

Inclusive and Equitable Quality Education: The Context of Constitution of Pakistan and International Commitments

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Abstract

The research paper is discussing the context of equitable quality education in Pakistan in the light of international commitments specifically Sustainable Development Goals (SDGs) related to education. This research paper specifically discussing the factors that are preventing the authorities and decision makers to purge those elements instigating hate towards others having distinct identities – be it religious, be it ethnic or be it linguistic. As revisiting textbooks and the curricula for removing content that is biased and instigating hate towards other religions was the major recommendation of the UN Committees on various treaties for Pakistan. This research study is navigating through different policy framework introduced in different regimes and intentions of the political decision-makers for ensuring the unbiased education for all as per the constitutional commitments for strengthening national unity and social cohesion. The qualitative method and interview technique were adopted to assess and evaluate the trickle-down effects of the educational policies introduced by successive governments – particularly in the light of international commitments focusing on Sustainable Development Goals target 4.7 and indicator 4.7.1 (along with other goals and targets such as SDG 12.8, and 13.3) that urge the state parties for considering/ensuring equitable quality education.

Keywords: *SDGs, Quality Education, Cohesion, Unity, Minority, Human Rights,*

Introduction

Education, no doubt, has a vital role in nation-building; however, the contents of the curriculum and methodology of delivery have fundamental importance in its transformation. It attracts no other opinion that without applying proper techniques and appropriate form, its foundation can neither be strengthened nor utilized for the cause of national development. Verily, a nation's destiny is decided in the educational institutions, especially in the classrooms, from where it might be taken to any form for specific purposes. Ill-luck it may be that it was de-tracked here and was maligned by prejudice, intolerance, and void of harmonious feelings, and standard code of ethics.

Of course, the education system and curriculum should have been enshrined by the vision of the founder of the nation with a vision of the creation of ideological freedom of thought; nurturing the morals and manners of the community; making them enliven for their soul feel and enkindle cognitive faculties, arousing their passion for the best socio-moral values and mode of living (Siddiqui, *Education Policies in Pakistan: Politics, Projections, and Practices*, 2016). This dream might have been translated into reality, but the pace of development could not be maintained after the Quaid's untimely demise. Resultantly, the national targets set in the various eras for education, management, and development could not be materialized. The considerable achievements and consistent peaceful coexistence are not far off if the national curriculum is transformed from the perspective of fundamental human rights, incorporating the active role of civil society at large (Kokab, 2022).

Background of Study

Quaid's vision regarding education and the nation's transformation were incorporated in the first education policy, evident in the National Conference on Education held in 1947 (Jan-e-Alam Khaki, 2013). The conference invested a maximum effort and energy in affording a conducive environment for the citizens of an infant state to get a balanced and human-friendly education system, so that the targets of the existence of Pakistan may be achieved. Specifically, separate committees of experts from the diverse fields were constituted to set the syllabus and curricula and impart pedagogical skills. Contrary to it, Quaid's demise turned the situation after one year of Pakistan's inception, and the tug of war between political elites for powers cast aside Quaid's standpoint and policy on education (Nazia Sardar, 2021).

Months and years got wings, and the curriculum making as was desired by the Quaid remained non-productive even after a futile practice of announcing nine successive curriculum policies in seven decades. The current state of affairs is tantamount to not only differences, disunity, and bitterness but also generates gulf based on religion, education, social development, and culture. Thus, the national education policy 2009 (Takbir Ali, 2018) was introduced that was bearing social justice, promoting democracy, the harmony of the syllabus with the Constitution of Pakistan 1973, and the parameters of quality education, but the implementation of the same is still awaited. The religious minorities were perhaps deliberately ignored, and their constitutional status was not safeguarded in the curriculum making of Pakistan (Jacob, Justice Yet Afar: Assessment of Supreme Court's Verdict on Minorities Rights, 2021).

Moreover, topics like human rights, gender equality, and peaceful co-existence were not given due place in the curriculum and gave way to a lack of equality and patience. The 18th amendments to the Constitution of Pakistan 1973 guaranteed the right to free and compulsory education (Jamal, 2021), by adding Article 25 (A) in the chapter on fundamental rights, but the laws and policies introduced to implement the constitutional provision have not been effectively implemented unfolded so far. As the pace of progress is a continuous process, it is still possible to achieve the objective of sustainable peace and development by harmonizing the curricula with the fundamental human rights and extending the role of civil society in imparting education to the growing generation. It would be useful to disregard all sorts of prejudices based on religion, belief, gender, language, ethnicity, and geographical location, and acknowledge the diversity existing in the society, and accept the equality of rights and citizenship of minorities.

