

LLM Thesis

Female literacy in Balochistan and CEDAW: A comparative study



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A dissertation submitted in partial fulfillment of the requirement for the award of
the Degree of LLM (Human Rights Law)

Submitted By

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*In the Name of Allah,
the Beneficent, the Merciful.*

The Holy Qur'an states:

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the Name of Allah, Most Compassionate, Ever-Merciful

(أَقْرَأْ بِاسْمِ رَبِّكَ الَّذِي خَلَقَ. خَلَقَ
الْإِنْسَانَ مِنْ عَلْقٍ. أَقْرَأْ وَرَبِّكَ
الْأَكْرَمُ. الَّذِي عَلِمَ بِالْقَلْمَنْ. عَلِمَ
الْإِنْسَانَ مَا لَمْ يَعْلَمْ)

(O Beloved!) Read (commencing) with the Name of Allah, Who has created (everything). He created man from a hanging mass (clinging) like a leech (to the mother's womb). Read, and your Lord is Most Generous, Who taught man (reading and writing) by the pen, Who (besides that) taught man (all that) which he did not know. [al-'Alaq, 96:1-5.]

The Holy Prophet (blessings and peace be upon him) said:

« طلب العلم فريضة على كل مسلم و مسلمة »

Acquisition of knowledge is binding on all Muslims (both men and women without any discrimination). *[Narrated by Ibn Maja in al-Sunan, 1:81 §224.]*

Hafeez Ahmed
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APPROVAL SHEET

FEMALE LITERACY IN BALOCHISTAN AND CEDAW:

A COMPARATIVE STUDY

BY

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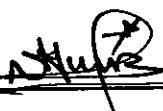
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Declaration

I, **Hafeez Ahmed**, hereby declare that this dissertation is original and has never been presented in any other institution. I, moreover, declare that any secondary information used in this dissertation has been duly acknowledged.

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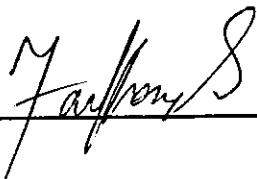


Dated:

01-08-2012

Supervisor: Dr. Farkhanda Zia

Signature



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Dated

01-08-2012

Dedication

Dedicated to Human Rights activists, whose courage and sacrifices made the human beings compel to respect the rights of his fellow beings, especially the rights of children and women throughout the world.

Acknowledgement

The researcher is deeply indebted to his supervisor **Dr. Farkhanda Zia, Prof. Brady Steel Coleman** and his all teachers of faculty of Shariah and Law International Islamic University Islamabad, for their great supervision, guidance and kindness which made it possible for the researcher to complete his research work.

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Acronyms

| | |
|---------------|--|
| AF | Aurat Foundation |
| BRSP | Balochistan Rural Support Programme |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| CRC | Convention on the Rights of the Child |
| DFA | Dakar Framework for Action |
| EFA | Education For All |
| GDP | Gross Domestic Product |
| ICCPR | International Covenant on Civil and Political Rights |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| INGO | International Non-Governmental Organization |
| MDG | Millennium Development Goals |
| MICS | Multiple Indicators Cluster Survey |
| NES | National Economic Survey |
| NGO | Non-Governmental Organization |
| NWFP | North West Frontier Province |
| SCSPEB | Society for Community Support for Primary Education in Balochistan |
| SPO | Strengthening Participatory Organization |
| UDHR | Universal Declaration of Human Rights |
| UNESCO | United Nations Educational, Scientific and Cultural Organization |

| | |
|---------------|--|
| UNGEI | United Nations Girls' Education Initiative |
| UNICEF | United Nations Children's Fund |
| UNO | United Nations Organization |
| USAID | United States Agency for International Development |
| WB | World Bank |
| WEF | World Education Form |

Abstract

This research paper attempts to explain the rights of women to education in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the challenges and opportunities of women education in Balochistan. International Human Rights Law has taken many steps for the protection of the rights of human beings through different conventions and treaties, especially the rights of women and girl child through the Convention on the Rights of Child (CRC) and CEDAW. Pakistan is party to different human rights Conventions and Covenants including CRC and CEDAW, these Conventions ensure the right of children and women including their rights to education, and obliges the States Parties to protect and promote these rights. The Constitution of Islamic Republic of Pakistan also ensures the right to education of all citizens as a fundamental right. It has been made a principle policy for the state by the constitution to provide free and compulsory primary education to all children. There are also some other Acts and Ordinances, which regulate primary education at provincial level in provinces except Balochistan. Pakistan has also made other international commitments to make primary education free and compulsory for all, especially for girls and make sure that these girls attend and complete the compulsory primary education. This research discusses the rights of women to education ensured by the Constitution of Islamic Republic of Pakistan, International Human Rights law especially CEDAW, compares the challenges and opportunities of female education in Balochistan with Punjab and also discusses the responsibilities of government, society and the International community, especially the committee on CEDAW in the realization of these rights.

Introduction

Education is a fundamental right of all human beings; this right has been granted and protected by the International Bill of Human Rights and by National laws of all modern Nation States. The right to education is also a fundamental right and is granted and protected by the Constitution of Islamic Republic of Pakistan. According to the constitution, "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".¹ Education is a fundamental right of all human beings without any discrimination on the basis of sex or any other status. The elimination of discrimination is also a fundamental right as given in the constitution, "all citizens are equal before law and are entitled to equal protection of law", it is further stated in the constitution that, "There shall be no discrimination on the basis of sex" and "nothing in this Article shall prevent the State from making any special provision for the protection of women and children."² So, elimination of discrimination is a fundamental right according to the constitution, there will not be any discrimination among the citizens and all are equal and specially there will not be any discrimination on the basis of sex, but due to vulnerability, exception has been given to women and children, that state can take temporary and special measures and can make special provisions for the protection of women and children.³

Besides ensuring education as a fundamental right of all citizens, the Constitution in the chapter of Principles of Policies states, "the State shall remove illiteracy and provide free

¹ The constitution of Pakistan, article 25A

² Ibid article 25, sub article 1, 2 and 3.

³ Ibid

and compulsory secondary education within minimum possible period;”⁴ and “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”⁵ and regarding the participation of women it is given that, “Steps shall be taken to ensure full participation of women in all spheres of national life.”⁶

The other enactments for ensuring primary and compulsory education are:

The Punjab Compulsory Primary Education Act, 1994;

The NWFP Compulsory Primary Education Act, 1996;

Sindh Compulsory Primary Education Ordinance, 2001 and

Islamabad Capital Territory Compulsory Primary Education Ordinance, 2002,

Under these laws the parents and other legal guardians are bound to send their children to school until they complete primary education.

It is stated in the Punjab Compulsory Primary Education Act, 1994, that, “The parent of a child shall except in the case of a reasonable excuse cause a child to attend a primary school until the child has completed the primary education course.”⁷ These reasonable excuse for non-attendance are, “where the prescribed authority is satisfied that, the child is incapable of attending school due to sickness or infirmity or that by reason of the child’s mental incapacity, the child is receiving instruction at home or where there is no school with in a distance of two kilometer, from the residence of child.”⁸

But in Balochistan there is no such enactment for the primary and compulsory education so,

⁴ Ibid article 37-b

⁵ Ibid article 37-f

⁶ Ibid article 34.

⁷ The Punjab Compulsory Primary Education Act, 1994 section 3.

⁸ Ibid section 4

there is a dire need for such enactments.

Education is one of the priorities for the Government of Pakistan; despite of many challenges it faces to meet its educational needs the government of Pakistan has made several educational policies in series since independence to provide education to all citizens of Pakistan.⁹

Though the education is a priority for the Government of Pakistan but the public spending on education is around 2% of GDP, it increased and decreased simultaneously, but it is always around 2% of GDP. It was 2.21% during the year 2005-2006 and 2% in 2009-2010,¹⁰ which is reasonable if not satisfactory for the developing countries like Pakistan however it needs proper spending. This public spending on education is very low when compared to other developed and welfare States of the world like United Kingdom spends 4.5% of GDP on education,¹¹ and is reasonable when compared to other developing countries like Bangladesh, which spends 2.6% of GDP on education.¹²

The elimination of discrimination against women and the protection of rights and dignity of women is also a priority for the Government of Pakistan. Since independence, many laws and policies has been promulgated to protect the rights of women in all fields of life as well as in the field of education. In this regard a commission was constituted by the Government of Pakistan in 1994 to discuss all existing laws and present a report regarding women issues and discrimination faced by women. The commission presented

⁹ "National Education Policy 2009," *Ministry of Education Government of Pakistan*, p. 7, www.moe.gov.pk/hepr/NEP_2009.PDF. (last visited: 07, 01, 2012)

¹⁰ For more details visit: <http://www.moe.gov.pk/faqs.htm?#q9> and <http://www.columnpk.com/budget-2011-2012-decline-in-spending-on-education-and-health/>. (last visited: 25,07, 2011)

¹¹ "The EFA 2000 Assessment: Country Reports United Kingdom," http://www.unesco.org/education/wef/countryreports/united_kingdom/rapport_2_4.html. (last visited: 08, 01, 2012)

¹² "The EFA 2000 Assessment: Country Reports Bangladesh," http://www.unesco.org/education/wef/countryreports/united_kingdom/rapport_2_4.html. (last visited: 08, 01, 2012)

the report in 1997, headed by a retired judge of Supreme Court Justice Nasir Aslam Zahid and participated by Human Rights activists, which was later on known as, “Commission of Inquiry for Women Report 1997.”¹³ The Commission suggested amendments to different discriminatory laws and formulation of a body to monitor the implementation of rights of women which includes, right to employment, health, education and elimination of discrimination against women, this report was one of the most influential report in the history of Pakistan and paved the road for the amendment of certain laws and also for the promulgation of new legislation to guarantee and protect women’s rights in the country. The “Protection of Women (Criminal Laws Amendment) Act, 2006”, and “Anti-Women Practices (Criminal Laws Amendment) Act, 2011” are two amendments made to the criminal laws of Pakistan to protect the rights of women and criminalize certain practices committed against women due to cultural prejudices and to eliminate the discrimination against women. Before these Amendments, many criminal practices were committed against women in the name of culture and criminals were not prosecuted, for example, forced marriages which are locally called “*watta satta*” (exchange of women for marriage) were practiced in the name of culture but now it is criminalized under section 365B of Pakistan Penal Code¹⁴ as amended by Protection of Women (Criminal Laws Amendment) Act, 2006¹⁵ and the criminals will be prosecuted under this section.

“The Protection against Harassment of Women at the Workplace Act 2010” was promulgated by the parliament to protect the fundamental rights of woman to dignity of person as ensured by the Constitution of Pakistan and eliminate discrimination committed

¹³ “Commission of Inquiry for Women Report 1997,” *Law and Justice Commission of Pakistan*, <http://www.ljcp.gov.pk/Menu%20Items/Publications/Summary%20of%20reports%20of%20Ad%20hoc%20Commissions/3-summary%20of%20reports%20adhoc%20commissions.htm>. (last visited: 27, 02, 2012)

¹⁴ Pakistan Penal Code (1860) Section 365B

¹⁵ Protection of Women (Criminal Laws Amendment) Act, 2006

against them at workplaces, public places, in education and other institutions to make sure the participation of women in all fields of life as a work force for the building and development of State and Nation which cannot be achieved without the participation of half of the population (comprising of women).¹⁶

Beside the above mentioned fundamental rights ensured to women by the constitution of Pakistan and other laws of the land, these rights are also recognized by International Laws, Declarations and Conventions as fundamental and inalienable rights of all human beings and the Nation States as a part of International Community have pledged to achieve these rights for their citizens.

Pakistan is a part of International Community and a member state of United Nations vows certain duties and responsibilities to the International Community through certain organizations; such as UNO and its other committees due to rectifying certain treaties and conventions.

