

**Education for All: A Girl's Right to Education in Pakistan and Uganda**

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## Executive Summary

Education prepares children for life, it serves as a global passport, redefining boundaries and producing an enlightened society which enhances mutual respect. Education serves as a tool that improves the lives of the individuals, their families, their communities and their nation. It is a fundamental human right and explicitly enshrined in international human rights law. Yet, millions of children are denied this right and excluded from attending schools. This exclusion adversely affects girls, more significantly in South Asia and Sub-Saharan Africa where estimates indicate that 60 million girls are out of school. The purpose of this paper is to highlight exceptional challenges faced by children in Pakistan and Uganda in exercising their Right to Education with a special focus on girls. Girls are the most vulnerable group in our society facing discrimination in every walk of life. The aim is to outline some of the issues that negatively impact girls from remaining and enrolling in schools. The benefits of educating the girl child are infinite ranging from self-development to economic progress, small sustainable families to general awareness of health-related matters, increased political participation to less chances of contracting HIV/AIDS. However, girls, in most part are denied the opportunity to go to school due to poverty which was found to be an overarching issue in both Uganda and Pakistan. Further, this paper found that early marriages and pregnancies had a momentous impact on girls and their access to education. Estimates indicated that by 2050 the world will see 350 million brides almost the double of 125 million brides as of today. Statistics highlighted that 34% girls in Uganda drop out of school due to early marriages and pregnancy and even more alarming is the data that indicates that 42% of world's child brides were from Pakistan in 2015. Additionally, missing school facilities and unfavorable school environment were found to be the next big challenge to girls' education. Thousands of girls refrain from attending school when they are on

their menstrual cycle as they lack sanitary pads, because the distance to school is too long, schools don't provide girls with toilet and sanitation facilities and merely because they have no food to eat.

After examining the policies adopted by the Governments of Uganda and Pakistan, the paper provided a set of recommendations and lessons that can be implanted by both the States to enhance the access to education for girls. The paper found that the root cause of the challenges remains in the financial spending on education, both States need to urgently increase their spending on education to 6%. It was recognized that the legislation of both States needs to be amended about the legal age of marriage along with prescribing strict punishments for those who force children into child marriages. As distance was found to be a major constraint, the paper discussed the success of civil society and United Nations projects that were implemented in Kenya and India and how such implementations in Uganda and Pakistan can be a way forward. The World Food Program's School Feeding Program was an inspiring lesson. The hike in school enrollment and retention rates for girls because of such programs makes a hopeful plea for Uganda and Pakistan's girls in their enjoyment of Right to Education. Finally, the paper provides detailed recommendations for these states and explains the role of civil society and the success of community based schools in Pakistan that can serve as a solution for Uganda. Lessons from Uganda's National Strategy for Girl's education about menstruation provides a framework for Pakistani government, that can lead to a better future for the girls.

Ensuring that every child in the world is educated is a duty not only the States but every individual, this paper highlighted some of the solutions that propose a positive way ahead and is hopeful that more and more girls will be set on a path of self-development and individual freedom in the years ahead.

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## Introduction

*“One child, one teacher, one book, one pen can change the world.”*

— *Malala Yousafzai*<sup>1</sup>

Education has the power to reshape the world we live in; it is a fundamental human right and tremendously vital for the smooth exercise all other human rights. Education gives everyone an equal opportunity to succeed and develop themselves and those around them, it is a path to self-empowerment and individual freedom. Yet millions of children are denied the right to attend school and pursue their educational endeavors. Of these millions of children, girls are the most vulnerable group – rough estimates indicated that 60 million girls will never enter a school. Despite significant progress in sub-Saharan African and Southern and Western Asia girl’s future remains uncertain in the stream of education. In Southern Asia millions of girls, do not attend school (the statistics vary in various reports) and in Central and Western Africa approximately half of all the girls are denied this opportunity<sup>2</sup>. The former United Nations Special Rapporteur Mr. V. Munoz Ballalobos on Right to Education, emphasized in his report titled “Girl’s Right to Education” that the exclusion of girls has made reaching gender parity and equality in education impossible. He claims that this not only reflects poverty but a lack of political will on States that do not realize the importance of education and not view it as a human right. Further, he summarizes that the purpose of girl’s education is to “facilitate those changes by building in all persons the capacity to respect and exercise human rights; what is at stake is education for

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<sup>1</sup> Malala Yousafzai, ‘Speech to the United National General Assembly (UNGA)’ (2013).

<sup>2</sup> ‘Out Of School Children Data Release 2015’ (*United Nations Educational, Scientific and Cultural Organization (UNESCO) Institute for Statistics (UIS)*) <<http://www.uis.unesco.org/Education/Pages/oosc-data-release-2015.aspx>> accessed 21 November 2016.



equality and, hence, a more just, interdependent, equitable and peaceful society.”<sup>3</sup> The United Nations Committee on Elimination of Discrimination against Women (CEDAW) in its general recommendation No. 16, emphasized that substantive equality will not be achieved through implementation of laws and policies alone, as these legislations fail to address the issues that separate men and women and do not consider the inequalities faced by women. Furthermore, the Committee stressed that the States need to eliminate “discriminatory attitude and stereotypes, as well as customs and practices held over from traditions that have consigned women in position of inferiority.”<sup>4</sup> For these reasons and statistical evidence, I have chosen Pakistan and Uganda be the examined in this paper. As a child in Pakistan I grew up witnessing girls my age (under 15 then) denied this right in lieu of early marriages and the societal presumption that girls possess the responsibility of taking care of household chores and family members. In Uganda, I witnessed street children spending their days begging for money, girls getting pregnant in their teenage years and having no opportunity to complete their education after they give birth.

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<sup>3</sup> United Nations Economic and Social Council, ‘Report by Special Rapporteur Mr.V.Munoz Bollalobos on the right to education– Girl’s Right to Education’ (2006) UN Doc E/CN.4/2006/45. The UN Human Rights Councils have established Special Procedures that are instruments set to address thematic and country specific human rights issues. There are forty one thematic mandates and fourteen country specific mandates. These mandates are lead by experts in various fields are usually academics, lawyers and activists coming from diverse backgrounds – these mandate specific leaders are referred to as Special Rapporteurs (SR). SR’s advice and report on human rights situations in their specific mandate e.g. Right to Education. They conduct country visits, and provide recommendations to states as their primary function. The current UN Special Rapporteur to Right to Education is Mr. Kishore Singh.

<sup>4</sup> UN Committee for the Elimination of All Forms of Discrimination against Women, ‘General Recommendation No 16: Unpaid women workers in rural and urban family enterprises (Tenth session, 1991), UN Doc A/46/38 at 1 (1993).The Committee on the Elimination of Discrimination against Women is a body made up of independent experts that monitor the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. CEDAW works under the Office of the High Commissioner for Human Rights(OHCHR) that provides support to UN Charter-based bodies including Human Rights Council. It supports bodies that are established under international human rights treaties such as CEDAW.

Pakistan and Uganda are in the world's worst two regions for provision of education. Pakistan<sup>5</sup>, being in South of Asia is home to 25 million children who have no access to education<sup>6</sup>. Similarly, in Uganda<sup>7</sup>, situated in East Africa experience high rates of school dropouts due to poverty and early pregnancies. It was reported that 34% of girls drop out of school due to pregnancy.<sup>8</sup> Evidence indicates both Pakistan and Uganda face some similar challenges in their responsibility to provide education to its citizens i.e. poverty, child marriages, lack of infrastructure, young mothers etc. This aim of this paper is to discuss some of those challenges with a special focus on girls. The paper is divided into three main chapters. The first chapter will denote Right to Education in international law by listing various aspects of right to education outlined in international human right treaties. In addition, discuss the role of States in ensuring that this right is enjoyed by each citizen in their country. The second part of the first chapter will examine the national policies of Uganda and Pakistan and give an overall analysis of where the States stand in providing education to their citizens. This analysis will follow former UN Special Rapporteur Katarina Tomaskevsi's Framework (4a's Scheme) which requires that education must be available, accessible, acceptable and adaptable for all<sup>9</sup>. The Second Chapter titled "Girls – Right to Education" will explore the legal framework that stresses the importance of educating girls, it will outline the various benefits of educating a girl and focus on two main reasons of girls dropping out of school in Uganda and Pakistan. The first reason - Child Marriages and Early Pregnancies, will examine the status of child brides in both the States and analyze the steps

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<sup>5</sup> See Appendix II for a map of Pakistan and location on the World Map.

