
LEGISLATIVE AND OVERSIGHT GAPS IN IMPLEMENTATION OF MDG-2 IN PAKISTAN

*An overview of the issues faced by Pakistan in achieving the goal of
“Universal Primary Education” along with list of recommendations*



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Executive Summary

The document in hand is final report of the research project named “Legislative and Oversight Gaps on Implementation of MDG-2 (Universal Primary Education) in Pakistan” funded by United Nation Development Program (UNDP) and developed by Community Research and Development Organization (CRDO).

The inaugural millennium summit held in year 2000 in New York brought together representation of the 189 member states to sign the commitment of ridding the world of hunger and liberating them from shackles of poverty through the fundamental values of freedom, equality, solidarity, tolerance and respect for the planet as a shared responsibility. The pledge resulted in Millennium Development Goals (MDGs) declaration which included 8 targets.

The major objectives of the study included (i) analysis of the current legislation and oversight mechanisms of the federal and provincial governments, and (ii) recommendations for improving the legislative framework and oversight mechanisms in the federal and provincial setups in Pakistan.

1. Eradication of extreme poverty and hunger
2. Universal primary education
3. Promoting gender equality and women empowerment
4. Reductions in child mortality
5. Improvements in maternal health
6. Combat HIV/aids, malaria and other diseases
7. Ensuring environmental sustainability, and
8. Developing a Global Partnership for development by 2015.

Millennium Development Goals (MDGs)

CRDO developed a mixed-approach method in order to triangulate the findings and gain multi-dimensional knowledge in relation to the aforesaid objectives. The process of research started with literature review, then informant interviews guided in collected of qualitative data and at the end consultative workshops were conducted with specialists and practitioners to provide needed inputs in finalization of the report.

The report was finalized with number of constraints which included paucity of time and funds, a vast geographical spread and difficulties in getting interviews completed from busy professionals, legislators and government officials.

For its initial 9 years of independence, Pakistan adopted Government of India Act, 1937 as its interim constitution, which placed ‘education’ under the provincial list. In 1956 the first

constitution of Pakistan was passed and still education was given in the provincial ambit, however, the constitution given the country in 1962 tried presidential form of government and thus introduced a single legislative list of 49 subjects to the federal government. Surprisingly, in the 1962 constitution there was neither an operative provision for education nor was it included in the central legislative list.