The Universal Declaration of Human Rights (UDHR) adopted by United Nations General Assembly on 10th December 1948, is the first concise document on human rights, Article 1 of the declaration states, "all the humans are born free and are equal in rights and dignity"¹⁷ and article 26 states that, "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory."¹⁸

So, it means that male-female are equal in rights and dignity, have equal rights to education without any discrimination on the basis of sex, or any other status. Though the

¹⁶ "Protection against Harassment of Women at the Workplace Act 2010," *Planning Commission Government of Pakistan*, <http://www.pc.gov.pk/protection-against-harassment.htm>. (last visited: 15, 03, 2012)

¹⁷ Article, 1 UDHR

¹⁸ Ibid article, 26

UDHR is a declaration and generally declarations are not legally binding like conventions but UDHR differs from the other declarations because, most of the provisions of this declaration have been incorporated in the subsequent conventions and covenants such as CRC, ICESCR, ICCPR and CEDAW and are the part of customary international law therefore are legally binding.

The Convention on the Rights of the Child (CRC), adopted by United Nations General Assembly on 20th November 1989, is a document on the rights of the child, legally binding on the States Parties to this Convention, to which Pakistan is also a party. The Convention consists of internationally agreed and inalienable rights of child that includes social, cultural, economic and other fundamental rights of child. This Convention also recognizes the right to education for all without any discrimination on the basis of sex; States Parties are bound to uphold the realization of right to education. It's Article 28 particularly discusses the rights of child to education. It refers, states shall recognize the rights of child to education, will make basic education compulsory and free, higher education shall be available to all human beings. States shall provide equal opportunities to all children and make special measures to encourage more attendance at school.¹⁹

International Covenant on Economic, Social and Cultural Rights (ICESCR) to which Pakistan is a party was adopted by United Nations General Assembly on 16th December 1966 and entered into force on 3rd January 1976. This is a Covenant on economic, social and cultural rights of all members of human family and States Parties to the Covenant are legally bound to recognize and implement the rights. This Covenant among other fundamental rights also identifies the right to education of all people, it is stated in the article 13 of the Covenant that, the States Parties shall recognize the right of every one to

¹⁹ Article 28, Convention on the Rights of Child

education; education has to be directed to development of human personality and dignity and for the realization of fundamental human rights and freedoms. Primary education shall be compulsory and free for all, secondary and higher education in different forms, such as technical and vocational, education shall be accessible for every one. Fundamental and basic education shall be encouraged; the development of a system of school at all level shall be achieved.²⁰

Pakistan is also a party to the International Covenant on Civil and Political Rights (ICCPR), adopted on 16th December 1966 and entered into force on 23rd March 1976. This convention recognizes and upholds fundamental rights especially civil and political rights of all human beings at large. This Covenant obliges the States Parties "to ensure equal right of men and women to enjoy all civil and political rights",²¹ further refers, "States shall respect the liberty of parents or legal guardians to ensure the religious and moral education of their children"²², for the elimination of discrimination it is given in the Covenant that, "all persons are equal before law and entitled without any discrimination to the equal protection of law". This Covenant also respects the equality and non-discriminatory rights of men and women in all fields of life specially civil and political rights.²³

The above mentioned National and International laws are those laws which respect and uphold the rights on all human beings at large. From the Constitution of Pakistan to the International Declarations, Conventions and Covenants, the researcher discussed the human rights generally and specially the rights of women to education, now the

²⁰ Article 13, International Covenant on Economic, Social and Cultural Rights

²¹ Article 3, International Covenant on Civil and Political Rights

²²Ibid, article 18, sub-article 4

²³ Ibid, article 26

researcher will discuss the convention on the rights of women on which most of this study is based.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted by UN General Assembly on 18th December 1979 and entered into force on 3rd September 1981. This convention is an international bill of rights for women, to which Pakistan is a party. Being a party to CEDAW, Pakistan is bound to eliminate gender inequality and discrimination against women.

CEDAW is a core for female equality in all fields of life, it obliged states parties to eliminate discrimination against women and take temporary and special measure for the realization of rights of women as ensured by the convention. As my study is about female literacy, it discusses the equality ensured by CEDAW in the field of education. Education, which is a fundamental right of both men and women, must be ensured without discrimination.

Article 10 of CEDAW states that:

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women.

CEDAW which is an international legally binding convention on the elimination of discrimination against women obliges states parties to eliminate discrimination against women in all fields of life including education. After discussing legal duty of state which it vowed under different national and international laws now the researcher will discuss the current situation of education in Balochistan and especially the opportunities and challenges for women education.

Balochistan is one of the four provinces of Pakistan. It is the largest province in terms of geographical area of Pakistan consisting of 43% of the total area of country. According to the 1998 census, the population of the province was roughly 6.6 millions. Balochistan is the largest in size, the smallest in population, and the poorest of Pakistan's four provinces.²⁴ Being the poorest and most underdeveloped, the rate of education in Balochistan according to the National Economic Survey (NES) of 2005 is 34% and among this 34% the female education ratio is approximately 10%²⁵. There are many factors involved in this poor ratio of female literacy, some of them are, economic hardships, lack of opportunities, social and cultural prejudices and the concept of superiority and inferiority on the basis of sex.²⁶

There are limited educational opportunities in Balochistan generally and especially for women. Balochistan is the 43% of total landscape of Pakistan with the population of 6.6 million, has a very scattered population with a density of 12 per kilometer, which is lowest in Pakistan.²⁷

According to the, Pakistan Educational Statistic 2008-2009 the number of girls educational institutions are 2,980 in rural and 475 in urban areas of Balochistan. The total number of institutions is 3,455. The number of Primary schools is 2,981, Middle schools are 311, High schools are 142, 1 Higher Secondary, 9 Inter colleges and 11 Degree colleges. The enrolment in these institutions is also not satisfactory, which is 3,927. The

²⁴“Balochistan,” *Global Security.org*, <http://www.globalsecurity.org/military/world/pakistan/baloch.htm>. (last visited: 26,07,2011)

²⁵ For more details visit, < <http://www.interface.edu.pk/students/June/Balochistan-literacy-rate.asp> > (last visited: 23,02,11)

²⁶ Barbara Herz, *EUCATING GIRLS IN SOUTH ASIA: PROMISING APPROACHES*, p. 14 http://www.ungei.org/resources/files/unicefrosa_educatinggirlsinsouthasia.pdf . (last visited: 23, 11, 2011)

²⁷“Balochistan,” *Global Security.org*, <http://www.globalsecurity.org/military/world/pakistan/baloch.htm> (last visited: 26, 07, 2011)

number of Universities is 8; among them are 2 private and 6 public universities (for girls and boys both).²⁸ These Institutions are too less to fulfill the need of an area of 347000 square kilometer, of a scattered population with a density of 12 persons per kilometer.²⁹ Because of the poor number of institutions about 57% of girls are out of school.

Women of Balochistan are mostly unaware of their basic rights to education. Access to all levels of education is crucial to empower women and enable them to participate in all spheres of life in their societies.

The aim of the current study is to compare the rights of women to education in CEDAW, the opportunities available to them in Balochistan, bring to light the challenges faced by them in education and the responsibilities of government, society and the International community, especially the committee on CEDAW. This research will help the Government and other International Donor Organizations to spend more on female literacy and also help the women of Balochistan to know and understand about their fundamental right to education, as it is a saying that one boy gets education for himself, whereas one girls education is education of a family.

For the current study, I have used the following research method:

The primary source of the study is CEDAW and National laws related to education, a comparative analysis of challenges and opportunities for female literacy in Balochistan with Punjab, for this I have used different sources; such as the reports and studies of local and International NGOs working in Balochistan generally and specially those which are

²⁸ "Pakistan Education Statistics 2008-09," <http://www.aepam.edu.pk/EducationStatistics08-09.pdf> . (last visited: 27, 07, 2011)

²⁹ "Balochistan," *Global Security.org*, <http://www.globalsecurity.org/military/world/pakistan/baloch.htm>. (last visited: 27, 07, 2011)

working on children and women and articles, news and studies of different local and national news papers and magazines.

The researcher has also used these sources for the study. The Pakistan Ministry of Education also has published several reports, educational statistics, policy reviews and annual education policy. There are also many reports and research available on the internet conducted by international and national organizations.

Beside the above mentioned sources, the first and foremost sources will be the books and Articles available in the different national libraries. The researcher has also used internet as a source for his research, which is no doubt a potentially invaluable source as long as one is careful about sources and websites.

This study is a comparative analysis of the provisions of CEDAW and the challenges and opportunities of female literacy in Balochistan.

Chapter 1 of the study is a discussion on the rights of women in CEDAW generally and especially the women rights to education, the provisions of CEDAW regarding the elimination of discrimination against women. The chapter also includes a discussion on committee to CEDAW, the reporting process of states to committee and its discussions on the reports, the recommendations of committee to the states parties and its role for the elimination of discrimination against women.

The second chapter is a discussion on the current opportunities of women education in Balochistan which includes the opportunity of education at home, the opportunities of women education in the government sector, the opportunities in non-governmental and other private organizations.

The third chapter is a discussion on the challenges faced by women in the field of education. There are many challenges, which are economic, social, cultural and religious. The economic challenge persists in most of the areas in Balochistan, because most of the families living in Balochistan are poor, there are social challenges because women are deemed inferior than men in the society. Due to the cultural prejudices women also face many challenges. The discussion also includes the challenges faced by women at home, at educational institutions and in the society.

In the forth chapter there is a discussion on the responsibilities for the female literacy. Among other responsibilities, it is also the responsibility of a modern state to educate its citizens. Education is a fundamental right of all human beings without any discrimination what so ever. According to the constitution of Pakistan, "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".³⁰ So it is the responsibility of State to provide basic and compulsory education to its citizens. Though it is the responsibility of state to educate its citizens but for the failure the state can not only be held responsible.

Education is a right of every citizen and every right has a corresponding duty if the citizens are not performing their duties to get their rights than a State cannot be blamed. So the chapter also includes a discussion on the responsibility of parents and the society. The international community and international organizations as they are working on human rights, they are being funded for there work also have some responsibilities to play in the field of education especially women education. The committee to CEDAW which is a monitory body and monitors the implementation of CEDAW by states parties, the responsibilities of this committee has also been discussed in chapter four of this

³⁰ The constitution of Pakistan, article, 25A

study.

The last chapter is a comparative analysis of the provisions of CEDAW generally and especially the provisions related to rights of women to education with the current scenario of women education in Balochistan. The chapter also includes recommendations and a conclusion of the study.

Literature review

Due to their relatively odd nature as well as the characteristic in these topics, much debate and discussion has been carried out for the topic of female literacy and gender equality.

But most of this literature involves the gender inequality ratio in education besides enrolment of female and male without any geographical specification that focuses on Balochistan in the present research. This literature does not include lots of discussion about the challenges and opportunities to female literacy as relevant to CEDAW.

Imran Sharif Chaudhry and Saeed Ur Rahman in the findings of their paper have stated that:

“I. Gender Inequality in education has significant impact on rural poverty. Female-male enrolment ratio, female male literacy ratio, female-male ratio of total years of schooling of population, education of household head, female-male ratio of earners, age of household head, asset holding and land holding are significant variable having negative impact on the probability of being rural poor.

II. Household size and female-male ratio of members or sex ratio have strong positive relation with the rural poverty and the

large presence of these variables increase the probability of being poor".³¹

In these findings which are quoted above they have discussed the impact of education on rural poverty.

They concluded that, "the incidence of poverty is higher in households with lesser number of enrolled or literate females, low educational qualification of females, greater number of females, low or no female participation in earning activity".³²

Their discussion is only on the rural poverty and according to them inequality in education has a significant impact on rural poverty. True, but the question is what are the factors for inequality in education? This question is not raised or answered by them in their discussion.