Literature Review

A review of literature (cited and listed in the bibliography, etc.) was carried out to prepare an inventory of legislative, institutional, and administrative measures taken by the successive governments in Pakistan in the light of international commitments¹. Therefore, an assessment of international agreements – particularly the Sustainable Development Goals (SDGs), and existing legal framework gave logical ground to question the relevance and transformation of the policies into practical actions. Verily, there is lot of work – being done by prominent and

¹ MOFA. Mous-agreements, from <https://mofa.gov.pk> accessed on November 22, 2022.

well-known writers expert in education field, available around the education, in general, and quality education in specific. Notwithstanding the several legislations and educational policies, as Shahid Siddiqui lamented, Pakistan is still grappling with the issue of improving its global ranking in terms of quality education (Siddiqui, 2017). With the independence, the colonial system was to be replaced by one that would cater to the real needs and advancement of the Pakistani nation. It is painful to observe that, despite those initial aspiration, our country is sitting at the bottom of almost all education indicators.

There is no doubt, Pakistan has made progress in some of the fields such as defense, telecommunications, textiles – (though a modest progress), when it compared with other countries. However, Sajid Ali and Muhammad Babur (Babur, 2013) claimed that when we compare Pakistan with the similar countries, it exposes that we are still lagging to achieve the educational indicators. In a similar manner, the context of gender parity in education sector (related to girls's schools and female teaching staff) is also dismal for the want of political will. The perpetual party warfare and tug of war between political elites further prevented it to get focus by the authorities and law-makers. Fareeha Zafar claims that Pakistan is one of those countries where out of school children and school drop ratio is high owing to various factors – customary practices and patriarch context are worth mentioning (Zafar, 2015).

This specific study is an attempt to cover the gap not covered by the previous researcher and writers. As they have discussed the issue of education in the persepective of missing facilities, fragile infrastructure, political instability, and weak socio-economic institutions. Yet, a room is available to discussed the issue of equitable quality education in the light of international commitments specifically SDGs 4 and its target 4.7 and indicator 4.7.1, and Convention on the Elimination of all forms of Discriminaiton against Women (CEDAW) – former one is adopted through parliamentary reslolution in 2016 and latter is acceded in 1996.

Discussion and Analysis

The term policy is, conventionally, connected with the polity and politics; therefore, it can be defined as an organized and continuous process that defines certain boundaries and plans for achieving desired/set goals. The international alliances like states, multi-national corporations, companies, and organizations in the entire world devise policies with their set goals or targets; whether they are concerned with socio-economic, socio-politics, geostrategic

conditions, cold or active war, and other walks of life, the education policy is by-default vibrantly standing firmly to support the national cause (Mustafa, 2021). As the public policy, indubitably, makes the achievement of goals or targets easy, at the same time, it also helps to estimate the required resources, division of labor, and plan of actions to reach the desired destination.

After the inception of the United Nations, in the context of ratified covenants and conventions², the policy process has become the focal point for political institutions. Concerning it, neither the contribution of the international commitments and obligations nor the UN member countries' role for agreeing on it could be ignored. Especially in education - whether it is formal, informal, or non-formal - for the achievements of agreed national targets, the tradition of the decision-making process for public choices is the salient feature of every country that paves the way to achieve the goal of global education.

Following the trends of public policy, since the inception of Pakistan, many education policies have been introduced at the national level in different regimes. However, some of the ruling parties incorporated education policy as a star objective in their manifestos. To date, four education policies were introduced in democratic governments, whereas the rest of the five education policies [one education policy draft] were devised and presented under the supervision of dictator rulers (Saeed, 2021).

Table 1

The chart given below demonstrates the policies introduced in different regimes.