<sup>6</sup> Alif Ailaan, '25 Million Broken Promises: The Crisis Of Pakistan'S Out-Of-School Children' (2014).

<sup>7</sup> See Appendix III for a map of Uganda and location on the World Map.

<sup>8</sup> UNICEF, 'Survey Briefing' A Survey on Re-entry of Pregnant Girls in Primary and Secondary Schools in Uganda. (UNICEF,2014) available at < [http://www.unicef.org/uganda/Re-entry\\_of\\_pregnant\\_girls\\_-\\_briefing\\_-\\_20\\_10\\_2014.pdf](http://www.unicef.org/uganda/Re-entry_of_pregnant_girls_-_briefing_-_20_10_2014.pdf)>. Note: this research briefing is part of a series of research and evaluation summaries produced by UNICEF Uganda and its partners.

<sup>9</sup> This framework will be further elaborated in the first chapter.

these States have taken in curbing this practice in addition reflect upon how this practice hinders girl's education. The second reason– The School Environment will discuss the numerous challenges posed by missing school facilities such as inadequate school infrastructure, distance from the school, lack of sanitation facilities and food provisions. The final chapter titled “The Way Forward” is a compilation of recommendations and best practices exercised by other States in their promotion and protection of right to education for girls. This paper will conclude with a provision of recommendations that the States should adopt to achieving gender parity and ensuring every child enrolls and retains in school. These recommendations will specifically cater to the issues focused in this paper.

## **1.0 Right to Education in Uganda and Pakistan – A Critical Analysis**

### **Right to Education within the International Legal Framework**

The most significant instrument of the international human rights law is undoubtedly the Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948. The UDHR provides a framework for all States to promote and protect the rights of their citizens. Among the 30 rights enshrined in the declaration Article 26 is most relevant for this paper as it states:

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.<sup>10</sup>

Following the UDHR, several other international treaties focused on the right to education as UDHR is a mere declaration, the UN adopted several treaties to be signed and ratified by States to ensure that they are obligated by international law to promote and respect human rights. The International Covenant on Economic, Social and Cultural Rights (ICESCR) signed and ratified

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<sup>10</sup> Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR) art 26

by 164 states makes it a binding on states to adopt and adhere to the rights in the convention.

Article 13 of ICESCR states:

“The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.”<sup>11</sup> Article 13 (1) explicitly obligates the state to provide education to all citizens without any discrimination and Article 13 (2a) explicitly makes it obligatory on all states to make primary education compulsory and free to all. The Convention on the Rights of the Child further emphasizes these rights by stating in Article 28 (e) that the State will “take measures to encourage regular attendance at schools and the reduction of drop-rates”<sup>12</sup> to ensure that not only children have access to education but also safeguard their educational learning through attendance rates. The UNESCO Convention against Discrimination in Education was also established to guarantee that everyone is entitled to education without any discrimination, the Convention describes it as “the term ‘discrimination’ includes any distinction, exclusion, limitation or preference which, being based on race, color, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:

(a) Of depriving any person or group of persons of access to education of any type or at any

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<sup>11</sup> International Covenant on Economic Social and Cultural Rights (adopted 16 December 1966, entry into force 3 January 1976 UNGA RES 2200A (XXI) (ICESCR) art 13

<sup>12</sup> Convention on the Rights of the Child (adopted 20 November 1989, entry into force 2 September 1990 UNGA RES 44/25 (CRC) art 28

level;

- (b) Of limiting any person or group of persons to education of an inferior standard;
- (c) Subject to the provisions of Article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or
- (d) Of inflicting on any person or group of persons conditions which are in-compatible with the dignity of man<sup>13</sup>.

International treaties and conventions were then implemented on regional levels as well, for instance the European Convention on Human Rights adopted an additional Protocol 1 of which Article 2 establishes the responsibility of states to provide education<sup>14</sup>. The African Charter of People's and Human Rights in its Article 11 dictates that education should be directed in a manner that "the promotion and development of the child's personality, talents and mental and physical abilities to their fullest potential"<sup>15</sup> and prepare the child to be responsible in life, promote African Unity, morals and values. In addition, ensure that children understand primary health care and explicitly establishes that all States must "take special measures in respect of female, gifted and disadvantaged children, to ensure equal access to education for all sections of the community."<sup>16</sup> Furthermore, the Charter recognizes that women face a disadvantage when they become pregnant, hence the State should take appropriate measures to assist them in completing their education.

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<sup>13</sup> United Nations Educational, Scientific and Cultural Organizations (UNESCO), Convention against Discrimination in Education (adopted 14 December 1960 by the General Conference at its eleventh session, Paris) art 1

<sup>14</sup> Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (ECHR) Protocol 1 Article 2

<sup>15</sup> African Charter on Human and People's Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 ILM 58 (African Charter) Art 11

<sup>16</sup> See note 15.

In 2000, the World Education Forum adopted the Dakar Framework for Action, Education for All (EFA): Meeting our Collective Commitments. By pledging to this framework, States affirmed that they will adopt all six goals in the document. The goals emphasized that States must take care of early childhood education especially of the most vulnerable groups and ensure that young people are provided equal access to education. These goals however stress on one vulnerable group in particular – Girls. Goal 2 states that that “by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete, free and compulsory primary education of good quality” and Goal 3 sets a target of “achieving a 50 per cent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults.” Additionally, the last goal obliges States to eliminate “gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls’ full and equal access to and achievement in basic education of good quality;<sup>17</sup>.

Finally, the Millennium Development Goals (MDGS) were adopted in 2000 targeted to be achieved by 2015 by all countries. The United Nations is also committed to work with all the States and civil society organizations to achieve these goals. The set goals range from reducing poverty to eliminating the spread of HIV/AIDS. From the six goals set out, Goals 2 and 3 are of immense importance for this paper: Achieving universal primary education and promoting gender equality and empower women<sup>18</sup>. This section outlined the most significant international law instruments emphasizing the Right to Education. However, measuring how successful States

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<sup>17</sup> UNESCO, The Dakar Framework for Action, Education for All: Meeting our Collective Commitment (adopted by the World Education Forum Dakar, Senegal, 26-28<sup>th</sup> April 2000) ED-2000/WS/27

<sup>18</sup> United Nations Millennium Development Goals (2000)

are in fulfilling their obligation is often difficult hence, this paper will follow the framework designed by Katarina Tomasevski, former UN Special Rapporteur.

### **Tomasevski's 4a's Scheme**

Former UN Special Rapporteur on the Right to Education Katarina Tomasevski explains that “a consequence of the symmetry of law is that there could be no right to education without corresponding obligations for governments”. Therefore, provides a basic framework for governments to meet its national and international obligations to guarantee the right to education. The framework is organized in a 4-A scheme which asserts that education must be Available, Accessible, Acceptable and Adaptable<sup>19</sup>. This framework will be used for the purposes of this paper to assess the States in their obligation to Right to Education.

### **Availability**

Availability refers to universal, free and compulsory education. Governments should allocate sufficient budgets to ensure schools have proper infrastructure and adequate facilities are provided to the students. Teacher recruitment, suitable training and retention procedures should be in place to guarantee qualified staff at the schools. Further, students should be provided with clean drinking water, proper school infrastructure and basic sanitation facilities in compliance with international standards.<sup>20</sup>.

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<sup>19</sup> Katarina Tomasevski, *Right To Education Primers No.3, Human Rights Obligations: Making Education Available, Accessible, Acceptable And Adaptable* (1st edn, Novum Grafiska AB 2001) <[http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski\\_Primer%203.pdf](http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski_Primer%203.pdf)> accessed 28 October 2016.

<sup>20</sup> See for more information: Annemarieke Mooijman, *Water, Sanitation And Hygiene (WASH) In Schools* (1st edn, UNICEF's Division of Communication 2012) <[http://www.unicef.org/publications/files/CFS\\_WASH\\_E\\_web.pdf](http://www.unicef.org/publications/files/CFS_WASH_E_web.pdf)> accessed 28 October 2016.