Monazza, in her report on Rates of Return to Education by Gender in Pakistan concluded that, "While Pakistan's large and constant gender gaps in education are well-documented, their existence and obstinacy has proven more difficult".³³

She further explains that:

Gender gaps in education in Pakistan are based on the investment motive, that if the labor market rewards men's schooling more than women's or if it more generally discriminates among the two genders, parents may have an incentive to invest more in boys education.³⁴

³¹ Imran Sharif Chaudhry and Saeed Ur Rahman, "The Impact of Gender Inequality in Education on Rural Poverty in Pakistan: An Empirical Analysis," *European Journal of Economics, Finance and Administrative Sciences*, no.15 (2009), p. 186. Also available at: http://www.eurojournals.com/ejefas_15_13.pdf. (last visited: 11, 06, 2011).

³² Ibid

³³ Monazza, "Rates of Return to Education by Gender in Pakistan," *Global Poverty Research Group*, p. 2, <http://www.gprg.org/pubs/workingpapers/pdfs/gprg-wps-064.pdf>. (last visited: 15, 06, 2011)

³⁴ Ibid.

In the justification of why the parents wants to invest more on males than females, she argues that, "The rewards to females are less than to males in Pakistan's labour market and the return to educating females is lower than that for men".³⁵

Her discussion and conclusion is all on the economic factor. According to her gender gaps in education is because of the labour market reward which is less than man's reward. But she did not discuss the social factor³⁶. According to my view the social factor seems to be more responsible than the economic factor.

In most of the rural areas of Pakistan women education is not appreciated by the community at large. For example, in some rural communities there are certain fixed fields for women where she can work after education like in the field of education and health whereas in certain other fields they are not appreciated to join, for example in public administration and bureaucracy. This phenomenon is totally a social phenomena and it is needed to be changed through campaigning and raising awareness in the society.

With regard to public investment and benefit factor, according to Muhammad Saber, "Gender disaggregated benefit analysis of public spending on education can be used to describe why the poorest income quartile has less access to public education specially at the higher level of education".³⁷

He has given the example of Balochistan, "For example in Balochistan, males in the poorest quartile receive 14 percent and 17 percent of the subsidy at primary and secondary level, while females in the poorest quartile receive 9 and 4 percent".³⁸

³⁵ Ibid.

³⁶ Ibid.

³⁷ Muhammad Sabir, "Gender and Public Spending on Education in Pakistan: A Case Study of Disaggregated Benefit Incidence," *Pakistan Institute of Development Economics* 41, no.4 (2005), p. 17, also available at: <<http://ideas.repec.org/p/wpa/wuwppe/0503005.html>> (last visited July 01, 2011).

³⁸ Ibid.

However his discussion on the public investment on the education and he proved that the public invests less on female than male but he could not prove that why this trend is in existence in our society?

Chapter I

Rights of Women to Education and the Convention on the Elimination of All Forms of Discrimination against Women

1.1 Introduction

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the United Nations General Assembly on 18th December 1979 and entered into force as an international treaty on 3rd September 1981.¹ This Convention is the outcome of decades of hard work by Non-Governmental Organizations (NGOs), the United Nations Organization (UNO) and different other Human Rights activists. The Convention is a further illustration of the basic principle of the UNO which is “equality of rights for all human beings without any discrimination”.² CEDAW is the first exclusive convention on the rights of women and eliminates all forms of discrimination against women. CEDAW defines discrimination against women as:

....any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by woman, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.³

Among other obligations shouldered by the state parties by virtue of ratifying CEDAW,

¹ “Division for advancement of woman department of economic and social affairs,” *UNO*, <http://www.un.org/womenwatch/daw/cedaw/>. (last visited: 01, 07, 2011)

² UN Charter, preamble

³ Article 1, CEDAW

the equal right to education for male and female citizens is one of them and these States are also obliged to eliminate discrimination against women in the field of education.⁴ Educating women will also play an important role for the elimination of discrimination in other segments of life where women suffer.

The International human rights law is the advocate of the right to free and compulsory education for all children of the world. Among other obligations it is also obliged on State Parties to CEDAW and other Conventions to provide free and compulsory education to all citizens without discrimination. The right to schooling at minimum level is a fundamental right and is essential for a person's abilities.⁵

The non-discriminatory and equal right to education is another core element for the right to free and primary education. Discrimination against women in education especially in primary education, whether implied or expressed is against the fundamental human rights, offends the dignity of child and will undermine the ability of child. Such discrimination has a far-reaching impact on the personality of an individual that's why it is addressed in the most of international and national instruments including the constitution and CEDAW.⁶

At the United Nations Millennium Summit in September 2000, the governments vowed to ensure that most of the children in the world would be able to attend and complete primary compulsory education and also that, girls and boys both would have equal and same opportunities to attend school by 2015 to which Pakistan is also a signatory. Among

⁴ See Article 10, CEDAW.

⁵ L. Elizabeth Chamblee, "Rhetoric or Rights?: When Culture and Religion Bar Girls' Right to Education," *Virginia Journal of International Law Association*, 2004, p. 4, also available at: <http://www.lexis-nexis.com/terms/general/>. (last visited: 26, 03, 2012).

⁶ Maria Herminia Graterol & Anurag Gupta, "Girls Learn Everything: Realizing the Right to Education Through CEDAW," *New England Journal of International and Comparative Law*, 2010, p.5, also available at: <http://www.lexis-nexis.com/terms/general/>. (last visited: 16, 03, 2012).

the eight Millennium Development Goals (MDGs) two of them focused on primary compulsory education, making it free and compulsory for all, especially for girls and eliminating gender discrimination and ensuring gender parity in education by 2015. Twelve years after the Summit, though the school attendance has increased in many parts of the country but still many children are out of school especially in the remote and under developed rural areas such as the rural areas in Balochistan. And most of the children who are out of school are girls, among them are those who do not have access to school, those who never attended school and those who do not complete primary education. Unluckily, Pakistan could not achieve Millennium Development Goals by 2012 and it is unlikely that it can be achieved in mere two years, which could not be achieved in twelve years; this targeted date was to create gender parity in education by 2015.⁷

Like the Millennium Development Goals Pakistan has also made international commitment to implement the Dakar Framework for Action (DFA). The World Education Forum (WEF) at its Dakar Framework for Action set the "Education For All" (EFA) goals. These goals focused to improve the early childhood care and education, making primary education free and compulsory for all, especially for girls and make sure that these girls attend and complete the primary compulsory education, young literacy would be improved particularly for women by 2015, equality in access and continuity in adult education, eliminating gender disparity and improving the quality of education.⁸

Gender equality in education is also one of the goals and target set by the MDGs, the

⁷ "International Conference on Gender and Human Development Marriott Hotel, Islamabad, Pakistan, 22-24 February 2005," p. 1, also available at: <http://www.un.org.pk/undp/publication/PMDGR05.pdf> (last visited: 16, 03, 2012).

⁸ "The Dakar Framework for Action, Education for All: Meeting our Collective Commitments," UNESCO, p.5-6, <http://www.unesdoc.unesco.org/images/0012/001211/121147e.pdf>. (last visited: 16, 03, 2012)

Dakar Framework and other international commitments made by Pakistan. There is much discussion that, how the realization of these targets and goals of making the education available to all can be achieved. Education can transform societies and make them more civilized through which the realization of human rights can be achieved and provide equal opportunities for women and men. It is clear that the full realization of the right to education for women and girls has not been achieved and that bringing in CEDAW to the current discussion would add significant value to women's and girls' educational rights.⁹

CEDAW is a core convention which mainly and solely stands for women's rights. Education is a fundamental right of all human beings without any discrimination. This right has been ensured and protected by National and International Laws, from the Charter of United Nations to the International Bill of Human Rights.

The Universal Declaration of Human Rights also ensures equal rights for all in every field of life. Similarly, CEDAW also obligates all states parties to take appropriate measures to eliminate any kind of discrimination in the field of education in terms of article 10.

CEDAW can be used to eliminate the discrimination committed against women in the field of education. The right to compulsory and primary education for boys and girls has been ensured on equal basis according to Articles 1, 5, 10, and 14 of the CEDAW Convention. The elimination of discrimination against women in the field of education will automatically eliminate other discriminations committed in other fields of life involving them. The realization of the right to basic and primary education will facilitate

⁹“International Conference on Gender and Human Development Marriott Hotel, Islamabad, Pakistan, 22-24 February 2005,” p. 4, also available at: <http://www.un.org.pk/undp/publication/PMDGR05.pdf> (last visited: 16, 03, 2012).

the women to know their basic and fundamental rights entailing different duties.¹⁰

Educating the female members of society will help them to have a say against the violation of their rights by their fellow beings and without education the realization of women human rights is impossible.

The prohibition of discrimination against women in CEDAW also includes and prohibits the discrimination committed with them in the field of education. The Convention, when implemented in letter and spirit locally through state legislation, will address and eradicate the violations committed against this vulnerable segment of the society so far education is concerned.¹¹

To conclude in one sentence, CEDAW is a realization of the dreams of women which covers and protects the rights of women and eliminates discriminations committed against them in all fields of life, including the field of education.

¹⁰ Maria Herminia Graterol & Anurag Gupta, "Girls Learn Everything: Realizing the Right to Education Through CEDAW," *New England Journal of International and Comparative Law*, 2010, p. 5-6, also available at: <http://www.lexis-nexis.com/terms/general/>. (last visited: 16, 03, 2012).

¹¹ *Ibid.*

1.2 Gender Equality in CEDAW

Despite progress made since the enforcement of CEDAW on 3rd September 1981, gender inequality persists in all regions and societies and violation of women's rights continues to date.¹² Though much progress has been made but still women are not being treated as equal to men in rights and dignity and equality with men is more like a dream for them. Since the enforcement of CEDAW gender equality received unprecedented attention at the international level. The main objective of CEDAW is to eliminate discrimination, which on the other hand means it protects and promotes gender equality. In the term of gender equality CEDAW states that:

States parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

(Article 3)¹³

Like other human rights treaties and conventions CEDAW also focuses on the elimination of discrimination against women and emphasizes the equality of both sexes without any discrimination. CEDAW is a convention on the human rights of women and protects and promotes their rights in every field of life. Being human, women have the same rights and dignity as their fellow beings. The convention describes that the discrimination will have a negative impact on the daily life of the women and female children in general and specially in education, locates a framework for outlawing sex

¹²"Gender Equality Beyond 2005:Building a More Secure Future BACKGROUNDER International Women's Day 2005." *UNO*, www.un.org/events/women/iwd/2005/feb%20womens.pdf (last visited: 24, 05, 2011)

¹³ Article 3, CEDAW

based discrimination and describes a regulation for the realization of equality among male and female.¹⁴

All the states parties to this convention are legally bound to ensure through their legislation and in practice eradicate sex based discrimination and ensure equality among men and women which is the core objective and the purpose of this convention.

1.3 Equality in Education

CEDAW is a core human rights document, a tool for the eradication of gender inequality and a guiding principle for the elimination of discrimination against women, and states party to this convention have the obligation to bring equality among both sexes of human beings in all fields of life as well as in the field of education.¹⁵

Education is a basic human right. Like all other rights, it is universal, inalienable and for every one without any discrimination. For the equality in the field of education CEDAW states that:

States parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational trainings;

¹⁴ Maria Herminia Graterol & Anurag Gupta, "New England Journal of International and Comparative Law," *Girls Learn Everything: Realizing the Right to Education Through CEDAW*, 2010, p. 8-9, also available at: <http://www.lexis-nexis.com/terms/general/>. (last visited: 16, 03, 2012).

¹⁵ Ibid

- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The same opportunities to benefit from scholarships and other study grants;
- (d) The same opportunities to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (e) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (f) The same opportunities to participate actively in sports and physical education;
- (g) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.¹⁶

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So, in the above mentioned Article, CEDAW obligates states parties to take all appropriate measures to eliminate discrimination in the field of education. States are further said to legislate laws, reduce the female dropout in school, and provide the same opportunities, same staff and same environment for education to female as provided to male citizens.

The second thing which is stressed in this article is the elimination of a stereotyped concept in the roles of men and women in the society and defining different fields for men and women.

