<td>Act Title</td>
<td>Chapters Discussed</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Sindh</td>
<td>Assented by Governor on March 6th, 2013 Published as Act March 11th, 2013. Rules of business formed.</td>
<td>The Sindh Right of Children to Free And Compulsory Education Act, 2013.</td>
<td>The Act has a total of 8 chapters broadly discussing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1. Titles and Definitions</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. Rights of the child</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>3. Duties of Govt, local authority and parents</td>
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<td></td>
<td></td>
<td></td>
<td>4. Responsibility of private schools</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>5. Duties of teachers</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6. Curriculum</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>7. Implementation and Monitoring</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>8. Prosecution of offences</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1. Titles and Definitions.</td>
</tr>
<tr>
<td></td>
<td></td>
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<td>2. Formation of PSMCs.</td>
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<tr>
<td></td>
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<td>3. School Attendance authorities.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>5. Power of provincial govt</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6. Repeal and saving</td>
</tr>
<tr>
<td>Khyber Pakhtunkhwa</td>
<td>Passed in April 2017</td>
<td>The Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Bill, 2017</td>
<td>It has 9 articles in total</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1. Short title, extent and commencement</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. Definitions</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3. Free Compulsory Primary &amp; Secondary education</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4. Reasonable Excuse for Non-Attendance</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>5. School Attendance Authority</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6. Offence</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>7. Taleem Fund</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>8. Power to make rules</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>9. Repeal and Savings</td>
</tr>
<tr>
<td>Punjab</td>
<td>Punjab Governor promulgated the Punjab Free and Compulsory Education Ordinance 2014 on May 13, 2014. It was referred to the Standing Committee on Education for consideration. Ordinance was to lapse on August 11, 2014. It is now an Act.</td>
<td>Punjab Free and Compulsory Education Bill, 2014</td>
<td>The Act has following chapters.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1. Chapter 1: Preliminary</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. Chapter II: Right to free and compulsory Education.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3. Chapter 3: Duties of Teacher, Local authority and parents.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4. Chapter 4: Responsibility of teachers and Schools.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>5. Chapter V: Right of Protection of Children</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6. Chapter VI: Miscellaneous</td>
</tr>
<tr>
<td>AJK</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Gilgit-Baltistan</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>
Material: Chart papers, District Cards

Duration: 30 MINUTES

- The District cards that will be provided that have been designed to see the district’s performance on various education indicators.
- The report cards are based on evidence collected through ASER survey across the district.
- The participants will be given a copy of the regional district and will comprehend the performance of the district on important education indicators.
- Each group will be asked to comprehend findings on learning outcomes of their district.
- The group will then outline effective ways in which teachers can enable the classroom environment to increase learning scores for communities in which they can make an impact.
UNIT 6

Content: Presentation on Provincial RTE Acts
Handouts: Tools: The Provincial RTE Acts attached in Annexure A.
Duration: 50 minutes

STATUS OF IMPLEMENTATION OF PROVINCIAL RTE ACTs

OBJECTIVES

I. Overview of the Provincial RTE Act
II. Current status of implementation of the Provincial RTE act.

ACTIVITY

Material: Copy of the Provincial RTE act. Notepads, pens
Duration: 30 MINUTES

i. Each group of participants (formed for previous activity) will read the RTE act within themselves.

ii. Outline basic clauses of the RTE act

iii. Highlight all Teacher and parent related clauses.

iv. One volunteer will narrate them for the group.
ROLE OF TEACHERS FOR RIGHT TO EDUCATION

An education system is only as good as its teachers. Teachers are essential to universal and quality education for all: they are central to shaping the minds and attitudes of the coming generations to deal with new global challenges and opportunities. Innovative, inclusive and results-focused teaching is crucial for 2015 and beyond if we are to provide the best possible opportunities for millions of children, youth and adults worldwide.”Joint Message on the occasion of the World Teachers’ Day (5 October 2014)
Irina Bokova, Director-General, UNESCO
Guy Ryder, Director-General, ILO
Anthony Lake, Executive Director, UNICEF
Helen Clark, Administrator, UNDP
Fred van LEEUWEN, General Secretary, Education International