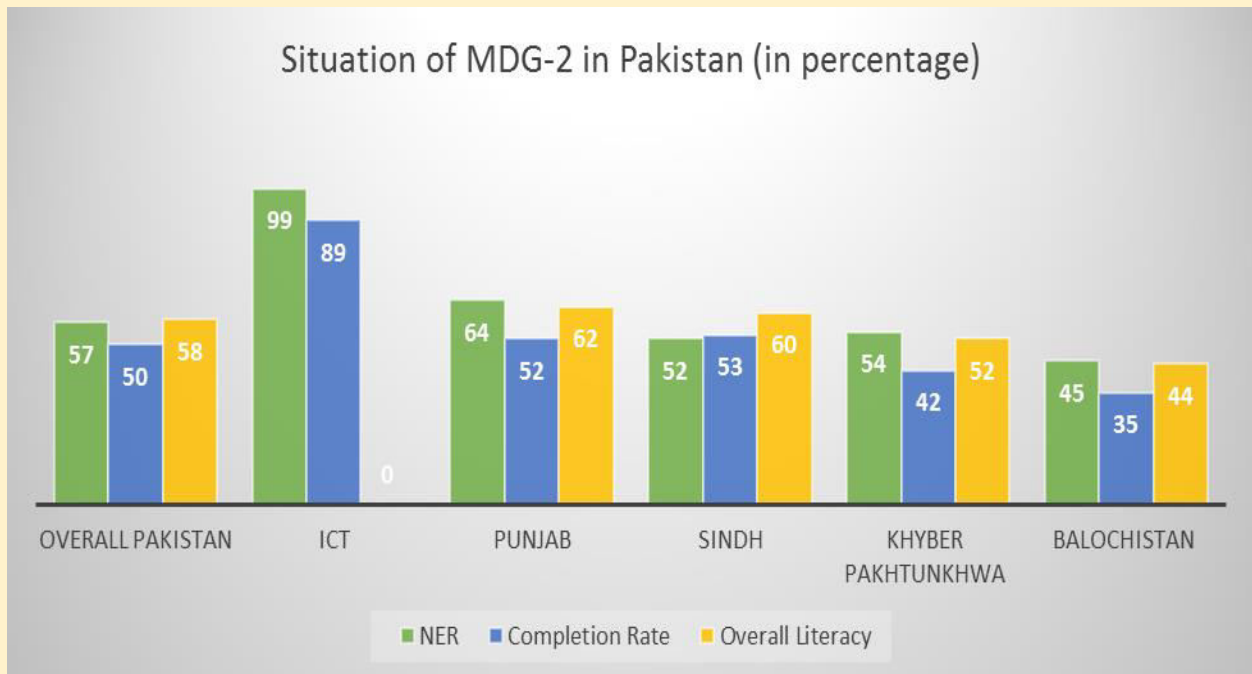
1973 constitution, once again introduced the parliamentary form of government in the country and thus powers were once again given back to the provinces. Education was kept in federal as well as concurrent list in the constitution. Under Article 37(b) of the constitution, provision of free and compulsory education was declared the responsibility of the state, subject to the availability of resources. The 18th amendment to the constitution of Islamic Republic of Pakistan added 'education' as a fundamental right and made the state duty bound to provide free and compulsory education to the children aging 5 to 16 years of age. The constitution, as of now, guides the education policy via three of its articles namely 25(a), 31 and 37 (a),(b)&(c).

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.

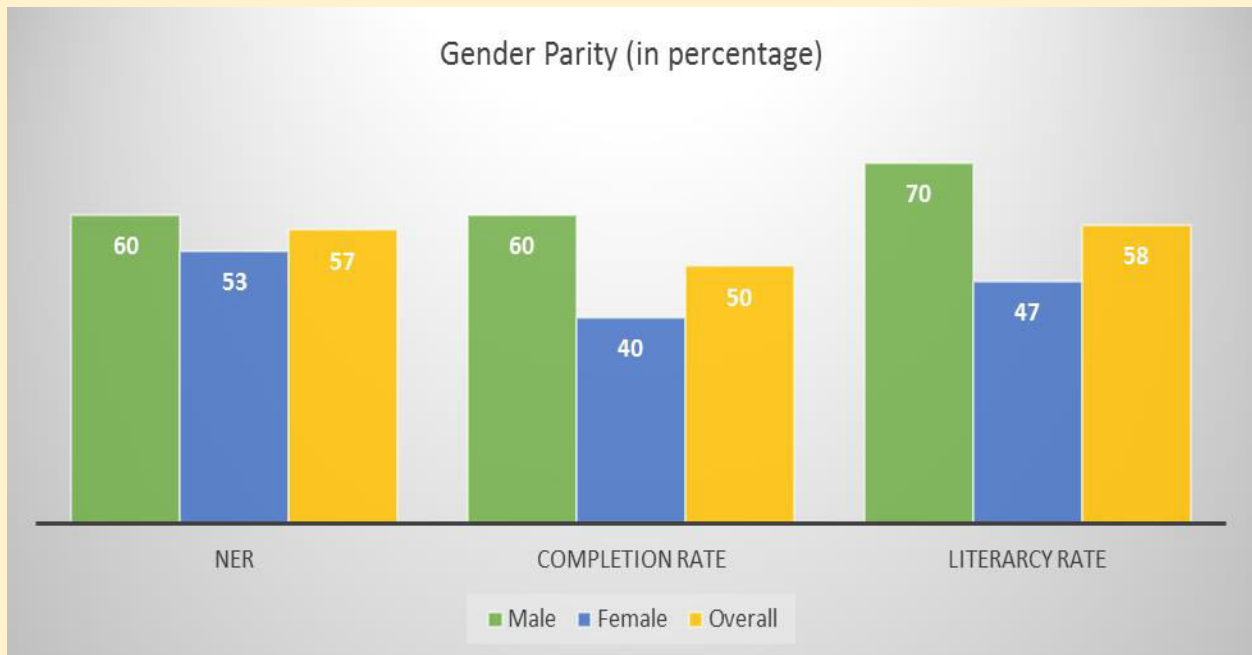
The government of Pakistan is also bound by international commitments to provide free and compulsory education to its subjects. Two of