## **Accessibility**

Making education accessible is to certify that all children regardless of their gender, religion, ethnicity, socio-economic status have equal access to education. The government should ensure that all constituents of the society are included i.e. refugee children, homeless, children with disabilities and other vulnerable groups such as girls. Further, schools should be at an adequate distance from students and transportation facilities should be provided to and from schools. International requirements require that any other financial obstacles should be abolished making education affordable to all e.g. textbooks, uniforms and stationary should be provided to students at no cost.

## **Acceptability**

Acceptability is representative of good quality of education that is free of discrimination and culturally appropriate for all pupils. Parental choice of education for their children should be ensured in addition to guarantee that students are not forced to conform to religious or ideological views. Educational content should be diverse and unbiased and appropriate language of instruction should be exercised. Furthermore, governments should ensure that practices such as corporal punishment are abolished and teachers maintain professionalism.

## **Adaptability**

Children with disabilities<sup>21</sup>, working children, girls and other vulnerable groups in society are often excluded from getting an education due to various constraints including schedule and

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<sup>21</sup> See: UN General Assembly, *Convention on the Rights of Persons with Disabilities*, 13 December 2006, A/RES/61/106, Annex I <<http://www.refworld.org/docid/4680cd212.html>> accessed 31 October 2016.

different societal needs. Hence, educational materials and structure should be flexible to meet the needs of all the children in the society.<sup>22</sup>

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<sup>22</sup> See Appendix I for an overall framework.

## 1.2 Uganda

### 1.2.1 Background

Uganda, situated in East Africa is home to 38 million people and one of the youngest populations in the world. Fifty-six percent of Ugandans are under the age of 18 and 59 percent of those are living under the poverty level.<sup>23</sup> In 1997, President Yoweri Museveni introduced Uganda's main policy tool; Universal Primary Education (UPE) aimed at facilitating every child to be able to enter and remain in school for the completion of the primary cycle of education<sup>24</sup>. It is essential to understand the education system of Uganda before further examining the process of UPE. Education is divided into three main sections: Pre-primary (2-5-year-old children), Primary Education (Primary 1 to Primary 6, a child can enter primary education at the age of 6) and finally lower secondary education i.e. from Senior 1 to Senior 6<sup>25</sup>.

The establishment of UPE meant that the government will bear the costs of primary education for all children in a family and since then primary school enrollment rates have taken a surge. Enrollment increased from 3.1 million in 1996 to 8.2 million in 2009<sup>26</sup>. Despite the increase in enrollment rate which stands at 89% in the recent years the main challenge is children pulling out

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<sup>23</sup> Edward Echwalu, 'Where Do You Want Us To Go?' (Human Rights Watch 2014) <<https://www.hrw.org/report/2014/07/17/where-do-you-want-us-go/abuses-against-street-children-uganda>> accessed 11 December 2015.

<sup>24</sup> Lawrence Bategeka and Nathan Okurut, *Policy Brief 10: Universal Primary Education, Uganda* (1st edn, Overseas Development Institute 2006) <<https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/4072.pdf>> accessed 28 October 2016.

<sup>25</sup> Japan International Cooperation Agency and International Development Center for Japan Inc., 'Basic Education Sector Analysis Report' (2012) <[http://www.opendev.org/sites/opendev01.drupal01.mountbatten.me.uk/files/basic\\_education\\_report.pdf](http://www.opendev.org/sites/opendev01.drupal01.mountbatten.me.uk/files/basic_education_report.pdf)> accessed 11 December 2015

<sup>26</sup> *Pre-Primary And Primary Education In Uganda: Access, Cost, Quality And Relevance* (1st edn, National Planning Authority 2015) <<http://npa.ug/wp-content/uploads/NDPF5-Paper-3172015.pdf>> accessed 1 November 2016.

of school before completion of their first cycle. The Uganda Education Management Information System reported in 2009 that the average completion rate of primary school was 52% which means that only half of the students enrolled in primary education end up finishing the first cycle. Moreover, the release of primary seven national exams in February 2013 indicated that 71% of those who enrolled in primary school under UPE were no longer in school<sup>27</sup>. Furthermore, UNESCO highlighted that Uganda's primary survival rate is extremely low at 33% i.e. 33 out of 100 children starting in primary 1, progress through the cycle and finish the cycle together with their classmates in primary 7<sup>28</sup>. In comparison to neighboring countries Uganda's survival rate is alarming as the primary survival rate in Kenya is 84%, in Tanzania 78% and in Rwanda 81% which is relatively high<sup>29</sup>. World Bank statistics indicate approximately 660,049 children were out of school in 2013<sup>30</sup> i.e. never been in school, which is distressing. The next sections will elaborate on national and international obligations of Uganda and highlight some of the challenges faced by Ugandan children.

### 1.2.2 Legal Framework

Article 30 of the Constitution of Uganda (1995) recognizes the Right to Education for all<sup>31</sup>. The national legal framework for Education for All was reinforced in compliance with international commitments. As discussed above the Universal Primary Education policy is the government's most fundamental tool in achieving education for all. Among, other policies adopted the Education Bill of 2000 was first of its kind to make basic education compulsory and punishable

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<sup>27</sup> 'Uganda National Education Profile' (*Education Policy Data Center*, 2014) <<http://www.epdc.org/education-data-research/uganda-national-education-profile>> accessed 31 October 2016.

<sup>28</sup> Ministry of Education, Science, Technology and Sports, 'A Report On The USE/UPPET And UPOLET National Headcount' (The Statistics Section, Education Planning and Policy Department 2015).

<sup>29</sup> See note 27.

<sup>30</sup> [Data.worldbank.org](http://data.worldbank.org), 'Children Out Of School, Primary | Data | Table' (2015) <<http://data.worldbank.org/indicator/SE.PRM.UNER>> accessed 11 December 2015

<sup>31</sup> Constitution of the Republic of Uganda (Uganda), 22 September 1995.

by law for those who deny children of education<sup>32</sup>. The Education Act of 2008, was implemented to update the previous act and consider other issues that were not covered in the earlier act.<sup>33</sup> Additionally, at the regional level, Uganda has signed and ratified the African Charter on Human People's Rights along with the African Charter on the Rights and Welfare of the Child, and African Union Protocol to the ACHPR on the Rights of Women in Africa. This protocol was to reinforce gender equality which will further be discussed in the next chapter. Furthermore, Uganda has signed and ratified various international treaties and therefore must meet its international commitments. Along with the Universal Declaration on Human Rights, Article 26 which explicitly states the Right to Education for all; Uganda is a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Rights of the Child, Optional Protocol to the Convention on the Rights of the Child on a communications procedure, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>34</sup>, International Covenant on Civil and Political Rights (ICCPR), Optional Protocol to the ICCPR and UNESCO Convention Against Discrimination in Education and UNESCO Convention on Technical and Vocational Education. Finally, in 2000 Uganda committed to achieve all the Millennium Development Goals with the rest of the world<sup>35</sup>. For the purposes of this paper Goal 2 and 3 are of high importance i.e.

Goal 2: Achieve universal primary education: Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling

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<sup>32</sup> Advocates Amendment Bill, 2000.

<sup>33</sup> Education (Pre-Primary, Primary and Post-Primary Act), published on 4<sup>th</sup> February 2008, accessible at <[http://www.ulrc.go.ug/system/files\\_force/ulrc\\_resources/education-pre-primary-primary-and-post-primary-act-2008.pdf?download=1](http://www.ulrc.go.ug/system/files_force/ulrc_resources/education-pre-primary-primary-and-post-primary-act-2008.pdf?download=1)>

<sup>34</sup> UN Convention on Elimination on all forms of Discrimination against Women (adopted by UNGA, 1979)

<sup>35</sup> See Appendix IV

Goal 3: Promote gender equality and empower women: Eliminate gender disparity in primary and secondary education.

### **1.2.3 Education in Uganda through the 4a's lens:**

#### **1.2.3.1 Availability**

Per the standards set by the UN Special Rapporteur, Uganda is failing to set an appropriate budget to fulfil the right to education. In fact, the budget allocation has been decreasing over the years and is comparatively less than neighboring countries. For example, in 2010, 2.2% of the GDP was allocated to education Uganda, whereas neighboring country Kenya assigned 5.5% of GDP to education<sup>36</sup>. UNICEF recommends that at least 5.5% of the GDP needs to be allocated to education to meet the goals set by countries<sup>37</sup>. The Pupil per Teacher ration remains below average in Uganda standing at 47.8 i.e. for every 47.8 pupils in a class in primary schools there is one teacher. Azim Premji Foundation establishes that 30:1 seems to be an ideal ratio for best performance by students<sup>38</sup>.