Teachers are the largest workforce in the country and in each province. If teachers are part of the problem of the education crisis in Pakistan they are part of a very big solution as well and hence their importance cannot be undermined in improving quality and becoming strong communicators of what Right to Education entails. We reach out to them for the latter as a forceful and influential group in society reaching out to children/students, parents/guardians and the community at large. Each provincial/federal right to education act has specific articles for teachers that need to be well understood and registered for timely actions and for rights and responsibilities. The teacher has an imperative role in the future of the children and plays a vital role in forming their characters. The Personality of the teacher and his/her conduct leave long term effects on a student. Following are a few responsibilities a teacher has to fulfill when in the classroom or with students.

• Treat with students equally and fairly
• Appropriate, neat and clean dress.
• Enjoys teaching and learning process in the classroom with students.
• To improve listening skills and during classroom; Listens attentively to student questions, comments, and concerns and proper respond with respect and encouraging them for questioning.
• Address students with their names.
• Respond to students with respect, even in difficult situations.
• Understand students’ feelings
• Admit mistakes and corrects them instantly
• Uphold confidential trust and respect
• Maintain a professional manner at all times.
### Roles of the Teacher Specified in the RTE Act

<table>
<thead>
<tr>
<th>Role</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Regularity and Punctuality</strong></td>
<td>• Maintain regularity and punctuality in attending the school;</td>
</tr>
<tr>
<td><strong>Curriculum Completion</strong></td>
<td>• Complete the curriculum within the specified time;</td>
</tr>
<tr>
<td><strong>Learning Abilities</strong></td>
<td>• Assess the learning abilities of every child and supplement additional instructions, if any, as required;</td>
</tr>
<tr>
<td><strong>Child Development</strong></td>
<td>• Take care of all round development of the child;</td>
</tr>
<tr>
<td><strong>Child Potential and Knowledge</strong></td>
<td>• Build-up child’s knowledge, potential and talent;</td>
</tr>
<tr>
<td><strong>Innovative Learning</strong></td>
<td>• Adopt learning through activities, discovery and exploration in a child friendly and child-centered manner;</td>
</tr>
<tr>
<td><strong>Child’s Mental Health</strong></td>
<td>• Make the child free of fear, trauma and anxiety and help the child to express views freely;</td>
</tr>
<tr>
<td><strong>Parent Teacher Meetings</strong></td>
<td>• Hold regular meetings with parents and share with them the relevant information about the child;</td>
</tr>
</tbody>
</table>
TEACHERS AS AGENTS OF CHANGE: WORKING WITHIN AND BEYOND THE CLASSROOM TO IMPROVE ACCESS TO EDUCATION

Without any doubt, the most significant person in the child development and curriculum implementation process is the teacher. Because he is the person who directly works together with students. Better teacher assist better learning because they are well-informed as regards the practice of teaching and are accountable for initiating the curriculum implementation in the classroom. A teacher with their knowledge, skills, experiences, expertise and competencies, does not only become an instructor of the predetermined curriculum but also has an important role in mental, physical and social development of the students.

Teachers are tutors in the school hours but their responsibilities are not limited inside the boundary of a school. The teacher has a responsibility to strive for the betterment of all children in their country in general and their communities in particular. Pakistan is a country that is lagging behind in education and a lot of children are still out of school. 44 percent of children between the ages of five to sixteen are still out of school\(^{19}\), the gender parity and inequity is also a challenge that is faced by the country. Along with Governments initiating policies channeling resources it is also the responsibility of a teacher to influence their surroundings and bring changes in notions of the people and compel them to send their children to school. Following roles can be assumed by a teacher as an influential member of the community to improve access for children in their surroundings.

The vigilance and keen observation as a teacher forms the basis of the role of ‘change maker’ in the society. It is important to see how many families within your community are not able to access the basic formal education system and what the factors that could be primarily barring them are. It is a good exercise to use resources or authentic statistics (e.g. Annual Status of Education Reports) of your area to see the number of Out of school children in your geographical area and then investigate underlying causes. There are certain roles that teacher can assume beyond his classroom and as a leader to help more children access classroom.