Like other fields of life, education is also one of them in which there is discrimination against women. There are a lot of causes in the discrimination against women in the field of education, like the boys are thought to be more deserving than girls and other

¹⁶ Article 10, CEDAW

stereotyped concept for the role of men and women. CEDAW stresses the elimination of discrimination in education like any other field.

1.4 National Laws on Education

Besides International covenant and conventions the national laws of State also recognize and protect the right to education of all citizens. The Constitution of Pakistan in the chapter of Fundamental Rights discusses the education and ensures it as a fundamental right of all citizens. It is stated in the constitution that, “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”,¹⁷ which indirectly mean education from class 1 to class 10 because mostly a child starts school at the age of five and almost reaches or completes class 10 by 16 years. Though the constitution does not mention specifically the women education but in the subsequent articles it is stated that, “there shall be no discrimination on the basis of sex” and “nothing in this Article shall prevent the State from making any special provision for the protection of women and children.”¹⁸ So it means that “all children” in the first cited article definitely mean both male and female children and as cited in the subsequent article there would not be any discrimination on the basis of sex. After ensuring education as a fundamental right, the constitution in the chapter of principal of policies states that, “the State shall remove illiteracy and provide free and compulsory secondary education within minimum possible period,”¹⁹ and “enable the people of different areas, through education, training, agricultural and industrial

¹⁷ The constitution of Pakistan, article 25A

¹⁸ Ibid article 25, sub article 1, 2 and 3.

¹⁹ Ibid article 37-b

development and other methods, to participate fully in all forms of national activities, including employment in the service of Pakistan.”²⁰ The state vows to remove illiteracy and provide free education to all citizens from primary to secondary including technical education.

The other laws and enactments regarding education including The Punjab Compulsory Primary Education Act, 1994; The NWFP Compulsory Primary Education Act, 1996; Sindh Compulsory Primary Education Ordinance, 2001 and Islamabad Capital Territory Compulsory Primary Education Ordinance, 2002.

The Punjab Compulsory Primary Education Act, 1994 was promulgated on December 5, 1994 consists of 8 sections and a preamble. Section 1 states, about the title, extent and commencement. Its section 2, defines a child, parents, primary school and primary education, according to which child means a child either male or female whose age is not less than five and not more than ten, that of school age, parents include parents and any other legal guardian, primary school means a school where primary education is given and primary education means education from basic to fifth class.

According to the said Act, “The parent of a child shall except in the case of a reasonable excuse cause a child to attend a primary school until the child has completed the primary education course.”²¹ And these reasonable excuses are:

- (a) Where the prescribed authority is satisfied that the child is incapable of attending school by reason of sickness or infirmity or that by reason of the child’s mental incapacity it is not desirable that the child should be compelled to carry on his study further;

²⁰ Ibid article 37-f

²¹ The Punjab Compulsory Primary Education Act, 1994 section 3.

- (b) Where the child is receiving otherwise than in a school, instruction which in the opinion of the prescribed authority, is sufficient; or
- (c) Where there is no school within a distance of two kilometers measured according to the nearest route from the residence of the child.²²

Section 5 empowers the Government to assign one or more School attendance authority and also discusses about the power of authority, section 6 states the Offences and punishments, section 7 empowers the Government to make rules for the implementation of said Act and section 8 is about the repeal of, "The Punjab Primary Education Ordinance, 1962".

Similarly, the NWFP Compulsory Primary Education Act, 1996; Sindh Compulsory Primary Education Ordinance, 2001 and Islamabad Capital Territory Compulsory Primary Education Ordinance, 2002 also includes almost the same provisions as in the Punjab Compulsory Primary Education Act, 1994. These Acts and Ordinances only differ in extension because each extends to its respective territory. But in case of Balochistan, there is not any such compulsory primary education or any other education related Acts or Ordinance and there is a dire need of such laws in order to regulate education and make it compulsory at least at primary level as ensured by the constitution.

These Acts only regulate primary education and there is not any Act regarding the regulation of higher education in Pakistan, though the Constitution guarantees the free and compulsory secondary education. It is given in the said article that, "the State shall remove illiteracy and provide free and compulsory secondary education within minimum

²² Ibid section 4

possible period".²³

1.5 CEDAW Committee and its role for Women's Education

The UN Committee on CEDAW was established in 1982, is composed of 23 members, experts on CEDAW from around the world.²⁴ The Committee was established under Article 17 of the convention. The Committee is a monitoring body. It monitors and watches over the implementation of CEDAW by the States Parties. All States Parties to this Convention are obliged to submit a report to the Committee on the measures taken for the implementation of the Convention within one year after the entry into force for the State concerned, after that every four years and also on the request of the Committee whenever done so, under the supervision of Article 18 of the Convention. The Committee discusses these reports with the officials of these States, comments and makes recommendations on the issues which it believes the States should take effective measures.

In the field of education the Committee has recommended to the States Parties to CEDAW to take temporary and special measures to ensure gender equality in education, take affirmative action, set legal frame works and provide adequate resources so that the girls could have equal access to primary, secondary and in higher education.²⁵

Likewise the Committee in the concluding comments of its twenty-fifth session has

²³ Article 37-b, Constitution of Pakistan, Dr. Muhammad Saleem, *The Development and State of the Art of Adult Learning and Education (ALE)*, National Report of Pakistan, Ministry of Education, p. 17.

²⁴ "Division for advancement of woman department of economic and social affairs," UNO, <http://www.un.org/womenwatch/daw/cedaw/> . (last visited: 05, 07, 2011)

²⁵ Committee on the elimination of discrimination against women twenty-fifth session 2-20 July 2001," UNO, <http://www.un.org/womenwatch/daw/cedaw/> . (last visited: 10, 07, 2011)

recommended that the states should take effective measures to take the girls out of the feminized sector of education and economy. The Committee also pointed out some states in its concluding comments like, Mauritius, India, China, Slovenia, etc to take affirmative measures to eradicate the stereotyped concept of discrimination against women in the field of education, take measures to avoid the clustering of women to some stereotyped specified fields in education and to make special programs to encourage them to take part in education, economy and all other fields.²⁶

Pakistan has submitted a combined initial, second and third periodical report to the CEDAW committee on August 3, 2005. The report has discussed the constitutional provisions, legislative framework and administrative framework regarding the implementation of Article 10 of CEDAW, which is about the educational rights of women.²⁷

It has been stated in the report that the constitution of Pakistan has guaranteed the right to education for all citizens. Regarding the legislative framework, it states that the education is a provincial subject and each province has its own laws (regulating only primary education) except Balochistan, which is expected to enforce similar arrangements.²⁸

The committee in its concluding comments of its thirty-eighth session on the combined initial, second and third periodic report of Pakistan, states that, "the committee is concerned about the high illiteracy rate of women, low enrolment and high dropout rates, especially in rural areas". The committee further states that, "it is also concerned at the persistence of gender based segregation and stereotypes in school curricula and

²⁶ Ibid

²⁷ "Consideration of reports submitted by States parties under the article 18 of the Convention on the All Forms of Discrimination against Women," *UNO*, p. 55, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/454/37/PDF/N0545437.pdf?OpenElement>. (last visited: 13, 05, 2012)

²⁸ Ibid

textbooks".²⁹

The committee urges the State party to, "place high priority on the reduction of illiteracy rates of women, in particular those who are from rural areas".³⁰ The committee recommends the State party to, "enhance its compliance with article 10 of the convention and to raise awareness of the importance of education as a human right and a basis for the empowerment of women".³¹

The CEDAW Committee criticized that the recommendation, which were made by the committee are not implemented due to lack of proper implementation mechanism. These Critics are right to some extent, though there is no proper implementation mechanism but, these recommendations in this global and interdependent world have a high implementation pressure on the States Parties.

²⁹"Concluding comments of the Committee on the Elimination of Discrimination against Women: Pakistan," *UNO*, p.6-7, <http://daccess-ods.un.org/TMP/8095471.85897827.html>. (last visited: 14, 04, 2012)

³⁰Ibid

³¹Ibid

Chapter II

Current Opportunities of Women Education in Balochistan

Educational opportunities for women are very limited in Pakistan, where the public spending on education is around 2% of GDP generally and especially in Balochistan.³² Balochistan is the 43% of total landscape of Pakistan with the population of 6.6 million, has a very scattered population with a density of 12 per kilometer, which is lowest in Pakistan.³³

According to the, Pakistan Educational Statistic 2008-2009 the number of girls educational institutions are 2,926 in rural and 436 in urban areas of Balochistan.³⁴ The total number of institutions is 3,362, which are too less to fulfill the need of an area of 347000 square kilometer.³⁵ The number of teachers is also poor, which is 12,988. Because of this poor number of institutions and teachers about 57% of girls are out of school.³⁶

Along with the above mentioned registered Public and Private Sector Institutions, there are around 1600 other non-registered schools, which include Community Schools, Parent

³² The public spending on education is increased and decreased simultaneously, but it is always around 2% of GDP. It was 2.21% during the year 2005-2006 and 2% in 2009-2010. For more details visit: <http://www.moe.gov.pk/faqs.htm?#q9> and <http://www.columnpk.com/budget-2011-2012-decline-in-spending-on-education-and-health/>. (last visited: 25, 07, 2011)

³³ “Balochistan,” *Global Security.org*, <http://www.globalsecurity.org/military/world/pakistan/baloch.htm>. (last visited: 27, 07, 2011)

³⁴ “Pakistan Education Statistics 2008-09,” <http://www.aepam.edu.pk/EducationStatistics08-09.pdf>. (last visited: 27, 07, 2011)

³⁵ “Balochistan,” *Global Security.org*, <http://www.globalsecurity.org/military/world/pakistan/baloch.htm>. (last visited: 27, 07, 2011)

³⁶ “Pakistan Education Statistics 2008-09,” <http://www.aepam.edu.pk/EducationStatistics08-09.pdf>. (last visited: 27, 07, 2011)

Teacher Home Schools and Masjid Schools.³⁷

Whereas, in Punjab the number of girls educational institutions are 31,948 in public and private both³⁸ for a population of 91 million,³⁹ which is higher as compare to number of institutions in Balochistan, which is 3,362⁴⁰ for a population of 10 million and the population in Punjab is also more urbanized as compare to Balochistan,⁴¹ so girls in Punjab have more access to educational institution than Balochistan. The number of Pre-primary Schools is 18, Masjid Schools are 55, Primary Schools are 23,358, Middle Schools are 4,943, High Schools are 2,651, and there are 435 Higher Secondary Schools in Punjab. There are 125 Inter Colleges and 363 Degree Colleges in Punjab for girls.⁴²

In Balochistan the number of these institutions is very low, there is not any Pre-primary and Masjid Schools for girls in Balochistan, the number of Primary Schools is 2,981, Middle Schools are 311, High Schools are 142, and there is one Higher Secondary School. The number of Inter Colleges is 9 and Degree Colleges are 11 for girls in Balochistan.⁴³

The number of enrollment in these institutions is also not satisfactory because, the number of institutions is very low and most of the women in Balochistan do not have access to these institutions however the enrollment is better in Punjab where the number of institutions is higher and women have more access to institutions as compare to

³⁷ "Educational Needs of Balochistan," p. 1,

<http://scspeb.org/Up%20date/Educational%20Needs%20of%20Balochistan.pdf>. (last visited: 27, 07, 2011)

³⁸ "Pakistan Education Statistics 2008-09," <http://www.aepam.edu.pk/EducationStatistics08-09.pdf>. (last visited: 27, 07, 2011)

³⁹ "Population Association of Pakistan," <http://www.pap.org.pk/statistics/population.htm>. (last visited: 20, 03, 2012)

⁴⁰ "Pakistan Education Statistics 2008-09," <http://www.aepam.edu.pk/EducationStatistics08-09.pdf>. (last visited: 27, 07, 2011)

⁴¹ "Population Association of Pakistan," <http://www.pap.org.pk/statistics/population.htm>. (last visited: 27, 07, 2011)

⁴² "Pakistan Education Statistics 2008-09," <http://www.aepam.edu.pk/EducationStatistics08-09.pdf>. (last visited: 27, 07, 2011)

⁴³ Ibid

Balochistan.⁴⁴

The number of girls enrolled in these institutions in Balochistan is 455,018; the enrollment in Primary Schools is 243,059, 50,100 in Middle Schools, 22,120 in High Schools and 14000 in Higher Secondary Schools. The number of enrollment in Degree Colleges is 4,698.⁴⁵

Whereas in Punjab the total girl's enrollment is 8,624,703, it is 2009,124 in Pre-Primary Schools, 4,281,555 in Primary Schools, 1,419,031 in Middle Schools, 627,865 in High Schools and 262,797 in Higher Secondary Schools. The number of girls enrolled in Degree Colleges is 24,331.⁴⁶

The difference in the number of enrollments at different stages show the high drop rate of girls in Balochistan as the number of enrollment in Primary Schools is 243,059, but it is 4,698 in Degree colleges, whereas in Punjab there is also a large difference between the number of enrollment in Primary Schools and in Degree Colleges but still it is higher as compared to Balochistan, where the number of enrollment in Pre-Primary Schools is 2009,124 and is 24,331 in Degree Colleges.⁴⁷

The number of Educational Institutions for boys is also not satisfactory, but is larger than the number of girls Institutions. Girls also study in co-education where separate schools are not available. But after a certain age they are not allowed to study in co-education due to cultural prejudices.⁴⁸

These prejudices are the core concern of CEDAW and are the main causes of

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ Barbara Herz, *EDUCATING GIRLS IN SOUTH ASIA: PROMISING APPROACHES*, p.6, http://www.ungei.org/resources/files/unicefrosa_educatinggirlsinsouthasia.pdf. (last visited: 23, 11, 2011)

discrimination, which is to be eradicated in all fields of life through education and teaching.