#### **1.2.3.2 Accessibility**

One of the fundamental tools of making education accessible to all is through eliminating financial obstacles. Poverty remains one of the main reasons why children are out of school. Even though UPE abolished school fees, going to school is not free. Students must pay for basic supplies such as pens, books, uniform and even bricks for construction. A recent study highlighted a story from Kasenyi Village, in central Uganda where a 11-year old's father was

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<sup>36</sup> 'Education : Expenditure On Education As % Of GDP (From Government Sources)' (*Data.uis.unesco.org*, 2016) <<http://data.uis.unesco.org/?queryid=181>> accessed 2 November 2016.

<sup>37</sup> *UNESCO Education Strategy 2014–2021* (1st edn, United Nations Educational, Scientific and Cultural Organization 2014) <<http://unesdoc.unesco.org/images/0023/002312/231288e.pdf>> accessed 2 November 2016.

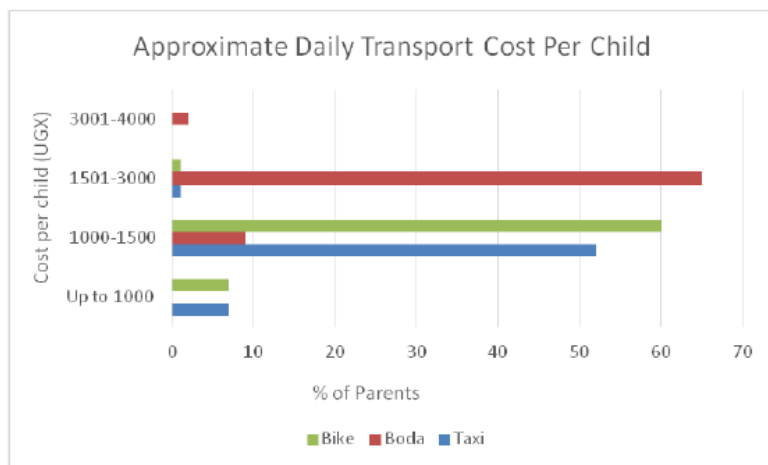
<sup>38</sup> <http://www.azimpremjifoundation.org/pdf/Criticality%20of%20Pupil%20Teacher%20Ratio.pdf>

asked why his son was not at school and he replied “he has no uniform”<sup>39</sup>. The absence of such basic facilities such as uniforms is restraining students from attending school, it should also be noted that there is usually more than one child per family and hence providing for uniforms and other scholarly related materials adds up to the cost significantly. Lack of food is yet another reason why children are forced to stay at home, there is usually no food to eat at school or bring back home which forces children to stay home and look for food instead of attending school. Looking for food seems to be a better option for them instead of attending school and not being able to retain anything taught due to starvation.

Furthermore, distance from school to home is a significant factor hindering children from attending school. A study estimated the travelling costs to and from schools in a specific community within Uganda which estimates that by using a bike the cost per child is up to 1500 Uganda Shillings per child (\$0.50). The use of Boda (motorcycle taxis) is the most preferred use of transportation which is also the most expensive method. The chart below summarizes the costs:

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<sup>39</sup> Salima Namusobya, Sylvain Aubry and Lucy Mckernan, *Privatisation, Discrimination And The Right To Education In Uganda* (1st edn, Alternative Report Submitted by the Initiative for Social and Economic Rights and the Global Initiative for Social and Economics Rights 2015) <[http://www.iser-uganda.org/images/downloads/privatisation\\_discrimination\\_and\\_right\\_to\\_education.pdf](http://www.iser-uganda.org/images/downloads/privatisation_discrimination_and_right_to_education.pdf)> accessed 2 November 2016.



*Figure 1. Chart summarizes transportation costs<sup>40</sup>*

It is important to note that some family's income amount to \$1 per day i.e. around 3500 Uganda Shillings<sup>41</sup>, therefore transport costs are unaffordable and affects the ultimate decision of parents of whether they should send their children to school<sup>42</sup>. Skipping classes and absenteeism are also in most cases caused by transport costs which then impact the quality of education. Travelling for long periods results in being late to school, punishments and tiredness.

### 1.2.3.3 Acceptability

As explained in the earlier chapter, acceptability refers to providing good quality education which is free of discrimination and relevant for all children. This section will evaluate how

<sup>40</sup> Chart obtained from See Note 39 p17.

<sup>41</sup> See Note 39

<sup>42</sup> My personal observations from living in Uganda gathered that children spend their days on the streets trying to collect money to pay for school, some of whom target making 1000 Uganda Shillings per day which is the amount usually used for transportation.



acceptable education in Uganda is through the criteria set by UNICEF for quality education which includes<sup>43</sup>:

Learners who are healthy, well-nourished and ready to participate and learn, and supported in learning by their families and communities;

Findings indicate that UPE schools lack basic facilities such as toilets and sanitation facilities. Daily Monitor, a local Ugandan newspaper reported that “According to our records, only 43 per cent of KCCA<sup>44</sup> schools meet the recommended pupil – toilet stance ratio while 69 per cent of schools don’t have provisions for children with special needs,”<sup>45</sup>. UPE schools lack the provision of food, basic infrastructure and in most cases children are encouraged to stay at home to help with household chores or earn money.

Environments that are healthy, safe, protective and gender-sensitive, and provide adequate resources and facilities;

Studies show that at least 77.7% children in primary schools have at some point experienced sexual abuse at school and 51% of the children were between the age of 10 to 13 years old. Further, children interviewed reported that teachers were the major perpetrators of abuse, 67% of whom were male teachers. Therefore, these children reported that they feel insecure at schools,

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<sup>43</sup> UNICEF ‘Defining Quality In Education’ (UNICEF Programme Division Education 2000) UNICEF/PD/ED/00/02 <<http://www.unicef.org/education/files/QualityEducation.PDF>> accessed 3 November 2016.

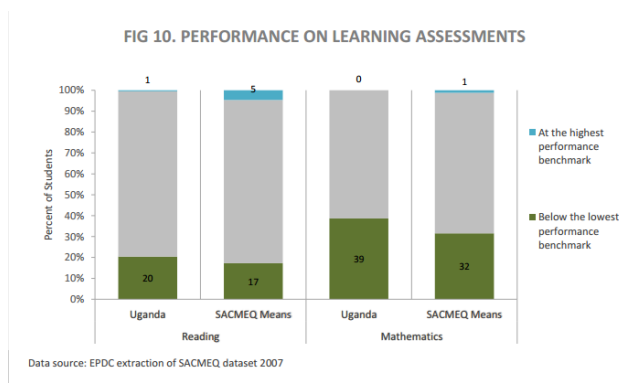
<sup>44</sup> Kampala Capital City Authority (KCCA) is the governing body in the capital city of Kampala on behalf of the Government.

<sup>45</sup> Lilian Namagembe, “City Schools Lack Toilets” (*Daily Monitor*, 2016) <<http://www.monitor.co.ug/News/Education/-City-schools-lack-toilets-/688336-3141512-spg6ly/index.html>> accessed 3 November 2016.

especially girls due to lack of facilities in the toilets and due to high number of sexual assault taking place in toilets.<sup>46</sup>

Content that is reflected in relevant curricula and materials for the acquisition of basic skills, especially in the areas of literacy, numeracy and skills for life, and knowledge in such areas as gender, health, nutrition, HIV/AIDS prevention and peace.

Uwezo Uganda established that only one out of every ten children in primary 3 could read a primary 2 story and solve numeracy questions. No evidence of the curriculum that focused on health, nutrition, HIV/AIDS was identified<sup>47</sup>.



*Figure 2. Performance on learning assessments by children in Uganda<sup>48</sup>*

The Figure above summarizes the recent data collected by The Southern and Eastern Africa Consortium for Monitoring Educational Quality (SACMEQ) on reading and mathematics

<sup>46</sup>UNICEF, 'Research Briefing' (UNICEF 2013)

<[http://www.unicef.org/uganda/VACis\\_Study\\_Summary\\_July\\_8th\\_10.31am\(1\).pdf](http://www.unicef.org/uganda/VACis_Study_Summary_July_8th_10.31am(1).pdf)> accessed 4 November 2016.