\(^{19}\) Statistics of NEMIS, 2016
Teachers as Counslers: The teacher can and has to assume the responsibility of a counselor for its students; a student feels comfortable confiding in a teacher with whom she already has a rapport than other people. This role can be used beyond his students and inside his community to understand the problems of families unable to access education and help come up with solutions and improve access.

LEAD OUTSIDE THE SCHOOL: 'Good teachers will make an impact on the community, great teachers will use that impact to improve the community' Kevin Cormier. The teacher has a huge responsibility of rapport establishment in their communities and mostly they are successfully pictured as influential people in their communities. Parents being usual allies, it becomes easy for teacher to assume the role of the leader. The leadership role can help the teachers in identifying problems in communities and taking innovative steps to solve the problems by being an influencer.

CATALYST FOR CHANGE: Teachers when are leaders, they are catalyst for change, 'they are visionaries who are never content with status quo rather are always looking for a better way' Larner, 2004. The rapport the teacher enjoys can be used to bring change in mindsets and traditional ways. This kind of an approach can help challenge hierarchy and in turn can lead to benefits for communities and nations.
ACTIVITY

Material: Notepads, Markers, Chart Papers
Handouts
Tools
Annexure B: School report card
Annexure C: Learning outcomes card

Duration: 30 MINUTES

I. The group of ten in which the individuals are already sitting will be required to do this activity.
II. The facilitator will guide about how to fill ASER School report card tools for the workshop (annex B) and Learning card (Annex A)
III. The facilitators will ask five each individual to fill out the school facility report card and the other five to fill out the learning outcome sheet from the students of the school.
IV. The winning group will be declared by the facilitator who is the fastest and most accurate in filling the form.

ACTIVITIES TEACHERS CAN PLAN IN THEIR COMMUNITIES TO IMPROVE ACCESS TO EDUCATION

The roles of teachers as leaders through their rapport and their ability to influence the society has been enlisted in detail. However, to specifically address the access it is important to understand why there are problems of access in the communities. There are underlying reasons such as lesser facilities, poor infrastructure, poverty and gender inequality which make the access to education an enormous issue in Pakistan. ASER 2016 indicates high incidences of gender gaps in access to government and private schools across Pakistan. The report indicates that male children aged 6-16 are more likely to go to government and private schools as compared to girls. Pakistan’s Right to Education provides all children aged 5-16 years provides compulsory education to all children in Pakistan but their limited access based on their gender or economic status over the years is an alarming situation. ASER’s most recent reports are suggestive of the same fact, the richest have the most number of enrolled children in the country 85% and the poorest have low enrollment rates, 55%.

The problems of the education system are manifold but the responsibilities have to be taken over by each and every person of the society especially the teachers to bring betterment in the community. There are a few activities enlisted below that teachers can conduct to bring more children to school and improve right of entry in schools.

- ENROLMENT DRIVES: The teachers in the beginning of each academic year can do a small survey to find out the number of children that are OOSC within the 2cm radius of their school. The list can then be shared with political representatives, elderly and other influential people of the community. The group of people can than go about in the households not sending their children to schools compel them to provide the education that is their constitutional right.

- COMMUNITY BAITHAKS: Organizing a baithak with people of the community is another tactic to influence the people and their mindsets. Baithaks are good ways to discuss the societal problems and barriers that might be present in the society and are barring children from attending schools. The teacher can use his own knowledge and skill to impart rights and responsibilities of parents towards their children or can work with elderly or political allies. Baithaks are a good way to talk about gender favoritism in education or problems like
child marriages or child labor to influence the mindsets of communities and persuade them to realize right of their children.

- **COMMUNITY FAVORS FOR DISADVANTAGED CHILDREN:** The teacher as a mobilizer and a leader in the community can help create a cushion for the disadvantaged children in school and out of school both. The teacher can compel communities to help the disadvantaged families in channeling resources for children who otherwise will be at risk of dropping out or never been to school because of the economic reasons. Such measures can help bring these children to school and build better future for their families.