2.1 Opportunities at Home

One the opportunity for women is economic support which is given to them for education from their families. Mostly in educated families the women are taught by the other member of the families, the moral courage and support provided to them are also opportunities for women.

Women living in urban areas of Balochistan with the families having more economic earnings have equal opportunities as man but the women in rural areas and women of poor families do not have the same opportunities at home as their male peers. Poor girls of rural areas suffer more disadvantages of gender-based discriminations as compared to well-off urban women.⁴⁹

Though the opportunities of urban and rural areas are not same but the women in Balochistan have some opportunities at home according to the economic condition of their families, without or with gender-based discrimination. For example, the families living in rural areas are mostly poor and cannot afford to hire servants for their home and the girl children of the family do the most of home chores and do not get much time to attend school as compared to the families in urban areas, which are mostly well-off and

⁴⁹ Cynthia Lloyd, Cem Mete, and Monica Grant, "Rural Girls in Pakistan: *Constraints of policy and culture*," in *Exclusion, Gender and Education: Case Studies from the Developing World*, ed. Maureen Lewis and Marlaine Lockheed (Washington, D.C.: Center for Global Development, 2007), p. 99, <http://www.cgdev.org/doc/books/lewis-lockheed-eduCaseStudies/lewis-lockheed-chapter4.pdf>. (last visited: 14, 03, 2012)

can hire servants therefore their girls can attend school.⁵⁰

2.2 Opportunities in the Government Sector

Education is one of the priorities for the Government of Pakistan; despite many challenges it faces to meet its educational needs the government of Pakistan has made many educational policies to change the opportunity structure for poor rural girls. The Government of Pakistan Ministry of Education in the Educational Sector Reform Action Plan (2001-06) has broadened the criteria for placing new institutions for women of rural areas beyond the basic criteria.⁵¹

Though the opportunities for female education in the Government sector have risen over time and the gender gap narrowed but Pakistan still lags behind other developing countries of the world.⁵² Gender based-discrimination, cultural prejudices, poverty and lack of women educational institutions in rural areas of Balochistan are the main factors for the gender gap in education or low literacy rate. The insufficient supply of public schools in the rural areas of Balochistan is also a factor for the low literacy rate of women in Balochistan.⁵³

The government at federal and provincial level has made many policies to eradicate these

⁵⁰ Barbara Herz, *EUCATING GIRLS IN SOUTH ASIA: PROMISING APPROACHES*, p.7, http://www.ungei.org/resources/files/unicefrosa_educatinggirlsinSouthAsia.pdf. (last visited: 23, 11, 2011)

⁵¹ Ayesha shaukat, *Delivering Girls' Education in Pakistan*, (UK: Oxfame G B Discussion Document, 2009), p. 4, <http://www.oxfame.org.uk>. (last visited: 10, 03, 2012)

⁵² Cynthia Lloyd, Cem Mete, and Monica Grant, "Rural Girls in Pakistan: *Constraints of policy and culture*," in *Exclusion, Gender and Education: Case Studies from the Developing World*, ed. Maureen Lewis and Marlaine Lockheed (Washington, D.C.: Center for Global Development, 2007), p. 100, <http://www.cgdev.org/doc/books/lewis-lockheed-eduCaseStudies/lewis-lockheed-chapter4.pdf>. (last visited: 14, 03, 2012)

⁵³ Barbara Herz, *EUCATING GIRLS IN SOUTH ASIA: PROMISING APPROACHES*, p.6, http://www.ungei.org/resources/files/unicefrosa_educatinggirlsinSouthAsia.pdf. (last visited: 23, 11, 2011)

main obstacles to female literacy. For example, the National Education Policy (1998-2000) sets its objectives to reduce the gender gap, gender-based discrimination and promote equality to tackle the issue related to lack of access of female to educational institutions. The educational Sector Reforms (2001-05) also followed the same policy.⁵⁴

Though the opportunities at the governmental level for female education in Balochistan are not enough to tackle the need of the population but still there is good opportunity for female education. The eradication of the cultural prejudices, which are the main obstacles to female literacy and the cause of gender-based discrimination, is the need of the hour. The government needs to create more opportunities for female education, especially in rural areas of Balochistan to meet the requirement of the population and eradicate the gender gap.

2.3 Opportunities in the Non-Governmental Sectors

Pakistan is facing many challenges in order to provide education to its citizens. These challenges include, low attendance rates, inadequate infrastructure, poorly trained teachers, limited government funding, coordination gap in policies between national and provincial governments and security issues.⁵⁵

The government of Pakistan, despite these challenges is working for the female education with the collaboration of private and non-governmental organizations to provide the women of rural areas including the rural areas of Balochistan, more opportunities of

⁵⁴ Ayesha shaukat, *Delivering Girls' Education in Pakistan*, (UK: Oxfame G B Discussion Document, 2009), p. 4, <http://www.oxfame.org.uk>. (last visited: 10, 03, 2012)

⁵⁵ "USAID/PAKISTAN," Education Program, <http://www.usaid.gov.pk/sectors/education/>. (last visited: 11, 10, 2011)

education.⁵⁶

According to Pakistan Educational Statistic 2008-2009 private female educational institution in Balochistan are approximately 40 institutions, from pre-primary schools to degree colleges⁵⁷ and around 1600, fellowship, home and community support program schools,⁵⁸ which are very few to tackle the need of the population.

Opportunities of female education at non-governmental sector in Balochistan are also not satisfactory as at the governmental sector. Due to which about 57% of girls are out of school. To fulfill the need and to provide more opportunities approximately 5,000, more schools may be established.⁵⁹

The opportunity to get access to school for girls in rural areas of Balochistan is very low. Though the International and National Non-governmental Organizations had been working on different projects to maximize the opportunities for female education, but these are not enough and more work is needed to provide the educational need of the population on the priority bases.⁶⁰

⁵⁶ “Pakistan: Public-Private Partnerships Boost Education,” <http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/IDA/0,,contentMDK:22311355~menuPK:4752.html>. (last visited: 1, 09, 2011)

⁵⁷ “Pakistan Education Statistics 2008-09,” <http://www.aepam.edu.pk/EducationStatistics08-09.pdf>. (last visited: 27, 07, 2011)

⁵⁸ “Educational Needs of Balochistan,” p.4,

<http://scspeb.org/Up%20date/Educational%20Needs%20of%20Balochistan.pdf>. (last visited: 27, 07, 2011)

⁵⁹ Ibid.

⁶⁰ Ibid

2.4 Other Opportunities

Though, the women have very limited opportunities in Balochistan but woman in urban areas have more opportunities as compared to the women of rural areas, because there are more educational facilities available for urban women than the rural. The women in urban areas also have the support of their educated families and the rural women do not.⁶¹

In the urban areas of Balochistan beside governmental schools and colleges there are several non-governmental and private institutions for women with good facilities and good quality of education but rural women do not have these opportunities.⁶²

Women in rural areas do not have any other choice except to opt for governmental schools, which lack basic facilities and good quality of education due to which these women are discouraged and mostly the leave the school. In some rural villages even there is no governmental or non-governmental school. In such communities girls are taught by other elders male or female but this informal education only includes religious education and not any other scientific or social education. This education is good for maintaining religious affairs but cannot help in understanding worldly affairs.⁶³

Women of educated families whether in rural areas or in urban areas have the support of their family and have more opportunities as compare to those of uneducated families.

⁶¹“Educational Needs of Balochistan,” 1, <http://scspeb.org/Up%20date/Educational%20Needs%20of%20Balochistan.pdf>. (last visited: 27, 07, 2011)

⁶²“Pakistan Education Statistics 2008-09,” <http://www.aepam.edu.pk/EducationStatistics08-09.pdf>. (last visited: 27, 07, 2011)

⁶³Ayesha shaukat, *Delivering Girls' Education in Pakistan*, (UK: Oxfame G B Discussion Document, 2009), p. 4, <http://www.oxfame.org.uk>. (last visited: 10, 03, 2012)

Chapter III

Challenges to Female Education

Girls face many challenges in the field of educations in third world countries, especially in South Asian countries where they get married early and families mostly rely on boys for financial and other support and for this reason also they prefer to educate their sons than daughters.⁶⁴

Generally in Pakistan education is not effectively mandatory and not easily available to everyone, girls face more problems than boys. Balochistan which is the poorest province of Pakistan, the situation is worse, than any other province.⁶⁵

In Balochistan, the population is very scattered and most of them are living in the rural areas, where the education facilities are not satisfactory so the females living in the rural areas of Balochistan face a lot of challenges in the field of education.

The challenges to female education include, cultural prejudices, lack of opportunities and poverty. Due to these challenges most of the females in the remote and rural areas of Balochistan are out of school.⁶⁶

Due to the weak quality of education and lack of opportunities most of the families, especially poor families, may not send their children, especially their daughters to school for long. Because they cannot afford to send their all children, so they make choices and

⁶⁴ Barbara Herz, *EDUCATING GIRLS IN SOUTH ASIA: PROMISING APPROACHES*, p.6, http://www.ungei.org/resources/files/unicefrosa_educatinggirlsinsouthasia.pdf. (last visited: 23, 11, 2011)

⁶⁵ Ayesha shaukat, *Delivering Girls' Education in Pakistan*, (UK: Oxfame G B Discussion Document, 2009), p.4, <http://www.oxfame.org.uk>. (last visited: 10, 03, 2012)

⁶⁶Ibid

they prefer to send their sons to school than daughters, because they rely more on sons.⁶⁷

Though in urban areas of Balochistan good quality education is available and some parents do educate their children but the cost of the education always matters and the poor families cannot educate their children even in urban areas.⁶⁸

Most of the families prefer to educate boys than girls, because girl's education benefits in future and to her own family after marriage and is of no use to her parents. Girls need more protection, good transport facilities on the way to school and also good clothes at school for in order to keep her modesty. Parents also need girls more than the boys to help them at home, so the girls education cost is higher as compare to boys.⁶⁹

Educational institutions are not available everywhere in Balochistan and the students have to travel to other cities for education and they live in hostels and other private places for residence, however, the girls can not face these challenges and they are also not allowed in some areas due to cultural prejudices.⁷⁰

There are too many challenges for the families in Balochistan to educate their children, however overreaching above all is poverty, due to which a good number of children are out of school and among them most of these children are girls.⁷¹

Punjab is the most developed and urbanized province among the four provinces of

⁶⁷ Barbara Herz, *EUCATING GIRLS IN SOUTH ASIA: PROMISING APPROACHES*, p.7, http://www.ungei.org/resources/files/unicefrosa_educatinggirlsinsouthasia.pdf. (last visited: 23, 11, 2011)

⁶⁸ Imran Sharif Chaudhry and Saeed Ur Rahman, "The Impact of Gender Inequality in Education on Rural Poverty in Pakistan: An Empirical Analysis," *European Journal of Economics, Finance and Administrative Sciences*, no.15 (2009), p.189. Also available at: http://www.eurojournals.com/ejefas_15_13.pdf , (last visited: 11, 01, 2011).