<sup>47</sup> Uwezo, 'Are Our Children Learning?' (Uwezo 2012).

<sup>48</sup> Chart obtained from See note 27.

assessments of grade 6 in 2007. It shows the percentage of students who have fallen either below the lowest performance benchmark or are at the highest performance benchmark. Ugandan students performed poorly in comparison to other countries i.e. 20% of the Ugandan students were below the performance benchmark in reading while other countries were at an average of 17%.<sup>49</sup>

Processes through which trained teachers use child-centered teaching approaches in well-managed classrooms and schools and skillful assessment to facilitate learning and reduce disparities

UNICEF's study concluded that at least 74.3% of children surveyed reported canning in schools. Despite corporal punishment and canning been banned by the Ministry of Education and Sports physical abuse significantly lingers<sup>50</sup>. Furthermore, various cases of teachers coming late to classrooms, teacher absenteeism and unprofessionalism was reported.

#### **1.2.3.4 Adaptability**

Child labor is another substantial reason why children drop out of school. It was reported that most children chose to make money instead of attending school. Once a child starts earning money as he or she reaches the age of 10, they forget about school and do not regard education as an important element as they earn without attending school. Children with disabilities also tend to drop out of school due to inadequate facilities. Most schools are not equipped with facilities that can aid disabled children. In addition, children with disabilities are exposed to discrimination by other students as well as teachers. Further, it was reported in 2011 that

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<sup>49</sup> See note 27.

<sup>50</sup> UNICEF and The Republic of Uganda, 'Creating Safer Schools Alternatives to Corporal Punishment' accessible at < [https://www.unicef.org/uganda/Alternatives to VAC\\_160812.pdf](https://www.unicef.org/uganda/Alternatives_to_VAC_160812.pdf)>

approximately 10% of Ugandan children required special needs education. However, financing for special needs remains inefficient. Currently there are only nine schools in all of Uganda providing education to children with special needs<sup>51</sup>.

Corporal punishment in Ugandan schools is an extremely common practice, UNICEF notes that it has become so common that its almost invisible to adults. The report by UNICEF highlighted various negative effects of corporal punishment such as psychological damage, depression, resentment towards learning, absenteeism, increases the risk of students dropping out and children who experience beating at schools may result in having low self-esteem<sup>52</sup>. Further reports of regular harassment of girls, unnecessary punishment, and poor teaching methods prevail contributing to the hostile environment at school.

Additionally, there is a general lack of law enforcement mechanisms that ensure children attend school. The absence of such mechanisms gives children a choice whether to attend school or not thereby undermining the principle of compulsory education.<sup>53</sup>

Child marriage and early pregnancy remain a dominant reason for school dropouts. A survey carried out in 20 districts of Uganda highlighted the leading causes for girls to drop out of school. Pregnancy topped the list with 34%, poverty at 28% and early marriage at 11%<sup>54</sup>. This issue will be further elaborated in the next chapter.

Another significant issue is the street children of Uganda. Human Rights Watch reported that there has been a dramatic increase in the number of street children in the recent years. Though,

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<sup>51</sup> Center for Health, Human Rights & Development, 'Universal Primary Education, Human Rights And The Right To Health' (New Enterprise Publications 2015) <<http://www.cehurd.org/wp-content/uploads/downloads/2016/02/UPE-and-Human-Rights-Oct5.pdf>> accessed 4 November 2016.

<sup>52</sup> See Note 50.

<sup>53</sup> See note 23.

<sup>54</sup> See note 25.

the numbers are unknown HRW estimates that 56% of the Ugandan population is under 18, establishing that approximately 20 million children. Given that, HRW also concluded that children are the largest demographic group living in poverty in Uganda most of whom are forced to the streets. As identified above poverty is one of the most common reason why children are not in schools, Uganda faces some unique challenges. First, the Lord's Resistance Army (LRA) abducted thousands of children to fight for them during the conflicts between 1987 to 2006. Thousands of whom are now internally displaced and left on the streets with no educational facilities.<sup>55</sup> Second, disarmament operations in the region of Karamoja district adversely affected children contributing to the number of street children in Kampala.<sup>56</sup> Third, there are approximately 2.7 million orphans in Uganda and roughly over 1 million are orphans from HIV/AIDS. The HIV/AIDS epidemic causes guardian families to push children out of their home especially if their child is suffering from HIV or if one of their parents suspected to have HIV<sup>57</sup>. Hence, children with HIV, street children, girls and children with disabilities still face a disadvantage as compared to other children. The UPE guidelines specifically outlined that the program will "Ensure that education is affordable by most Ugandans." This objective implied that all groups of the society must be included however, there are few to none provisions that specialize in supporting children with disabilities, children with HIV and street children.

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<sup>55</sup> See Human Rights Watch, *The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda*, September 1997, <http://www.hrw.org/reports/1997/09/18/scars-death>; *Stolen Children: Abduction and Recruitment in Northern Uganda*, March 2003.

<sup>56</sup> See Arbeiter-Samariter-Bund (ASB), "Inter agency protection mission," Mbale, 26 June to 27 June 2008, on file with Human Rights Watch; and ASB, "On the footsteps of Karimojong: Rapid situation assessment in Eastern-Uganda," September 2007, on file with Human Rights Watch.

<sup>57</sup> Human Rights Watch, *Letting Them Fail: Government Neglect and the Right to Education for Children Affected by AIDS*, vol. 17, no. 13(A), October 2005, <http://www.hrw.org/reports/2005/10/11/letting-them-fail-0>; and UNICEF, "Uganda," *Statistics*, December 31, 2013, [http://www.unicef.org/infobycountry/uganda\\_statistics.html](http://www.unicef.org/infobycountry/uganda_statistics.html) (accessed March 25, 2014).

## 1.3 Pakistan

### 1.3.1 Background

Pakistan is situated in South Asia with a population of 184 million, 46.8% of which are children under the age of 18. The country is divided into four main provinces; Punjab, Sindh, Khyber Pakhtunkhwa and Baluchistan<sup>58</sup>. There has been a certain disparity between estimates of out of school children in Pakistan i.e. between the ages of 5 to 16 vary depending on which set of data is used. UNICEF reported in 2014 that 6.5 million children are out of school in Pakistan<sup>59</sup> where as a recent report by Alif Ailaan in 2015 highlighted astounding differences<sup>60</sup>. The report indicated that 25.02 million children are out of school in Pakistan. It claimed that this is a huge error and a shame for Pakistan's political class and civil society. Other statistics by UNICEF estimate that around one third of primary school age children are out of school in Pakistan and 42% of the Pakistani population is illiterate making Pakistan the second highest population of out of school children after Nigeria<sup>61</sup>. The Pakistani education system comprises of six different level: Preschool (3-5 years), Primary (grades 1 to 5), Middle (grades 6-8), high (grades 9 and 10) leading to Secondary School Certificate. The Education system is further divided into three categories, the public sector i.e. state owned schools, the private sector and Deeni madrasas<sup>62</sup>.

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<sup>58</sup> See Appendix II.

<sup>59</sup> UNICEF, All Children in School By 2015 'Global Initiative on Out-of-School Children: South Asia Regional Study, Covering Bangladesh, India, Pakistan and Sri Lanka' (January 2014).

<sup>60</sup> See Note 6.

<sup>61</sup> UNESCO, "Pakistan Education for All Review Report 2015" (2015)

<sup>62</sup> See Note 6 Deeni Madrasas refer to religious schools which offer free religious education, lodging and boarding. Statistics show that there are 75% public schools, 10% private sector schools and remaining 15% are divided between non-formal basic education schools and Deeni madrasas.