No	Year	Policy Document	Ruler / Regime
1	1947	Pakistan Educational Conference	Muhammad Ali Jinnah
2	1959	Commission on National Education	Field Marshal Ayub Khan
3	1969	Proposal for a New Educational Policy	General Yahya Khan
4	1970	The New Education Policy	General Yahya Khan

² TBINTERNET. *Treaty Body External*, from https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=131&Lang=EN accessed on December 22, 2022.

5	1972	National Education Policy	Zulfikar Ali Bhutto
6	1979	National Education Policy	General Zia ul-Haq
7	1992	Education Policy	Muhammad Nawaz Sharif
8	1998	National Education Policy	Muhammad Nawaz Sharif
9	2009	National Education Policy	* General Pervez Musharraf/ Syed Yousuf Raza Gilani
10	2018	National Education Policy Framework 2018	Imran Khan

The Equal Educational Opportunities in the Context of Constitution of Pakistan 1973

The first chapter of the Constitution of Pakistan 1973 guarantees the protection of citizens' fundamental rights. The significant features include equal opportunities for education (Khan, 2017) and development, equality before the law (AWAM - Pakistan, 2012), and restraining decision-makers from introducing partial statutes and policies (Tabbasum, 2022).

1. As per Article 8, the decision-makers are refrained from introducing any law that contradicts the fundamental human rights enshrined in the constitution, whereas challenges it further provides grounds for repealing all those existing laws promulgated forcibly (AWAM Pakistan, 2018).
2. Article 22 (1) prohibits teaching a certain religion to students practicing different faiths without their parents' consent and further ensures the freedom of religion or belief to profess their respective religions or get religious education accordingly (CSJ, 2016).
3. Article 25 ensures equality before the law and also refrains the decision-makers from engaging in any act or practice of discrimination on the basis of sex.
4. According to Article 25-A, the state is under obligation to ensure free and compulsory education to every child of age between 5 and 16 years.

5. The chapter related to Principles of Policies of Constitution of Pakistan 1973, in its Article 33 discourages parochial, racial, tribal, sectarian and provincial prejudices among the citizens³.

In such a context, Article 8 is of prime importance as it protects Pakistani citizens from all kinds of biases and prejudices. However, there is an inordinate delay in drafting statutes and establishing institutes to translate the constitutional provisions and implementation of international commitments. Consequently, the desired goal of equality of citizenship and opportunities is a long-awaited promise to be fulfilled, which is defying the delivery of justice (Dr. Tahir Kamran., 2020).

Equal Opportunities for Education and International Commitments

In the contemporary era of globalization, when the entire world is counting on each other for human development, poverty alleviation and curbing all kinds of social evils. Similarly, Pakistan is also a party to several international human rights treaties and engaged in incorporating international commitments into the local laws and policies. The following are some of the essential commitments related to ensuring equitable quality education; Pakistan is under obligation to implement its commitments as part of the international community.

Sustainable Development Goals (SDGs) 2016, particularly SDG 4, is concerned with Inclusive and Equitable Quality Education focusing on global citizenship education. Its indicator 4.7 is worth mentioning, which urges the state parties to incorporate human rights, peaceful coexistence, social justice, gender equality, non-discrimination, and social inclusion in education policies (AWAM Pakistan, 2021).

International Covenant on Economic, Social, and Cultural Rights (ICESCR) in its articles 13 and 14 obliges the state parties to adopt appropriate measures for ensuring free and compulsory education (AWAM Pakistan, 2020).

International Convention on the Rights of Persons with Disabilities (UNCRPD) in its Article 5 obliges the state authorities to purge mediums of education from all kinds of discrimination,

³ PAKISTANCONSTITUTIONLAWS. *parochial-and-other-similar-prejudices-to-be-discouraged*. From <https://pakistanconstitutionlaws.com> accessed on November 02, 2022.

whereas, in its Article 24, state authorities are under obligation for the arrangements of inclusive education for the children with disabilities⁴.

International Covenant on Civil and Political Rights (ICCPR) in its Article 3, urges the state authorities to ensure equality of citizenship and opportunities in all spheres of life.

Furthermore, Article 18 entrusts the parents to make decisions about the education of their children. Similarly, Article 27 protects the freedom of religion or belief, cultural, and customary linguistic practices.