⁶⁹ Barbara Herz, *EUCATING GIRLS IN SOUTH ASIA: PROMISING APPROACHES*, p.7, http://www.ungei.org/resources/files/unicefrosa_educatinggirlsinsouthasia.pdf. (last visited: 23, 11, 2011)

⁷⁰ Ibid

⁷¹ Ayesha shaukat, *Delivering Girls' Education in Pakistan*, (UK: Oxfame G B Discussion Document, 2009), p.5, <http://www.oxfame.org.uk>. (last visited: 10, 03, 2012)

Pakistan.⁷² Hence, there are more educational institutions available as compared to other provinces for girls and boys both,⁷³ and also students do not face that much challenges as they may face in other provinces and specifically they face more challenges in Balochistan as compare to Punjab which has a very scattered population and most of the population lives in the rural areas, has a very low number of educational institutions and girls and boys have less access to educational institutions as compare to Punjab.⁷⁴

Women also face challenges for their education in Punjab though less as compare to Balochistan, where the number of educational institutions is 31,948 and in Balochistan there are 3,362 institutions.⁷⁵ According to Multiple Indicators Cluster Survey (MICS) 2010-11 the women literacy rate in Punjab is 50 percent in urban areas and 39 in rural areas,⁷⁶ while in Balochistan it is approximately overall 10 percent.⁷⁷ This differences in the literacy rate shows the difference of the challenges which the women face in both provinces, which are less in Punjab and more in Balochistan.

The population of Punjab is estimated to be 91 million, total area of Punjab is 205344 square kilometers has a density of 441 persons per square kilometer⁷⁸ and the number of female educational institutions is 31,948 from Pre-primary to Degree Colleges,⁷⁹ while

⁷² "Population Association of Pakistan," <http://www.pap.org.pk/statistics/population.htm>. (last visited: 20, 03, 2012)

⁷³ "Pakistan Education Statistics 2008-09," <http://www.aepam.edu.pk/EducationStatistics08-09.pdf>. (last visited: 27, 07, 2011)

⁷⁴ Ibid

⁷⁵ Ibid

⁷⁶ "FIVE YEAR STRATEGIC PLAN FOR THE PROMOTION OF LITERACY IN THE PROVINCE OF PUNJAB (2010-2015)," *Government of the Punjab*, http://www.literacy.gop.pk/5-Years_Strategic_Action_Plan_Literacy.pdf. (last visited: 22, 03, 2012)

⁷⁷ For more details visit, <http://www.interface.edu.pk/students/June/Balochistan-literacy-rate.asp> (last visited 23-02-11).

⁷⁸ "FIVE YEAR STRATEGIC PLAN FOR THE PROMOTION OF LITERACY IN THE PROVINCE OF PUNJAB (2010-2015)," *Government of the Punjab*, http://www.literacy.gop.pk/5-Years_Strategic_Action_Plan_Literacy.pdf. (last visited: 27, 07, 2011)

⁷⁹ "Pakistan Education Statistics 2008-09," <http://www.aepam.edu.pk/EducationStatistics08-09.pdf>. (last visited: 27, 07, 2011)

the population of Balochistan is 10 million, total area is 347000 square kilometer with a density of 12 persons per square kilometer⁸⁰ and the number of women educational institutions from Primary to Degree Colleges is 3,362,⁸¹ the population of Punjab is more urbanized,⁸² has more institutions in less area and the population of Balochistan is less urbanized,⁸³ has a vast area and less number of institutions, that's why women in Punjab have more access to educational institutions and less challenges as compare to women in Balochistan.

3.1 Economic Challenges

Though there are many challenges for females in the field of education but economic challenge is the mother of all challenges. Most of the families, who are living in the rural areas of Balochistan are poor and cannot bear educational expenses of their children. The families which are living in the rural areas of Balochistan are also the least educated and are not willing to educate their girls.⁸⁴

Per person income of Pakistan is approximately around US\$870, which is not satisfactory. Balochistan which is the poorest province of Pakistan with limited economic opportunities has the lowest per person income of the country. The situation is worst in the rural areas, which is lagging behind in social indicators and large gender gap. Because

⁸⁰ "Population Association of Pakistan," <http://www.pap.org.pk/statistics/population.htm>. (last visited: 20, 03, 2012)

⁸¹ "Pakistan Education Statistics 2008-09," <http://www.aepam.edu.pk/EducationStatistics08-09.pdf>. (last visited: 27, 07, 2011)

⁸² "Population Association of Pakistan," <http://www.pap.org.pk/statistics/population.htm>. (last visited: 20, 03, 2012)

⁸³ Ibid

⁸⁴ Ayesha shaukat, *Delivering Girls' Education in Pakistan*, (UK: Oxfame G B Discussion Document, 2009), p. 4, <http://www.oxfame.org.uk>. (last visited: 10, 03, 2012)

of this poverty, in 2005 educational data, the enrollment in primary school was 37 percent among which 35 percent were girls.⁸⁵

According to the educational statistic of 2006-2007, the enrollment in primary schools in Balochistan was 51 percent among this 51 percent 40 percent were girls and in 2008-2009 it was 54 percent among this 54 percent 41 percent were girls.⁸⁶

These data show that, economic challenge is the main cause of gender gap in education, because poor parents cannot educate their children and they cannot afford to hire other to do their house hold works, so they do not send their children to school, mostly their daughters and they help them in house hold work.

3.2 Challenges at Home

Girls in Balochistan also face many challenges at home for their education. Girls are needed more than boys at home to help other females of the family in house hold chores, because most of the families cannot hire servants due to poverty.⁸⁷

In most of the rural areas and also some urban areas of Balochistan parents are not willing to send their daughters to school due to cultural prejudices, where other members of the family also support their views. These prejudices are also a challenge for girls, which they face at home while going to school.⁸⁸

⁸⁵ "Pakistan: Public-Private Partnerships Boost Education," <http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/IDA/0,,contentMDK:22311355~menuPK:4752.html>. (last visited: 01, 11, 2011)

⁸⁶ "Pakistan Education Statistics 2008-09," <http://www.aepam.edu.pk/EducationStatistics08-09.pdf>. (last visited: 27, 07, 2011)

⁸⁷ Barbara Herz, *EDUCATING GIRLS IN SOUTH ASIA: PROMISING APPROACHES*, p.6, http://www.ungei.org/resources/files/unicefrosa_educatinggirlsinsouthasia.pdf. (last visited: 23, 11, 2011)

⁸⁸ Ayesha shaukat, *Delivering Girls' Education in Pakistan*, (UK: Oxfame G B Discussion Document, 2009), p.4, <http://www.oxfame.org.uk>. (last visited: 10, 03, 2012)

Most of the families in Balochistan, especially the least educated and families in rural areas, do not allow their females to go out and work with other males of the society and there is also less work opportunities for females, so these families give less importance to female education and do not allow their females to attend school. Where the poor parents hardly afford the education of their children, they prefer to educate their sons rather than daughters in a society where females cannot go out for work and where less work opportunities are for women and parents rely more on sons for help and support of their families.⁸⁹

3.3 Challenges at Educational Institutions

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In Pakistan currently following Acts and Ordinances are enforced for ensuring primary and compulsory education:

The Punjab Compulsory Primary Education Act, 1994;

The NWFP Compulsory Primary Education Act, 1996;

Sindh Compulsory Primary Education Ordinance, 2001 and

Islamabad Capital Territory Compulsory Primary Education Ordinance, 2002,

Under these laws the parents and other legal guardians are bound to send their children to school till they complete primary education.⁹⁰

It is stated in the Punjab Compulsory Primary Education Act, 1994, that, "The parent of a child shall except in the case of a reasonable excuse cause a child to attend a primary school

⁸⁹ Muhammad Sabir, "Gender and Public Spending on Education in Pakistan: A Case Study of Disaggregated Benefit Incidence," *Pakistan Institute of Development Economics* 41, no.4 (2005), p.10, also available at: <<http://ideas.repec.org/p/wpa/wuwppe/0503005.html>> (last visited: 01, 07, 2011)

⁹⁰ The Punjab Compulsory Primary Education Act, 1994 section 3.

until the child has completed the primary education course.”⁹¹

But in Balochistan there is no such enactment for the primary and compulsory education so, there is a dire need for such enactments.

These Acts and Ordinances only regulate primary education and there is not any Act regarding the regulation of higher education in Pakistan, however the Constitution guarantees the free and compulsory secondary education too. It is given in article 37(b) that, “the State shall remove illiteracy and provide free and compulsory secondary education within minimum possible period.”⁹² Thirty-nine years have passed since the adoption of 1973 constitution, sixty-five since the creation of Pakistan; the government is not even able to make a uniform educational system at primary level and still too far from secondary education.

Girl’s friendly educational institutions are necessary for female education. Most of the schools in Balochistan do not have basic facilities, due to which girls face many challenges in schools. Many Girls schools in Balochistan do not have toilets or laternen, which is must for educational institutions.⁹³

The lack of teachers, especially female teachers is also a main challenge for females in schools. The teaching methods and the behaviour of the teachers in most of the schools is also not encouraging rather it is discouraging to girls student, because most of the teachers are male and are part of that society, where girls and women are kept secluded.⁹⁴

Most of the girl’s schools in Balochistan are not acceptable in the society, due to the lack

⁹¹ Ibid

⁹² Article 37-b, Constitution of Pakistan

⁹³ “Educational Needs of Balochistan,” p.1,

<http://scspeb.org/Up%20date/Educational%20Needs%20of%20Balochistan.pdf>. (last visited: 27, 07, 2011)

⁹⁴ Barbara Herz, *EUCATING GIRLS IN SOUTH ASIA: PROMISING APPROACHES*, p.4,

http://www.ungei.org/resources/files/unicefrosa_educatinggirlsinsouthasia.pdf. (last visited: 23, 11, 2011)

of coordination between the schools and the community. Parents may not be willing to send their daughters to a school which is unknown to them or they do not know the teachers or the teaching methods of the schools. The quality of education in most of the Government schools is not satisfactory, which is also a challenge for the students, in most of the government schools in Balochistan due to which very few female reaches to higher level of education.⁹⁵

The clothing or the uniform of most of the girl's schools, which is not culturally accepted in most of the areas of Balochistan, and is mandatory in school, is also a big challenge for girls.⁹⁶

The other challenges faced by girls at school are the lack of drinking water, sanitation, boundary wall, electricity and other basic necessities, which are not only good to have but must for a girl school.⁹⁷

To make sure the presence of girls in schools, schools should be made more girl friendly by hiring more female teachers, providing basic necessities for girls in school. The participation of local community in school affairs will also help them to educate their daughters, because due to their participation in school affairs they will be encouraged. Definitely, community mobilizing is also a tool of encouraging parents and the community to participate more and more in school affairs and send their daughters to schools.⁹⁸

⁹⁵ Ayesha shaukat, *Delivering Girls' Education in Pakistan*, (UK: Oxfame G B Discussion Document, 2009), p.6, <http://www.oxfame.org.uk>. (last visited: 10, 03, 2012)

⁹⁶ Barbara Herz, *EUCATING GIRLS IN SOUTH ASIA: PROMISING APPROACHES*, p.6, http://www.ungei.org/resources/files/unicefrosa_educatinggirlsinsouthasia.pdf. (last visited: 23, 11, 2011)

⁹⁷ Ibid

⁹⁸ Ayesha shaukat, *Delivering Girls' Education in Pakistan*, (UK: Oxfame G B Discussion Document, 2009), p.22, <http://www.oxfame.org.uk>. (last visited: 10, 03, 2012)

3.4 Challenges in the Society

In most of the remote areas of south Asian countries, especially where the education ratio is very low and where the population lives in rural areas with a lot of cultural and religious prejudices, there is a culturally fixed level of education and the families who educate their daughters above that level faces many criticism in the society.⁹⁹ The girls also face the same criticism in the society and cannot precede their education due to this criticism.