### 1.3.2 Legal Framework

Article 25a of the Constitution of the Islamic Republic of Pakistan explicitly obliges the state to take responsibility of “removing illiteracy and providing free and compulsory education to the citizens of Pakistan”<sup>63</sup>. Historically this right was under the “Principles of Policy” which are only guiding principles for the state to follow. However, through effective litigation by the civil society right to education was added as a “Fundamental Right” under Article 25a which reads:

*“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”<sup>64</sup>.*

The Supreme Court of Pakistan in several cases has established the importance of right to education. For example, in *Ahmad Abdullah v Government of Punjab*, the Court asserted that “dignified existence may not be possible without a certain level of education and the State has to play a role in ensuring by positive action that the citizens enjoy this right”<sup>65</sup>

Following the inclusion of Article 25a into the constitution, the National Education Policy (NEP) was developed after intense research and a thorough review process to align with its international commitments such as the MDGs and Dakar Framework<sup>66</sup>. Following the adoption of NEP, Education Acts were passed in Islamabad Capital Territory (Right to Free and Compulsory Act, 2012), Baluchistan (The Baluchistan Compulsory Education Act 2014), Punjab (The Punjab Free

<sup>63</sup> Constitution of the Islamic Republic of Pakistan Article 25a.

<sup>64</sup> See Note 63.

<sup>65</sup> *Ahmad Abdullah v. Govt of the Punjab*, PLD 2003 Lahore 752.

<sup>66</sup> See Ministry of Education Government of Pakistan, ‘National Education Policy’ (2009) available at <<http://unesco.org.pk/education/teachereducation/files/National%20Education%20Policy.pdf>>.

and Compulsory Education Act 2014) and Sindh (The Sindh Right of Children to Free and Compulsory Education Act 2013)<sup>67</sup>.

Pakistan has signed and ratified, the International Convention on Civil and Political Rights, International Covenant on Economic Social and Cultural Rights, Convention on the Rights of the Child, the UNESCO Convention Against Discrimination in Education, Convention on Elimination of Discrimination against Women (CEDAW) and committed to the six goals of the Dakar Framework for Education. Pakistan committed to all the objectives of MDGs however, has been off track on both MDG2 and MDG3. The State also explicitly adopted to achieve universal primary education, however, evidence indicates that there has been no significant development on enrollment rates from its adoption. Primary school enrollment remains at 52 per cent far from its promised target<sup>68</sup>.

### **1.3.3 Pakistan's Primary education through the 4a's framework**

#### **1.3.3.1 Availability**

Fiscal allocations towards education have been relatively low throughout the last decade. However, there has been a slight increase since 2000 where the government allocated 1.84% of its budget on education to 2.47% in 2014, although it is still far from the what Pakistan is obligated to allocate to education i.e. 5.5%<sup>69</sup>. The Dawn News reported that Pakistan's

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<sup>67</sup> 'Right To Education Pakistan [RTE Pakistan, Article 25A]' (*Rtepakistan.org*, 2016) <<http://rtepakistan.org/>> accessed 10 November 2016.

<sup>68</sup> See note 6.

<sup>69</sup> See note 37



educational spending is the lowest in South Asia post the release of 2015-2016 annual budget.<sup>70</sup>

Additionally, it was reported that 81% of all schools in Pakistan are primary schools which seems as a healthy number however there are two issues with that. First, even though there are supposedly enough primary school's children usually drop out after Grade 5 as little or no educational budget is allocated to middle and secondary schools. Second, despite having several primary schools the infrastructure of these schools remains inadequate, this will be further discussed below.

### **1.3.3.2 Accessibility**

Accessing education remains a challenge for most low-income families. However, fees are not the only barrier that parents face in sending their children to school in Pakistan. Affordability is interlinked with various other factors such as unable to afford uniforms for children especially in large families, daily transportation, provision of food at school (which in most cases the parents need to pay for), buying textbooks and other scholarly materials and losing the income the child would otherwise garner instead of attending school<sup>71</sup>. There has been an increase in parents opting for private schools rather than public schools. Even the poorest households rather send their children to private schools as they provide better quality education and learning opportunities. The choices are sensitive to fees, distance and quality. The absence of public schools in the neighborhood forces parents to look at other alternatives, while private schools are available in the area the cost of sending a child to a private school increases and often parents wind up sending only one child to school, usually the male child. This is due to the traditional

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<sup>70</sup> 'Pakistan's Education Spending Lowest In South Asia' (*DAWN.COM*, 2016)

<<http://www.dawn.com/news/1254909/pakistans-education-spending-lowest-in-south-asia>> accessed 21 November 2016.

<sup>71</sup> Pakistan Coalition for Education, 'Legislation on Right to Education in Pakistan: A Critical Review', (April 2015).

perceptions of the role of a girl in the society and the lack of awareness of educating the girl child<sup>72</sup>.

### **1.3.3.3 Acceptability**

Through an examination of different policies adopted by the four main provinces of Pakistan: Islamabad Capital Territory (Right to Free and Compulsory Act, 2012), Baluchistan (The Baluchistan Compulsory Education Act 2014), Punjab (The Punjab Free and Compulsory Education Act 2014) and Sindh (The Sindh Right of Children to Free and Compulsory Education Act 2013) the following conclusions have been reached in accordance to standards set by UNICEF's quality of education definition<sup>73</sup>.

Learners who are healthy, well-nourished and ready to participate and learn, and supported in learning by their families and communities;

Despite the recent acts enacted by various provinces, no provisions for meals have been added i.e. parents must provide for meals at school which is an additional cost. The World Food Program (WFP) initiated a take-home rations programme in districts of North West Frontier Province, the success of the program was tremendous in increasing school enrollment from 29% to 135%. The evaluation of the program reported that 38% of the families in the region claimed that food was the only incentive for sending their daughters to school<sup>74</sup>. Evidently, children need to be provided with food supplies for effective learning.

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<sup>72</sup> Harold Alderman, Peter F. Orazem and Elizabeth M. Paterno, 'School Quality, School Cost, And The Public/Private School Choices Of Low-Income Households In Pakistan' (2001) 36 The Journal of Human Resources.

<sup>73</sup> See Note 43.

<sup>74</sup> Aulo Gelli, 'Food Provision in Schools in Low and Middle Income Countries: Developing an Evidenced Based Programme Framework' (September 2010) The Partnership for Child Development HGSF Working Paper Series No. 4 available at

Environments that are healthy, safe, protective and gender-sensitive, and provide adequate resources and facilities;

Tribune Pakistan reported that 48% of all the schools in Pakistan do not have toilets, electricity, running water and boundary walls.<sup>75</sup> A study commissioned by the United Nations Development Program (UNDP) in Pakistan compared educational outcomes to school infrastructure. It concluded that Girl's enrollment and retention was much higher when basic amenities such as school buildings were provided. School facilities also attracted more students to enroll but did not have a strong relationship with retention. The study also found that the availability of toilets and water were the most important factors for enrollment. The table below summarizes the relationship between the two<sup>76</sup>:

School facilities	Net enrolment rate	Survival rate
<b>Electricity</b>	Girls: .552** Boys: .386**	Girls: .318** Boys: .197*
<b>Water</b>	Girls: .639** Boys: .545**	Girls: .204* Boys: .201*
<b>Toilets</b>	Girls: .626** Boys: .488**	Girls: .481* Boys: .048
<b>Boundary walls</b>	Girls: .628** Boys: .481**	Girls: .336** Boys: .105
<b>Satisfactory building conditions</b>	Girls: .604** Boys: .486**	Girls: .441 Boys: -.009

Figure 3. Shows the relationship between school facilities and enrollment rates<sup>77</sup>

<<http://www.schoolsandhealth.org/Shared%20Documents/Downloads/HGSF%20Working%20Paper%20No%204%20%20Food%20Provision%20in%20Schools%20in%20Low%20and%20Middle%20Income%20Countries.pdf>>

<sup>75</sup> Riazaul Haq, 'Districts Ranking: 48% Schools In Pakistan Without Toilets, Drinking Water' (*The Express Tribune*, 2016) <<http://tribune.com.pk/story/1109335/districts-ranking-nations-48-schools-without-toilets-drinking-water/4>> accessed 10 November 2016.

<sup>76</sup> United Nations Development Programme (UNDP), 'School facilities and education outcomes: A preliminary examination', Development Advocate Pakistan Volume 1, Issue 2 (2014).

<sup>77</sup> Table obtained from See Note 76.

In addition to abysmal numbers of schools not having proper buildings, several school buildings are taken over and turned into polling stations and even police stations. The Human Rights Watch also reported that Pakistani military and militants used educational facilities between 2005 and 2012<sup>78</sup>. The issue of occupation of school buildings made it to the Supreme Court where the Court ordered the district administration of Abbottabad to vacate illegally occupied girl's school.