- **MENTORING THROUGH SUCCESSFUL EXAMPLES:** The communities especially villages in Pakistan are close knit group of people and are compelled by examples that are set by others. It is a great idea for teachers to ask their successful students to be Mentors for education attainment in community. The teacher should ask the well educated people from community to once in a while be part of the enrollment drives/ Baithaks and compel parents to send their children to school/keep them in school and help them attain education.

- **INFLUENCING DECISION MAKERS IN EDUCATION:** The education systems are run by the stakeholders and decision makers. These decision makers not only personally influential but can help political decisions to be made for the benefit of the community. The problem that requires urgent political action can be chalked out specifically and a detailed activity of reaching out to them can be done through a detailed activity as follows:

  I. **For Policy Makers:**
     - Target a specific member of the government (someone with close ties, someone who can listen; ALL HAVE INFLUENCE)
     - Be Professional (letter, phone call, email, fax etc)
     - Do your homework
     - Have complete information
     - Make it personal
     - Follow-up

  II. **For Members of the Community:**
     - Identify the group leader
     - Sympathize with all members of community, disadvantaged and under-represented also
     - Create ownership of the problem with the influencers
     - Constantly reinforce your objective
     - Make it personal

  III. **For Supporters:**
     - Identify the problem
     - Highlight the areas where support is needed
     - Present solutions
     - Identify resources
     - Benefit to the supporters
     - Set the goals

**WINNING**

Document your achievement
UNIT 8

CHILD PROTECTION UNDER RTE

Objectives of this Unit:
- To highlight different aspects of child protection – what does it mean
- To understand the key responsibilities of teachers and parents regarding child protection?
- To understand provisions of child protection in the Convention on the Rights of the Child (CRC) and Right to Education Acts of various provinces/areas of Pakistan

Overview of the Unit:
Right to Education (RTE) cannot be extended to the child until and unless Child Protection is ensured. The Convention on the Rights of the child has important implications for the education of children. In the Convention are numerous articles that deal with education and with children’s rights education and child protection. Under the Convention on the Rights of the Child, this is clearly stated in article 19 and articles 34-37. (See details below in notes).

It is very reassuring to see that provincial laws for Article 25 A of the constitution clearly provide for Child Protection under specific articles: the ICT Right to Free & Compulsory Education Act 2012; child protection is provided under Article 13 (3-4); the Punjab Right to Free and Compulsory Education Act 2014, child protection is clearly provided for under Article 16.(4-5)

I. The teacher or in charge of a school shall ensure that a child studying in the school is not subjected to corporal punishment or harassment.
II. A person who contravenes any provision of this section shall be guilty of gross misconduct and shall be liable to disciplinary action under the law or contract of service of such person.
III. The Sindh Right to Free & Compulsory Education Act 2013 under Article 13 (3 &4):
IV. No child shall be subjected to corporal punishment or mental harassment.
V. Whoever contravenes the provisions of this section shall be liable to disciplinary action under the service rules.

Research suggests that children are most at risk of abuse in and around their home environment, by people they should normally trust or who have a duty to provide care. Family members, neighbors and teachers are frequently reported as the perpetrators. ITA believes that the protection of the children is a collective, societal responsibility exercised at family, community, civil society and state level. We recognize that by focusing and involving the right people this will contribute to addressing harms caused to children.

Parents and close family members wishing to empower their children to identify potential danger, act with confident independence to get to safety, and if necessary know how to physically protect themselves and how they can use refusal skills effectively to get rid of the dangerous situation.
This section focuses on Child Protection through life skills based education. Awareness is one of the major tools to prevent the child abuse and understand its provision in the international and national/provincial laws.

**HANDOUT 9**

**Convention on the Rights of the Child (CRC)** – Pakistan became a signatory to the CRC in 1990 and it is a binding international convention – Pakistan has to prepare a systematic report for submission to the UN about its implementation status and challenges. There is also a citizens’ report submitted as an alternative to the government’s report on the status of implementation of CRC as well.

CRC has 54 articles and the following articles are relevant to the provisions of protecting the child from harm /abuse and violence.