the major commitments include Education for All (EFA) and MDGs. Some of the major efforts in the direction of achieving the aforesaid commitments included "Education Sector Reforms (ESR)" introduced in the year 2001 and "National Education Policy (NEP)" 2009.

As the indicators set for MDG-2 focuses on major issues of increasing Net Enrolment Rates (NER), improving Completion Rates (CR), increasing Literacy Rates and decreasing Gender parity in education sector. The NER in Pakistan has increased over the years from 46% in 1990-91 to 57% in 2013-14 but there is still a lot that is needed to improve the situation reach the target of 100%. The completion rate in the provinces and overall Pakistan are also below the mark as per the standards (100%) given in MDG-2, while literacy rates have increased also but the target of 88% is still far away.



The gender parity is also an issue for the government to deeply ponder upon. In all the areas of Pakistan generally and especially the rural areas of the country, the enrolment of females is quite low the completion rate is also alarming and literacy rate is worth a consideration.



The federating units in Pakistan were constitutionally required to pass their own legislations from their constituent assemblies in order to fulfill the mandate given to them by the

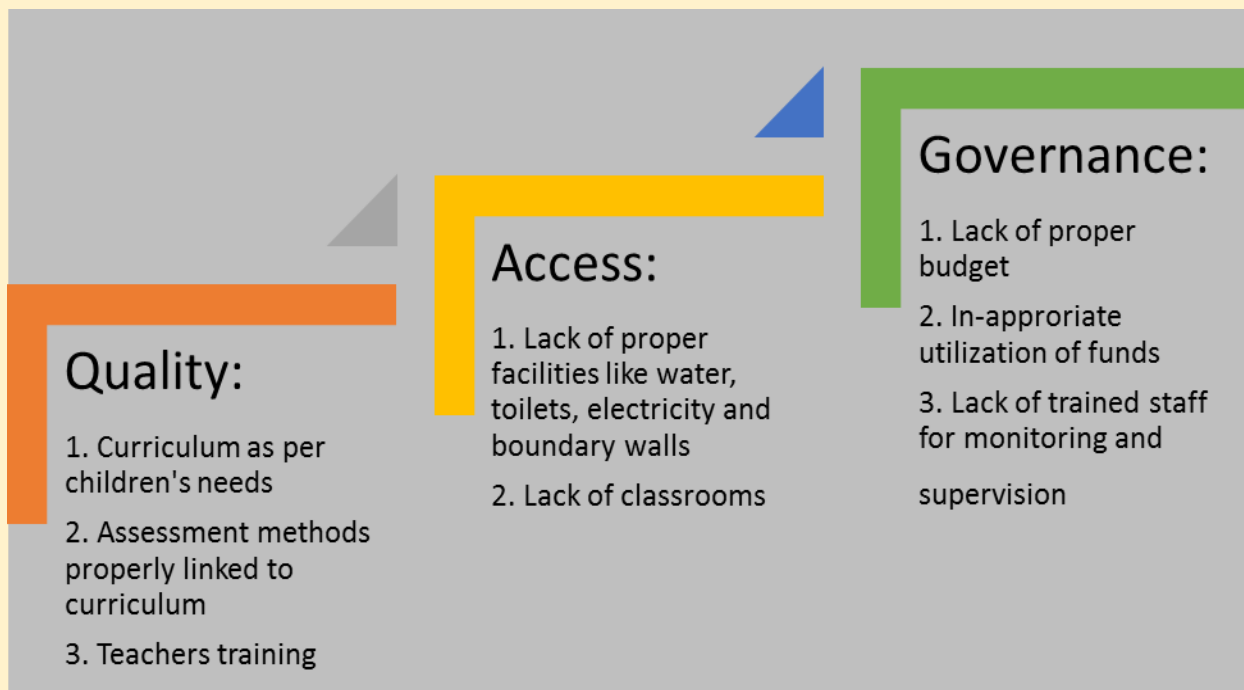
constitution of Pakistan after the 18th amendment in 2010. The situation of the legislations relating to free and compulsory education in the provinces is given in the below matrix:

Name of Area	Name of Act	Shortcomings of Legislations
ICT	The Right to Free and Compulsory Education Act, 2012	<ol style="list-style-type: none"> 1. Early Childhood Care and Education not included as part of primary education 2. Minimum standard requirements for a school not defined 3. No clause for regular capacity building and studies of teachers and a link of it to promotion. 4. Local government representative not included in improving NER, completion rates and overall management of schools
Punjab	The Punjab Free and Compulsory Education Act 2014	<ol style="list-style-type: none"> 1. Minimum standards of requirements for a school not defined 2. No clause for regular capacity building of teachers through courses and studies in order to improve teaching 3. The school management councils are not empowered properly so as to increase NER, improve completion rates and standards of education in schools
Sindh	Sindh Right of Children to Free and Compulsory Education Bill, 2013	<ol style="list-style-type: none"> 1. Minimum standard of requirements for a school not defined

		<ol style="list-style-type: none"> 2. Penalties for parents and schools are recommended in the act, while the process of penalizing is not clear 3. Involvement of local government elected representative in improving education system not included 4. No penalties for employers of child-labor. The employer shall be bound to bear the education expenses of children workers and penalty also recommended for non-compliance.
Khyber Pakhtunkhwa (KP)	<p>“the North West Frontier Province (NWFP) Compulsory Education Act 1996” is still applicable as the new Bill, in consonance with the constitution after the 18th amendment, named “to provide free and compulsory education to all children of the age 5-16 years” is yet to be floored in the provincial assembly</p>	<ol style="list-style-type: none"> 1. Current legislation is not in line with the constitution after the 18th amendment is passed 2. No involvement of the local government elected representatives and parents in school management councils 3. Lack of minimum standard of requirements for a school 4. Disaster Risk Reduction (DRR) shall be made part of schooling system as well as guiding principle for infrastructure development
Balochistan	The Balochistan Compulsory Education Act, 2014	<ol style="list-style-type: none"> 1. The act authorizes the school management committees to file a case against non-complying parent or employer, however school attendance authority shall also be given the same authority

		<ol style="list-style-type: none"> 2. Minimum standards of requirements for a school not provided in the act 3. Local government elected representatives shall be made part of the councils and shall be given needed authority in order to improve education system 4. DRR shall be made part of schooling system as well as guiding principle for infrastructure development in education sector.
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There are multiple issues in the education system that impedes the attainment of universal primary education in Pakistan. The said issues can clubbed into three major points of Governance, Access and Quality.



It must be understood at this point that on September 25, 2015, the world leaders joined hands at the “UN Sustainable Summit” to adopt the “2030 Agenda for Sustainable Development” that included a set of 17 Sustainable Development Goals (SDGs) to end poverty, fight inequality & injustice, and tackle climate change by the year 2030.

In short, the MDGs are slightly getting out of relevance with the new commitment called SDGs and the report in hand discuss, in the last chapter named “conclusion and recommendations,” the guiding note for the government of Pakistan in advance so that it can prepare itself properly for the SDG-4 (Quality Education for All) and provision of free and compulsory education in all parts of the country.