Content that is reflected in relevant curricula and materials for the acquisition of basic skills, especially in the areas of literacy, numeracy and skills for life, and knowledge in such areas as gender, health, nutrition, HIV/AIDS prevention and peace.

The recent UNESCO report on the state of global primary education indicates that students in private schools perform better than those in public schools. Even there, the report states that even in private schools only 36% of grade 5 students can read a sentence in English. Furthermore, the report highlighted the disparity in between education outcomes within Pakistan i.e. in its four provinces. For instance, In Baluchistan 45% of class 5 students could solve a subtraction task compared to 73% in Punjab. Another astounding fact from this study was gender disparity within the education system; 25% of girls in Baluchistan acquired basic numeracy skills while boys from wealthy Punjabi families performed way better. The situation is further alarming as the report concluded that only 50% of the population is unable to read and write of which two-thirds are women<sup>79</sup>.

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<sup>78</sup> Human Rights Watch, Submission on Pakistan to the Committee on Economic, Social and Cultural Rights (August 31 2016) available at < <https://www.hrw.org/news/2016/08/31/submission-pakistan-committee-economic-social-and-cultural-rights>>

<sup>79</sup> UNESCO, 'Teaching and Learning: Achieving quality for all' Monitoring the Education for All Goals, EFA Global Monitoring Report (2014) available at <

Processes through which trained teachers use child-centered teaching approaches in well- managed classrooms and schools and skillful assessment to facilitate learning and reduce disparities

Corporal punishment remains a constraint for school enrollment. Despite the prohibition on corporal punishments in schools through the Prohibition of Corporal Punishment Bill<sup>80</sup> and explicitly mentioned in the above-mentioned provincial acts the practice continues. Reports of broken limbs and even suicides were reported in 2012<sup>81</sup>.

#### 1.3.3.4 Adaptability

For 25 million children access to education is a dream, yet for nearly 1.5 million children home is not a place. Over a million children live on the streets across Pakistan struggling with necessities such as food, water and shelter. In the Peshawar region, thousands of children roam around on the streets, Akhtar Jan reported that “most of them are hailing from the surrounding villages and many other from Afghan families. The children, who are involved in scavenging, don’t attend schools as they spend night from dusk to dawn in and around the city.”<sup>82</sup> Most of these street children have no access to school due to poverty and involvement with child labor. Child labor is extremely prevalent in Pakistan, per the Global Slavery Index 2013, Pakistan comes third after Mauritania and Haiti in the frequency of child labor<sup>83</sup>. During the seminar titled “Elimination of Child Labor in Pakistan” it was observed that out of 25 million children out of

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[http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ED/GMR/pdf/UNESCO\\_SouthWestAsia\\_Factsheet\\_new.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ED/GMR/pdf/UNESCO_SouthWestAsia_Factsheet_new.pdf)

<sup>80</sup> 'Prohibition Of Corporal Punishment' (2010) <<http://rtepakistan.org/wp-content/uploads/2012/12/Corporal-Punishment-Act-NA.pdf>> accessed 10 November 2016.

<sup>81</sup> Mohammad Ashfaq, 'Corporal Punishment Keeps Children From School' (*DAWN.COM*, 2014) <<http://www.dawn.com/news/797538>> accessed 10 November 2016.

<sup>82</sup> Sher Shinwari, 'Future Of Thousands Of Street Children At Stake' (Dawn.com, 2015) available at <<http://www.dawn.com/news/1178251>> accessed 30 March 2016.

<sup>83</sup> The Reporter, 'Child Labour Increases In Pakistan While Numbers Drop Internationally' (*DAWN.COM*, 2016) <<http://www.dawn.com/news/1233219>> accessed 10 November 2016.

school, 15 million were economically active. However, there have been no fresh survey for accurate statistics since 1996. The Education Acts enacted by Islamabad and Balochiston address the issue of child labor stating that “An employer or parent employing a child required to attend school after receiving a warning from the School Attendance Authority commits an offence”<sup>84</sup>. Punjab and Sindh have no such provisions, interestingly Sindh has the highest number of children involved in labor activities and domestic help<sup>85</sup>. Furthermore, in 2015 The Provincial of Punjab along with International Labor Organization implemented a project that provided brick kiln workers with free education and books which was a great success and an effective way to make education accessible for child workers.<sup>86</sup>

Japan International Cooperation Agency reported that in Pakistan ‘persons with disabilities are mostly unseen, unheard and uncounted persons in Pakistan. They are the most marginalized group’.<sup>87</sup> There is no specific provision on Children with Disabilities (CWD) since 2000 apart from the National Policy for Persons with Disability, which had little no real impact. A recent survey noted that schools were not equipped with facilities to include CWD, there was a gap of knowledge among the administration regarding inclusive education. The report also highlighted the lack of training for teachers for CWD, poor quality of health services for the Children and poor infrastructure of the schools remain the main challenges<sup>88</sup>. Other marginalized groups that have limited access to education include refugees and internally displaced people (IDPS). During

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<sup>84</sup> See Note 71.

<sup>85</sup> See note 6.

<sup>86</sup> ActionAid, ‘600 Children Of Brick Kiln Workers Enrolled | Actionaid’ (*Actionaid.org*, 2013) <<http://www.actionaid.org/pakistan/600-children-brick-kiln-workers-enrolled>> accessed 10 November 2016.

<sup>87</sup> Japan International Cooperation Agency Planning and Evaluation Department, ‘Country Profile on Disability: Islamic Republic of Pakistan’ (2000)

<sup>88</sup> Nidhi Singal, ‘Education of Children with Disabilities in India and Pakistan: An analysis of developments since 2000’ Background paper prepared for the Education for All Global Monitoring report 2015, Education for All 2000-2015: achievements and challenges UNESCO ED/EFA/MRT/2015/PI/17 (2015) available at <<http://unesdoc.unesco.org/images/0023/002324/232424e.pdf>>.

a military operation in North Pakistan thousands had to flee their homes in 2014, 300,000 of were children who have been longing for school since. The government made no arrangements for these IDPS and remains incapable of providing education<sup>89</sup> to approximately a million Afghani refugees who remain in Pakistan<sup>90</sup>. Lastly, Pakistan's most marginalized group is undoubtedly girls who face innumerable number of challenges to access education. From being child brides, to victims of honor crimes, poverty to religious dichotomy and simply being regarded as second class citizens who don't deserve education as much as their male counterpart. The issues that girls face in both Uganda and Pakistan will be discussed in detail in the next chapter.

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<sup>89</sup> Asad Hashim, 'Pakistan's Child Refugees Long For Schools' (*Aljazeera.com*, 2014) <<http://www.aljazeera.com/indepth/features/2014/10/pakistan-child-refugees-long-schools-2014102561416398481.html>> accessed 10 November 2016.

<sup>90</sup> Danish Hussain, 'Future In Peril: For Most Afghan Refugees, School Is Not An Option - The Express Tribune' (*The Express Tribune*, 2014) <<http://tribune.com.pk/story/716011/future-in-peril-for-most-afghan-refugees-school-is-not-an-option/>> accessed 10 November 2016.

## 2.0 Girls – Right to Education

*“Real change happens when we invest in girls. Every year, millions of girls are denied an education at a time when it has power to transform their lives and the world around them. If a girl is able to make it through primary and secondary education, it can help them break the cycle of poverty and it can help put a stop to early and forced marriage.”<sup>91</sup> – Nigel Chapman, CEO, Plan International.*

### 2.1 Background

Despite numerous international and national efforts girls all around the world face discrimination in education systems. UNICEF estimates 63 million girls are excluded from schools, 31 million girls of primary school age and 32 million girls of lower secondary were found to be out of school in 2013<sup>92</sup>. Global Campaign for Education reported that two thirds of the world’s illiterate adults are women is a conspicuous example of gender discrimination. In Pakistan, only four out of 10 women over the age of 15 can read and write in comparison to 70% of men. Gender disparity in Pakistan is evident through these alarming statistics; 62% of girls and 5% of boys between the age of 10 to 12 are not in school, an estimated total of 71% of women in Pakistan were unable to complete primary education in comparison to 41% of men, approximations show

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<sup>91</sup> 'Educate A Girl, Empower A Nation.' International Women's Day, In Quotes' (*Philanthropy Age*, 2015) <<http://www.philanthropyage.org/society/educate-girl-empower-nation-international-womens-day-in-quotes>> accessed 17 November 2016.