Concerns and Issues

The accretion of religious material in education policies promotes a particular religious ideology. Furthermore, the inclusion of discriminatory words/paragraphs in the textbooks regarding other faith groups resulted in bolstering disharmony. Such patterns have polluted the immature thought process with societal imbalance and intolerance with the jargon imbibed in the texts meant for primary schooling. The authorities' attitude of shrugging the shoulders to improve the curricula and pedagogical skills is as burying the head in the sand, thus encouraging the societal imbalance, deprivation, injustice, and religious hatred. As the garden's beauty is not merely due to watering and weeding, a well-trained gardener is worth mentioning the appropriate and timely provision of resources. In this perspective, the teacher's role is like a gardener that could not be ignored for ensuring national unity.

The Working Group on Universal Periodic Review (UPR) reviewed Pakistan's third-cycle UPR held on 13 November 2017, wherein 11 recommending states made recommendations to Pakistan relating to the right to education. They encouraged the government of Pakistan to intensify efforts and invest resources to ensure that all children enjoy the right to quality education regardless of social status, gender or ethnicity, and protection from discrimination and violence; and to incorporate international human rights standards into the national education system, contributing to enhancing peaceful coexistence in the country.

The CEDAW committee reviewed Pakistan's progress regarding women's rights in a meeting held on 12 February 2020, wherein the committee made recommendations to Pakistan to enact laws and strengthen measures to increase girls' enrolment, retention, and reintegration

⁴ OHCHR. *convention-rights-persons-disabilities*, from <https://www.ohchr.org> accessed on November 02, 2022.

in schools; and to develop and integrate inclusive and accessible content on gender equality into school curricula (Malik, 2021).

The human rights committee monitoring CCPR reviewed Pakistan's progress against the implementation of civil and political rights in a meeting held on July 11-12, 2017 wherein the committee made recommendations encouraging Pakistan to review school textbooks and curricula with a view to removing all religiously biased content, incorporate human rights education therein and continue to regulate madrasas; and to develop appropriate curricula to promote a culture of religious and social tolerance.

The CESCR committee reviewed Pakistan's progress regarding economic, social and cultural rights in a meeting held on June 12-13, 2017 wherein recommendations were made encouraging Pakistan to progressively eliminate social segregation in the education system by ensuring education of equal quality to all children in all public and private schools.

The CRC committee reviewed Pakistan's progress regarding child rights in a meeting held on May 25-26, 2016 wherein the committee made recommendations in the light of SDG 4, and encouraged Pakistan to improve the quality of education and training for teachers, and to prevent unlawful teaching content or behaviour, and to allot sufficient resources to improve infrastructure and basic necessities in schools, and to ensure universal, free and compulsory primary education for all children by adopting relevant laws and policies.

The CERD committee reviewed Pakistan's progress regarding racial discrimination in a meeting held on August 16-17, 2016 wherein the committee made to monitor school curricula and textbooks at all levels, including those of madrasas, to ensure that they promote understanding, tolerance and friendship among different ethnic and religious groups.

Conclusion and Recommendation

Since Pakistan is a party to several international treaties, it is, therefore, under obligation to incorporate the agreed points, related to inclusive and equitable quality education, into domestic statutes. Specifically, the measures related to Sustainable Development Goals (SDGs) have yet to wait for decision-makers' attention. In view of it, SDG 4 urges the state parties to take steps to introduce a people-friendly education policy and impartial curriculum free from material that promotes gender and faith-based discrimination and instigates hatred

and intolerance towards ethnic and sectarian groups. According to SDG 4, Pakistan is bound to guarantee such inclusive and equitable quality education appropriate in the purview of global trends. In the same manner, the Constitution of Pakistan 1973 further bears the same provisions.

Despite the challenging context, our state has succeeded in curtailing extremism and hatred with civil society groups' cooperation. Specifically, the National Action Plan to counter-terrorism and Judgment of the Supreme Court of Pakistan (Jacob, 2019) in the context of the interpretation of Constitutional rights of religious minorities are succeeded in creating a conducive environment to discuss the agenda of equality of citizenship. Yet, the desired environment of peaceful coexistence is still awaited. In such a context, civil society groups' demands related to implementing the said judgment are justifiable. Since Pakistan is a multi-ethnic society and a land of diverse cultures, hence, it is inevitable to take necessary measures for ensuring social justice, and peaceful coexistence for demonstrating a positive gesture to the outer world.

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