**Article 19 (Protection from all forms of violence):**

Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after For every child Health, Education, Equality, Protection ADVANCE HUMANITY them. In terms of discipline, the Convention does not specify what forms of punishment parents should use. However any form of discipline involving violence is unacceptable. There are ways to discipline children that are effective in helping children learn about family and social expectations for their behavior – ones that are non-violent, are appropriate to the child's level of development and take the best interests of the child into consideration. In most countries, laws already define what sorts of punishments are considered excessive or abusive. It is up to each government to review these laws in light of the Convention.

**Article 34 (Sexual exploitation):**

Governments should protect children from all forms of sexual exploitation and abuse. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

**Article 35 (Abduction, sale and trafficking):**

The government should take all measures possible to make sure that children are not abducted, sold or trafficked. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

**Article 36 (Other forms of exploitation):**

Children should be protected from any activity that takes advantage of them or could harm their welfare and development.

**Article 37 (Detention and punishment):**

No one is allowed to punish children in a cruel or harmful way. Children who break the law should not be treated cruelly. They should not be put in prison with adults, should be able to keep in contact with their families, and should not be sentenced to death or life imprisonment without possibility of release.
Outlawing PHP in Pakistan

Pakistan Penal Code (1860)

Arguably the most problematic law with regards to PHP in Pakistan is the Pakistan Penal Code of 1860, specifically Article 89. Article 89 is widely interpreted as providing a justification for PHP, stating the following:

“Nothing which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause to that person”.

This Article explicitly gives permission to caretakers of children to use all means necessary for the ‘benefit’ of children, making it a key law that must be amended if PHP is to be outlawed. This law is especially worrisome because, as will become clear in the following sections, even if PHP or corporal punishment is banned in schools, for example, it remains lawful in homes due to the provisions here.

Abolition of the Punishment of Whipping Act (1996)

This law was one of the first steps against PHP in Pakistan, especially with regard to the more commonplace sentencing of whipping at the time. Although not specifically relevant for violence against children, children are a subset of the beneficiaries of the law, who would previously be sentenced to whipping – a direct violation of their rights. It is also important to note that this law supersedes other laws.

Criminal Law (Amendment) Act (2015)

This Criminal Law Act was an amendment to the Pakistan Penal Code (1860), proposed in 2015 and enacted in 2016. The Act inserted a few articles into the Penal Code, where Article 328A (“Cruelty to a Child”) is of direct relevance to PHP. The article reads:

“Whoever willfully assaults, ill-treats, neglects, abandons or does an act of omission or commission that results in or has, potential to harm or injure the child by causing physical or psychological injury to him shall be punished with imprisonment […] or with fine […], or with both.”

The Article has a couple shortcomings, however. Firstly, the Article does not explicitly prohibit PHP, however it is a good step in the right direction. Secondly, the Article does not supersede Article 89 of the Pakistan Penal Code, thus allowing the defense for PHP to remain in play.

Universal Periodic Review

The Universal Periodic Review (UPR) is a periodic review by the Human Rights Council of the United Nations of human rights record in all UN Member States. Pakistan, being a member state of the UN, has thus been a part of this process, having both given feedback to other countries and received periodic reviews. In the latest UPR report from Session 28 in 2017, Pakistan received a salient recommendation with regards to PHP. Cuba recommended to Pakistan to “consider the implementation of the necessary safeguards for the protection of children against corporal punishment”. Of course, this recommendation only covers corporal punishment and not PHP at large, but it is a promising first step.

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23 UN OHCHR, Basic Facts about the UPR, available at: [http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx) [accessed 7 December 2017]
Human Rights Treaty Bodies’ Recommendations

Periodically, the Human Rights Treaty Bodies of the UN also provide recommendations to countries specific to their human rights focus. The recommendations from the Committee on the Rights of the Child to Pakistan have been especially relevant with regards to PHP. In October 2009, the committee placed strong urgency on recommending to appeal Article 89 of the Pakistan Penal Code (1860), explicitly prohibiting corporal punishment, monitor disciplining practices in the classroom and educate/raise-awareness of the public with regards to PHP. In June 2015, the Committee urged Pakistan “to eradicate and prohibit all forms of corporal punishment” in addition to undertaking Awareness-raising campaigns regarding the ills of corporal punishment and the promotion of positive discipline.