Also in case of Balochistan, especially in the rural areas where the education ratio is low, the girls face many challenges in the society when they go to school behind a fixed level of schooling, due to cultural prejudices but in urban areas and where the families are educated they appreciate girls education.¹⁰⁰

Girls need more protection and need to observe cultural traditions more than boys when they go to school, they need transport (rather than walking but boys can go on walking) and likewise they also need a male relative to escort them to school but these facilities are not available for a poor girl, because she cannot afford good clothing to observe tradition and also may not afford transport.¹⁰¹ So in such a case girls face many challenges in the society to carry on their education in most of the rural areas of Balochistan.

⁹⁹ Barbara Herz, *EUCATING GIRLS IN SOUTH ASIA: PROMISING APPROACHES*, p.2, http://www.ungei.org/resources/files/unicefrosa_educatinggirlsinsouthAsia.pdf. (last visited: 23, 11, 2011)

¹⁰⁰ Sarah Huxley, *PROGRESS IN GIRLS' EDUCATION: THE CHALLENGE OF GENDER EQUALITY IN SOUTH ASIA*, p.17,

http://www.ungei.org%2Fresources%2Ffiles%2FFinal_Progress_in_Girls_Education_23_May.pdf. (last visited: 01, 05, 2012)

¹⁰¹ Barbara Herz, *EUCATING GIRLS IN SOUTH ASIA: PROMISING APPROACHES*, p.22, http://www.ungei.org/resources/files/unicefrosa_educatinggirlsinsouthAsia.pdf. (last visited: 23, 11, 2011)

Chapter IV

Responsibilities

It is the first and foremost responsibility of a modern state to educate its citizens. Right to education is a fundamental right of all human beings without any discrimination what so ever. According to the constitution of Pakistan, “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”.¹⁰² So in writing in the constitution, basic education is pledged as compulsory and it is the duty of state to provide education but in reality education is not effectively mandatory and is not available to every citizen of Pakistan. Though education is State’s responsibility but for the failure of education system only the state cannot be held responsible. Though education is a right of every citizen and every right has a corresponding duty too, if the citizens are not performing their duties to make the education system better than the goal of a good education system cannot be achieved. In case of female education in Balochistan, though the opportunities for female education are very limited and the good quality education is a distant dream for the females but on the other hand where there is some opportunity for female education the parents are not willing to send their daughters to school in the areas where the ratio of education is very low and because of cultural and other prejudices. In such a case we cannot solely blame the state, though it is the responsibility of state to campaign for raising the awareness in the society for education and provide more opportunities and good quality education for

¹⁰² The constitution of Pakistan, article, 25A

female but it is also the duty of the whole society to send their children to schools,¹⁰³ though religiously Islam also make it a duty for every male and female to get education.¹⁰⁴

In this globalized, interdependent and interconnected world, nation states owe certain duties and responsibilities to the international community through certain organizations; such as UNO and its other committees due to rectifying certain treaties and conventions. UNO's Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Pakistan is a party and due to which has certain responsibilities to its committee for the implementation of this convention. This convention is based on the principle of equality and non-discrimination and its party states are bound to eliminate discrimination and take effective measures through legislation and other means to ensure equality among men and women. The UN's committee on CEDAW is a monitory body which monitors its implementation and other measure, which are taken by states parties to eradicate discrimination. It is also the duty of states parties to submit a periodical report to the committee on the implementation and measures taken to implement the conventions, the committee also can ask the states at any time for such report.¹⁰⁵

Pakistan as being a party to CEDAW has certain responsibility to its committee for the implementation of this convention. The discrimination against women which persists in all fields of life and also in the field of education, to eradicate discrimination is the states responsibility. The gender disparity is very high in the field of education in Pakistan,

¹⁰³ "Pakistan Education Statistics 2008-09," <http://www.aepam.edu.pk/EducationStatistics08-09.pdf>. (last visited: 27, 07, 2011)

¹⁰⁴ Acquisition of knowledge is binding on all Muslims (both men and women without any discrimination). [*Narrated by Ibn Maja in al-Sunan, 1:81 §224.*]

¹⁰⁵ "Division for advancement of woman department of economic and social affairs," *UNO*, <http://www.un.org/womenwatch/daw/cedaw/>. (last visited: 15, 02, 2012)

especially in the remote and under developed areas such as Balochistan,¹⁰⁶ to eradicate the discrimination it is the responsibility of government in all field especially in the field of education because, eliminating discrimination in education is the basic step against the discrimination, in achieving equal status which the religion striving for. Education is what you are training a society how to live a life, if the discrimination against women is eliminated in the field of education and males and females are given the same quality of education than the discrimination will also eradicate automatically in other fields of life.¹⁰⁷

NGOs also have their responsibilities and role in the field of female education. In the modern world international NGOs which are working under the umbrella of United Nations and other organizations in under developed and developing countries are playing a significant role for promoting female education. Beside the role of NGOs which they are playing in different societies throughout the world in different fields of life from health to education, some scholars and activists criticize the role and responsibilities of these NGOs, they argue that NGOs are not transparent and do not follow democratic values and they are not accountable to masses which they represent. For the support of their arguments they say that, NGOs try to influence countries to legislate laws and regulations for their citizens, whom these NGOs do not represent because, neither they elect the board of these NGOs nor their board is answerable to these masses. They further argue that, many NGOs do not have their bases in the society where they are working

¹⁰⁶ Imran Sharif Chaudhry and Saeed Ur Rahman, "The Impact of Gender Inequality in Education on Rural Poverty in Pakistan: An Empirical Analysis," *European Journal of Economics, Finance and Administrative Sciences*, no.15 (2009): p.176. Also available at: http://www.eurojournals.com/ejefas_15_13.pdf, (last visited: 11, 06, 2011).

¹⁰⁷ "Division for advancement of woman department of economic and social affairs," *UNO*, [http://www.un.org/womenwatch/daw/](http://www.un.org/womenwatch/daw/cedaw/). (last visited: 15, 02, 2012)

rather they are funded from outside, simply work like watchdogs and try to implement their ideas in deferent fields of life without the involvement of local population in creating these ideas rather they impose their own version of ideas in each and every field of life without knowing about the religion, culture and other ideas of these masses whom they think to represent.¹⁰⁸

Beside all the above criticism by critics, NGOs have their role and responsibilities to promote education in the areas where gender disparity in education is high and good and quality education is not available, with the support of government and local community. NGOs are also playing a significant role in promoting female education in Balochistan with the partnership of the government. Among them are Balochistan Rural Support Programme (BRSP), Strengthening Participatory Organization (SPO), Society for Community Support for Primary Education in Balochistan (SCSPEB) and Aurat Foundation (AF).¹⁰⁹

Among Government and NGOs the society at large has also its responsibilities to promote education especially female education. Government and NGOs alone cannot do anything it is the society which has to promote education and awareness, theses organizations can only support a society to achieve its goals in the field of education and it's also true that, with out the support of these organizations it will be very difficult for a society to achieve its goals of education.¹¹⁰

¹⁰⁸ Rana Lehr-Lehnardt, *NGO Legitimacy: Reassessing Democracy, Accountability and Transparency*, (Cornell Law Library, 2005), p.15, http://scholarship.law.cornell.edu/lps_clacp/6. (last visited: 16, 02, 2012)

¹⁰⁹ "BALOCHISTAN.GOV.PK", http://www.balochistan.gov.pk/index.php?option=com_content&task=view&id=836&Itemid=1087. (last visited: 15, 02, 2012)

¹¹⁰ Rana Lehr-Lehnardt, *NGO Legitimacy: Reassessing Democracy, Accountability and Transparency*, (Cornell Law Library, 2005), p.15, http://scholarship.law.cornell.edu/lps_clacp/6. (last visited: 16, 02, 2012)

4.1 Parent's Responsibilities

As being a citizen of a modern nation state, a person has many duties and responsibilities'; educating his or her children is one of these responsibilities. In most of the third world countries generally and especially in South Asian countries gender disparity persists in education because of poverty, illiteracy and cultural and other prejudices.¹¹¹ In Pakistan where education is not effectively mandatory, it is very difficult for parents to educate their children especially their daughters due to poverty, more number of children and also because in Pakistan where girls marry out and parents rely more on sons than their daughters for their old age support.¹¹²

In Balochistan, the situation is similar to the other parts of country, where educated, economically sound families in most of the urban areas educate their children without any discrimination and on the other hand poor, uneducated families in rural areas with more number of children cannot educate their all children and they have to make choices among their children for education as they cannot afford to educate all and the correct choice for them would be to educate their sons rather than their daughters as they rely more on them for their old age support.¹¹³

Absence of a role model in most of the rural areas in professions, business and formal employment is discouraging for parents and also for girls. As they cannot see such a role model in these fields so the parents are not willing to educate their daughters and the girls are also not interested. In areas where there are role models like female teachers, lady

¹¹¹ Barbara Herz, *EUCATING GIRLS IN SOUTH ASIA: PROMISING APPROACHES*, p.1, http://www.ungei.org/resources/files/unicefrosa_educatinggirlsinSouthAsia.pdf. (last visited: 23, 11, 2011)

¹¹² Ayesha shaukat, *Delivering Girls' Education in Pakistan*, (UK: Oxfame G B Discussion Document, 2009), p. 10, <http://www.oxfame.org.uk>. (last visited: 10, 03, 2012)

¹¹³ Ibid

health workers and female doctors than the schools attract females and the parents are also willing to educate their daughters.¹¹⁴

In Balochistan where most of the population lives in rural areas and are poor and uneducated these families can not afford to educate their children without the support of government. Because in most of these rural areas the number of educational institutions is low, there are many villages without a single primary school.¹¹⁵ So, in such a scenario if parents want to educate their children they cannot do so without institutions. Although it is the responsibility of parents to send their children to school and support them to get education but it is the responsibility of government to provide schools and teachers, where these children can get education.

4.2 State's Responsibilities

Like other responsibilities, a modern State is also responsible for the education of its citizens. The state is under legal obligation to provide free and compulsory primary education and also promote and facilitate higher and other technical education, by its Constitution and other International treaties and conventions.

Pakistan is also under legal obligation and responsible for the education of its citizens, by its Constitution and other International Conventions and Covenants. According to the constitution, "the state shall provide free and compulsory education to all children of the

¹¹⁴ Fiona E. and Angela Little, *Education, cultures and economics: dilemmas for development* (New York: RoutledgeFalmer, 1999), p. 225-300.

¹¹⁵ "Pakistan Education Statistics 2008-09," <http://www.aepam.edu.pk/EducationStatistics08-09.pdf>. (last visited: 27, 07, 2011)

age of five to sixteen years in such manner as may be determined by law".¹¹⁶ So, the State is legally obliged by the Constitution to provide free and compulsory education to its citizens. The Constitution also ensured the elimination of discrimination in all fields of life and emphasizes on the equality of citizens, as given in the constitution, "All citizens are equal before law and are entitled to equal protection of law", it is further stated in the constitution that, "There shall be no discrimination on the basis of sex" and "Nothing in this Article shall prevent the State from making any special provision for the protection of women and children."¹¹⁷ So, elimination of discrimination is a fundamental right according to the constitution, there will not be any discrimination among the citizens and all are equal and specially there will not be any discrimination on the basis of sex, but exception has been given to women and children due to their vulnerability, state can take temporary and special measures and can make special provisions for the protection of women and children.