Another body that has been providing recommendations to Pakistan on human rights issues is the Committee against Torture. In June 2017, the concluding observations from this committee also urged Pakistan to “take the necessary legislative measures to eradicate and explicitly prohibit all forms of corporal punishment in all settings”. Additionally, the Human Rights Committee, in July 2017, brought forth recommendations specifically addressing violence against women and honor-related killings, which are prevalent the country and problematic for children as they loosely also fall under the PHP definition.

Punjab

Unlike other provinces in Pakistan such as Sindh and Balochistan, Punjab unfortunately does not have strong legislation at the provincial level banning PHP or corporal punishment, and thus places its reliance primarily on the national laws, particularly the Pakistan Penal Code (1860) and its Criminal Law Amendment (2015). The following laws, however, have provisions against PHP at the provincial level, albeit with their shortcomings.


The Punjab Destitute and Neglected Children Act of 2004 is a law for the rescue, custody, care and rehabilitation of extremely poor and/or neglected children in Punjab. Article 35 of this Act pertained to “Cruelty to Children”, and provides for the punishment of persons who are not the parents or having control of a child and who subject that child to unnecessary physical and mental suffering. This law is problematic for many reasons. Firstly, it implies that parents and those individuals who have custody of a child have the right to subject that child to suffering. Secondly, it only looks for unnecessary physical and mental suffering, not prohibiting all physical and mental suffering. Another point of concern is that Article 35 has now been omitted from the Act as a result of the Punjab Destitute and Neglected Children (Amendment) Act 2017 (XIV of 2017), only further magnifying the lack of laws in Punjab prohibiting PHP in one form or the other.

The Punjab Free and Compulsory Education Act (2014)

The Punjab Free and Compulsory Education Act of 2014 is more promising than the Punjab Destitute and Neglected Children Act of 2004 in terms of addressing PHP. This Act is a response to Article 25-A of the Constitution of Pakistan regarding the Right to Education of all children aged 5-16 in Pakistan. Along with the provisions for the right to education of children in Punjab, the Act also contains a prohibition on corporal punishment. Article 16 section (4) of the Act states that “The teacher or in charge of a school shall ensure that a child studying in the school is not subjected to..."
corporal punishment or harassment.”

This statement is a huge achievement for the banning of PHP, however it is not without its shortcomings. Firstly, the Act leaves corporal punishment or harassment without definition, thus leaving it open to interpretation which only reduces its weight. Secondly, this Act only applies to PHP in schools and only for children aged 5-16, leaving children not in schools and/or younger than 5 years of age and older than 16 years of age to rely on national laws such as the Pakistan Penal Code, which we already know implies a justification for PHP.

UNDERSTANDING ABUSE, EXPLOITATION AND NEGLECT

What is Abuse?

Abuse is a deliberate act of ill treatment that can harm or is likely to cause harm to a child’s safety, well-being, dignity and development. It includes all forms of physical, sexual, psychological and emotional ill treatment. Abuse is often divided up into four different types:

1. **Physical Abuse** involves the use of violent physical force so as to cause actual or likely physical injury or suffering (e.g. hitting, shaking, burning, female genital mutilation, torture).

2. **Emotional or psychological abuse** includes humiliating and degrading treatment such as bad name calling, constant criticism, belittling, persistent shaming, solitary confinement and isolation.

3. **Sexual abuse** includes all forms of sexual violence including incest, early and forced marriage, rape, involvement in pornography and sexual slavery. Child sexual abuse may also include indecent touching or exposure, using sexually explicit language towards a child and showing children pornographic material.

4. **Neglect**: Deliberately, or through carelessness or negligence, failing to provide for, or secure for a child, their rights to physical safety and development. Neglect is sometimes called the ‘passive’ form of abuse in that it relates to the failure to carry out some key aspect of the care and protection of children which results in the significant impairment of the child’s health or development including a failure to thrive emotionally and socially.

Child abuse will be committed regardless of any justification or reason that may be provided for the ill treatment including discipline, legal sanction, economic necessity, the child’s own consent to it, or in the name of cultural and religious practice.

Note. All the major types of the child abuse will be discussed with the participants, in later session two types will be in main focus due to drastic consequences.
WHAT IS THE DEFINITION OF A CHILD

In this session, Ask participants to discuss what they understand as ‘a child’. Are there differences between what the legal definition says and their custom? When is a child understood to become of age or an adult in the community? Is it when they are 18 years or at a different time?

(It is important that all local cultural definitions are talked about: for example, a girl may be seen as an adult once she is married; a boy may be seen as an adult when he leaves home to work etc.)

At the end of the discussion tell participants that the exercise shows that there are many different ways to describe a child. All of these ways are right, none of them are wrong, use the internationally accepted definition of a child as anyone under 18 years of age, in every country where it works. This is because people younger than that are still considered to be growing and developing and in need of extra protection. International law sees anyone younger than 18 as a child.
LIST OF IMPORTANT RESOURCES AND MATERIALS THAT CAN BE ACCESED

- Fundamental Rights, Constitution of Pakistan

- National Education Policy Framework 2018

- The Sindh Right of Children to Free and Compulsory Education Act, 2013

- Annual Status of Education Report
  - [http://www.aserpakistan.org](http://www.aserpakistan.org)

- PSLM 2015-16

  - [http://elections.alifailaan.pk/](http://elections.alifailaan.pk/)

- Pakistan Economic Survey 2017

- Education Information System KP

- Education Sector Reforms Unit (ESRU)

- Education Sector Plan
English

Hira is my sister.
She loves to sing.
She plays with toys.
She likes to eat rice.

I have a pen.
I like to write with it.
I keep it in my pocket.
Its colour is black.

My father is a teacher.
He teaches Urdu.
He has black hair.
I love my father.

I like reading.
I have a story book.
I keep it in my bag.
I read it daily.
## Arithmetic

### Math Tools

#### Sample 1

<table>
<thead>
<tr>
<th>Number Recognition 1-3</th>
<th>Number Recognition 10-99</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>14</td>
</tr>
<tr>
<td>3</td>
<td>51</td>
</tr>
<tr>
<td>2</td>
<td>46</td>
</tr>
<tr>
<td>1</td>
<td>25</td>
</tr>
<tr>
<td>3</td>
<td>63</td>
</tr>
<tr>
<td>5</td>
<td>38</td>
</tr>
<tr>
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<td>74</td>
</tr>
<tr>
<td>8</td>
<td>82</td>
</tr>
<tr>
<td></td>
<td>69</td>
</tr>
</tbody>
</table>

**Subtraction**

| -42                    | -37                      |
| 52                     | 93                       |
| 90                     | 86                       |
| -42                    | -58                      |
| 61                     | 54                       |
| -14                    | -35                      |

Ask any 5 from the child, out of which 4 must be correct.

#### Sample 2

<table>
<thead>
<tr>
<th>Number Recognition 1-9</th>
<th>Number Recognition 10-99</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>18</td>
</tr>
<tr>
<td>2</td>
<td>45</td>
</tr>
<tr>
<td>5</td>
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</tr>
<tr>
<td>8</td>
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</tr>
<tr>
<td>3</td>
<td>85</td>
</tr>
<tr>
<td></td>
<td>56</td>
</tr>
</tbody>
</table>

**Subtraction**

| -19                    | -28                      |
| 42                     | 60                       |
| 35                     | 56                       |
| -16                    | -38                      |
| 94                     | 87                       |
| -26                    | -49                      |

Ask any 5 from the child, out of which 4 must be correct.

**Division**

| 58                     | 72                       |
| 64                     | 4                        |
| 78                     | 6                        |
| 84                     | 7                        |
| 54                     | 3                        |

Ask child to solve any two sums. Both must be correct.
REFERENCES:


Right to Education Bills: http://rtepakistan.org/

Article 25 A of the constitution: https://pakistanconstitutionlaw.com/article-25a-right-to-education/

MDGs: http://www.un.org/millenniumgoals/

SDGs: https://sustainabledevelopment.un.org/sdgs

Sustainable development Goal 4: https://sustainabledevelopment.un.org/sdgs


Alif Ailaan, District Education Rankings: http://rankings.alifailaan.pk/


GEM report SDG 4: https://en.unesco.org/gem-report/sdg-goal-4