Besides ensuring education as a fundamental right of all citizens, the Constitution in the chapter of Principles of Policies states that, "the State shall remove illiteracy and provide free and compulsory secondary education within minimum possible period;"¹¹⁸ and "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".¹¹⁹

Pakistan as being a party to different human rights document is under legal obligation to ensure, like all other human rights, the right to education of its citizens. These human

¹¹⁶ The constitution of Pakistan, article 25A

¹¹⁷ Ibid article 25, sub article 1, 2 and 3.

¹¹⁸ Ibid article 37-b

¹¹⁹ Ibid article 37-f

rights documents include;

- a) The Universal Declaration of Human Rights (UDHR), it is stated in the article 26 of this declaration that, "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory."¹²⁰
- b) The convention on the Rights of the Child (CRC), article 28 discusses the rights of child to education, it states that, states recognize the rights of child to education and for the realization of this right will provide equal opportunities to all children, will make basic education compulsory and free, make higher education available to all and will make special measures to encourage more attendance at school.¹²¹
- c) International Covenant on Economic, Social and Cultural Rights, this covenant among other fundamental rights also recognize the right to education of all, it is given in the article 13 of the covenant that, States parties shall recognize the right of every one to education, education shall be directed to development of human personality and dignity, and realization of fundamental human rights and freedoms. Primary education shall be compulsory and free for all, secondary and higher education in different forms, such as technical and vocational shall be accessible for every one. Fundamental and basic education shall be encouraged and the development of a system of school at all level shall be achieved.¹²²
- d) International Covenant on Civil and Political Rights, this covenant obliges the states parties "to ensure equal right of men and women to enjoy all civil and political rights",¹²³

¹²⁰ Ibid article, 26

¹²¹ Article 28, Convention on the Rights of Child

¹²² Article 13, International Covenant on Economic, Social and Cultural Rights

¹²³ Article 3, International Covenant on Civil and Political Rights

and further states that, "States shall respect the liberty of parents or legal guardians to ensure the religious and moral education of their children".¹²⁴ And,

e) The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), article 10 of CEDAW states that:

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women.

Pakistan has also made other International commitments to provide free and compulsory education to its citizens, such as the Millennium Development Goals agreed by States participatory at the United Nations Millennium Summit in September 2000, the governments vow to ensure that most of the children in the world would be able to attend and complete primary compulsory education and also ensured that girls and boys both would have equal and same opportunities to attend school by 2015 to which Pakistan was also a participatory.

Like the Millennium Development Goals Pakistan has also made International commitment to implement the Dakar Framework for Action. The World Education Form at its Dakar Framework for Action made the "Education For All" (EFA) goals. These goals focused to improve the early childhood care and education, making primary education free and compulsory for all, especially for girls and make sure that these girls attend and complete the primary compulsory education, young literacy would be improved particularly for women by 2015, equality in access and continuity in adult

¹²⁴Ibid, article 18, sub-article 4

education, eliminating gender disparity and improving the quality of education.¹²⁵

So, state is responsible to provide free and compulsory education to its citizens by the constitution, as a party to International treaties and conventions and due to the commitments it has made to International community.

4.3 Responsibilities of Society

Society also plays an important role in the field of education, the female education ratio is very low in the conservative and in the societies having cultural prejudices as compare to progressive and educated societies. These prejudices which effect girl's education are early age marriages; girls are not allowed to attend male teacher schools and a fixed level of education.¹²⁶

In most of the remote areas of Pakistan and especially in Balochistan, where the education ratio is very low and where the population lives in rural areas with a lot of cultural prejudices the female education ratio is very low as compare to urban areas where families are more educated. In Punjab, where the most of the population is urbanized and educated the female education ratio is higher as compare to other provinces of Pakistan.¹²⁷

In some rural communities of Balochistan, there is a culturally fixed level of education, which is class ten in most of the cases because in these communities girls marry early and

¹²⁵“The Dakar Framework for Action, Education for All: Meeting our Collective Commitments,” UNESCO, <http://www.unesdoc.unesco.org/images/0012/001211/121147e.pdf>. (last visited: 16, 03, 2012)

¹²⁶ Barbara Herz, *EUCATING GIRLS IN SOUTH ASIA: PROMISING APPROACHES*, p.2, http://www.ungei.org/resources/files/unicefrosa_educatinggirlsinsouthasia.pdf. (last visited: 27, 12, 2011)

¹²⁷“Pakistan Education Statistics 2008-09,” <http://www.aepam.edu.pk/EducationStatistics08-09.pdf>. (last visited: 27, 07, 2011)

cannot carry on their education so it is a kind of fixed level of education and there is no acceptance of female education behind that level. In such communities girls need to observe cultural traditions, they also need a male relative to escort them to school, without observing these traditions a female cannot attend school.¹²⁸

As mentioned above and given in the constitution, it is the responsibility of State to provide free and compulsory education to its citizens,¹²⁹ but the State machinery alone can not fulfill its education goals without the help of society. Education is a fundamental right of all citizens and society at large but every right has corresponding responsibilities; it is the duty of State to provide means of education but it is also the responsibility of society to accept female education and to send their daughters to school.

4.4 Responsibilities of International Communities

The International community also has a role to play in the field of education, International NGOs and organizations are working on education all over the world, among those are some UN body organizations such as UNICEF, UNESCO, UNGEI and other organizations such as World Bank, Oxfam and USAID. These organizations are also working on education in Pakistan through different local NGOs.¹³⁰

These organizations are also funding with the help of International community different NGOs which are working in Balochistan, on education and other programs, among those are Balochistan Rural Support Programme (BRSP), Strengthening Participatory

¹²⁸ Barbara Herz, *EUCATING GIRLS IN SOUTH ASIA: PROMISING APPROACHES*, p. 2, http://www.ungei.org/resources/files/unicefrosa_educatinggirlsinsouthasia.pdf. (last visited: 27, 12, 2011)

¹²⁹ The constitution of Pakistan, article 25A

¹³⁰ "Directory of NGOs working on literacy and adult education," *UNESCO Islamabad*, www.un.org.pk/unesco. (last visited: 24, 04, 2012)

Organization (SPO), Society for Community Support for Primary Education in Balochistan (SCSPEB) and Aurat Foundation.¹³¹

For example, Oxfam has been working in Pakistan since 1973, on different programs including education. Currently it is working on education in five district of Punjab with 200 schools, training teachers mobilizing parents and improving infrastructures of school.¹³²

The USAID is also working on education in Pakistan; it works in close partnership with the Federal and Provincial Governments, Higher Education Commission and other Provincial departments. The current projects of USAID are providing scholarships to students for higher education especially to female and students from underdeveloped and rural areas, rehabilitating and reconstructing schools and training teachers to use technology in classrooms.¹³³

UNICEF is a UN body organization which is working on child in all over the world including Pakistan. It works with the Federal Ministry of education, Provincial Education Departments, national and international NGOs. It is currently working in Balochistan in collaboration with Society for Community Support and Primary Education in Balochistan (SCSPEB) for providing middle schooling opportunities for primary pass girls where there are no middle schools for girls.¹³⁴

CEDAW Committee has also its responsibilities for the implementation of the provisions of CEDAW by states parties to this Convention. The equal right to free and compulsory

¹³¹ “BALOCHISTAN.GOV.PK”, http://www.balochistan.gov.pk/index.php?option=com_content&task=view&id=836&Itemid=1087. (last visited: 15, 02, 2012)

¹³² Ayesha shaukat, *Delivering Girls' Education in Pakistan*, (UK: Oxfame G B Discussion Document, 2009), p. 12, <http://www.oxfame.org.uk>. (last visited: 10, 03, 2012)

¹³³ “USAID Pakistan,” education, , <http://www.usaid.gov/pk/sectors/education/>. (last visited: 24, 05, 2012)

¹³⁴ “UNICEF Pakistan,” education, http://www.unicef.org/pakistan/partners_1786.htm. (last visited: 24, 05, 2012)

education for girls has been ensured by CEDAW.¹³⁵ States Parties to the CEDAW Convention are legally bound to submit periodic reports on the measures taken to implement the Convention at national level to the Committee. Beside the state reports NGOs also submit reports regarding the implementation of Convention by States Parties, the committee will examine these reports and its Concluding Observation to assess that the Provisions of the Convention has been implemented or violated. The Committee in its Concluding Observations will evaluate the implementation or violation of rights of women including right to education, reported to and received by committee from concerned State and these observations have a very strong pressure for the implementation of CEDAW Convention.¹³⁶

¹³⁵ Article 10, CEDAW

¹³⁶ Maria Herminia Graterol & Anurag Gupta, "New England Journal of International and Comparative Law," *Girls Learn Everything: Realizing the Right to Education Through CEDAW*, 2010, also available at: <http://www.lexis-nexis.com/terms/general/>. (last visited March 16, 2012).

Chapter V

Recommendations and Conclusion

5.1 Recommendations

- Balochistan Government should legislate laws to regulate free and compulsory primary education as legislated by other provinces and there also should be laws to regulate secondary and higher education in all provinces.
- The provisions of CEDAW should be implemented through State legislation particularly its provisions regarding principle of equality, in accordance with the Constitution of Pakistan and injunctions of Shariah.
- Government should commit more resources on education than any other field because no Nation can develop without education.
- Girl's education should be addressed as a matter of priority, especially in the rural and underserved areas.
- More girls schools should be built especially in rural areas and more female teachers should be hired because most of the families in rural areas do not allow their females to attend boys' schools.
- Schools should be made more girl-friendly and acceptable to community by providing all basic necessities, such as water and sanitation.
- Quality of education should be improved including curriculum, materials, teaching method and uniform. Uniform and curriculum should be according to the culture of the community.

- Education should be effectively compulsory and free at least at the secondary level and higher education should be made more affordable by eliminating fees and offering scholarships.
- State should campaign for the awareness in the society for education and provide more opportunities and good quality of education for female.
- The International Organizations should focus more on education and collaborate with the Civil Society, Government and Community to bring more girls in school.
- The NGOs and other donor organizations should involve and mobilize the community while working on girl's education. Schools should be built and teachers be hired according to the demands of the community which will involve and mobilize them more.
- Local Mosques can be used as primary or secondary schools where there is no affordability of separate buildings.

5.2 Conclusion

A Nation can not develop, socially or economically without a strong system of education that reaches all the citizens. Pakistan is a developing Nation needs to boost its education system by providing equal opportunities to male and female citizens. Education provides base for social and economical development, educating girls is as important for development as educating boys. Education is a fundamental right and responsibility of State to provide education to its citizens. Though the education in Pakistan has the constitutional guarantee but it is apparent that many challenges exist in providing education to girls especially in rural areas.

The Constitution of Pakistan guarantees the right to education as a fundamental right and obliges the State to provide free and compulsory primary education and also promote and facilitate higher and other technical education. Pakistan as a party to major International Human Rights law is also under legal obligation to provide education to its citizen on equal bases.

CEDAW is an international legally binding document, which ensures the rights of women and emphasizes on the elimination of discrimination against women. Pakistan is a party to this convention, being a party Pakistan is bound to eliminate gender inequality and discrimination against women and ensure equality for women in all fields of life including education. The CEDAW's principle of equality can be achieved by educating women and education can be used as a tool for the realization of other rights of women.

Gender disparity persists in education and women still face many challenges in the field of education in Pakistan especially in Balochistan, which is the poorest and the most underserved province of Pakistan. The gender gap is wider in Balochistan, women face

more challenges and have fewer opportunities in the field of education. These challenges are due to the lack of educational facilities, a very scattered population and fewer numbers of schools. Because of these challenges most of the rural populations do not have access to schools.

There is strong evidence to suggest that parents in Balochistan want to educate their all children. However, at present they face many challenges and have few opportunities of educating their children.

Is it possible that by keeping half of the population illiterate, the other half can touch the sky?

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