<sup>92</sup> 'Girls' Education And Gender Equality' (*UNICEF*, 2015) <[https://www.unicef.org/education/bege\\_70640.html](https://www.unicef.org/education/bege_70640.html)> accessed 17 November 2016.



that a boy has 15% higher chance of enrolling in primary schools than a girl.<sup>93</sup> Recent studies in Uganda show that the country has been relatively successful in achieving gender parity in primary education as girl's enrollment in schools has increased significantly. However, girls are still unable to finish their primary education due to various reasons discussed below. For Ugandan girls, poverty, early pregnancies, child marriage and missing school facilities remain a constraint for attending schools.<sup>94</sup>

### 2.1.1 Benefits of Educating a Girl

Educating girls not only benefits themselves, their families and their communities but the nation. Herz and Sperling eloquently articulate the numerous advantages of education girls<sup>95</sup>. First, educating girls leads to income growth for both the individuals and the nation. It was noted that returns to primary education are slightly higher for girls than boys. In addition, equal education between men and women could have led to 1% higher annual per capita growth in Gross Domestic Product (GDP) in South Asia and sub-Saharan Africa from 1960-1992 which is a perfectly quantified example of the benefit of educating the girl child for the economy. Second, educating girls leads to smaller and more sustainable families i.e. when girls are educated they tend to have fewer children for example UNESCO's study found that in Brazil women who have had no education would have an average of 6 children whereas an educated woman would have 2.5 children each. Further, educating women saves children's lives as they are more aware of health-related matters, as an example educated mothers are more likely to ensure that their

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<sup>93</sup> ABC News, 'If You're A Girl In Pakistan, What Are Your Chances Of Going To School?' (*ABC News*, 2013) <<http://abcnews.go.com/International/girl-pakistan-chances-school/story?id=20475108>> accessed 24 November 2016.

<sup>94</sup> Ministry of Education and Sports Uganda, 'Position Paper for Gender in Education', proposed gender actions for mainstreaming gender in education 2012/2013, submitted to the 19<sup>th</sup> Education Sector Review Workshop (October 2012).

<sup>95</sup> Barbara Knapp Herz and Gene B Sperling, *What Works In Girls' Education: Evidence And Policies From The Developing World* (1st edn, Council of Foreign Relations 2004).

children are immunized. Educating women inevitably promotes educating children – a study in India concluded that children of educated women study more in a day (2 hours extra specifically) as compared to those children who have uneducated mothers. Third, educated women are less likely to contract HIV/AIDS than literate ones. In Uganda, it was found that girl's enrollment in primary and secondary education lead to girls abstaining from sex and therefore lowered their chances of contracting HIV. The study concluded that over a period there was decline in HIV prevalence significantly for young women and the reason for this change was a high percentage of girls enrolled in secondary schools in Uganda. The study further reported that by "Exploiting heterogeneity by gender, birth year and location, we found that girls stayed in school longer partly in response to the increased opportunities for higher education brought about by an affirmative action policy."<sup>96</sup> Fourth, education empowers women – it reduces domestic violence as women are more aware of their rights and are more independent. Other studies found that educating women decreases the risk of Female Genital Mutilation and educated women spend are likely to spend their resources on health and education of their families. Additionally, women's education empowers them to participate in the political process and let their voices and concerns be heard<sup>97</sup>. The UN Special Rapporteur emphasizes that "Investment in girls' education, especially if aimed at improving its quality and coverage, yield a social benefit that manifests itself in lower mortality rates, fewer unwanted births, and efforts to combat poverty, HIV/AIDS and malnutrition."

Cultural practices in both Uganda and Pakistan put women at a significant disadvantage as patriarchal social construct plays a big role in constraining government policies aimed at gender

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<sup>96</sup> Marcella M. Alsan and David M. Cutler, 'Girls' Education And HIV Risk: Evidence From Uganda' (2013) 32 *Journal of Health Economics*.

<sup>97</sup> See Note 95.

equality. The following section lists several international instruments assert the right to girl's education.

## **2.2 Legal Framework**

The Convention on the Elimination of all forms of Discrimination Against Women states in Article 10 of the Convention that “All State Parties shall take all appropriate measures to eliminate discrimination against women to ensure to them equal rights with men in the field education...”<sup>98</sup> In addition to Article 10 of Convention, the Committee on the Elimination of Discrimination in its General Recommendation 3 highlights the role of education in addressing gender discrimination<sup>99</sup>. It affirms that the reports collected by the Committee indicate that there a stereotypical conception of women due to sociocultural factors that encourage discrimination against women. The Committee proved that all States should “adopt education and public information programmes, which will help eliminate prejudices and current practices that hinder the full operation of the principle of the social equality of women<sup>100</sup>. In addition to CEDAW, multiple international treaties and instruments affirm the right to education and non-discrimination. The Universal Declaration of Human Article 26 affirms the right to education for all as outlined in the first chapter. The Convention on the Rights of the Child, the UNESCO Convention against Discrimination in Education specifically highlights the right of girls to acquiring an education and that states should take appropriate measures to address any type of discrimination. The International Covenant on Economic, Social and Cultural Rights and governments commitment to ensuring gender equality in education through Dakar Framework for Action, the Millennium Development Goals and the World Declaration on Education for All

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<sup>98</sup> See note 34, Article 10.

<sup>99</sup> UN Committee for the Elimination of All Forms of Discrimination against Women, ‘General Recommendation No 3: Education and public information campaigns (Sixth session, 1987), UN Doc A/42/38 (1987)

<sup>100</sup> See Note 99.

which established that “the most urgent priority is to ensure access to, and improve the quality of, education for girls and women, and to remove every obstacle that hampers their active participation”<sup>101</sup>

Through an examination of Pakistan and Uganda’s state policies and primary school enrollment rates there is a significant gender disparity. The reasons for out of school girls and girls who have never enrolled in schools remain similar in both the States; poverty, missing school facilities, child marriage, early pregnancies etc. This chapter will discuss in detail two of these issues which are prevalent in both the States: i) Child Marriage and Early Pregnancy and ii) Missing school facilities.

### **2.3 Child Brides – world’s most vulnerable people.**

*“Child marriage happens because adults believe they have the right to impose marriage upon a child. This denies children, particularly girls, their dignity and the opportunity to make choices that are central to their lives, such as when and whom to marry or when to have children. Choices define us and allow us to realize our potential. Child marriage robs girls of this chance.” –*

*Desmond Tutu and Graça Machel<sup>102</sup>*

Child Marriages – marriage before the age of 18 is the silent evil of our society. It has received immense attention in the international arena as it violates girl’s human rights, family life, restrains their education i.e. school enrollment and learning and indisputably has negative effects

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<sup>101</sup> UNESCO, World Declaration on Education for All and Framework for Action to Meet Basic Learning Needs (adopted by the World Conference on Education for All Meeting in 2009) p20.

<sup>102</sup> UNICEF, A Profile of Child Marriage in Africa, New York, 2015 p8

on their health<sup>103</sup>. According to Naveed and Butt child marriages in developing countries “becomes an impediment to the realization of almost every developmental goal – eradicating poverty and hunger, achieving universal primary education, promoting gender equality, protecting children’s lives...”.<sup>104</sup> Emmanuel describes child marriage as a “barrier to girl’s education as young girl’s dropout from school to get married which impacts negatively on the community as a whole and on the wellbeing of future generation.”

The Convention on the Rights of the Child in at least 10 of its articles emphasizes protecting children from harmful practices. In its concluding observations on early marriages in Nepal, the Committee on the Rights of the Child stresses that once girls are married at an early age they are unable to exercise the rights enshrined in the Convention, especially the right to education.<sup>105</sup> Most early marriages indisputably end in early pregnancies which was noted as one of the significant reasons for girls dropping out of school in Uganda. Teenage pregnancy and motherhood are undoubtedly a horror for the individuals and the society. Evidence suggest that teenage mothers are likely to have complications during delivery and are twice as likely to die (while delivering) as compared to older women. Additionally, there is a certain stigma around unmarried teenage mothers, it results in social exclusion, dishonor brought to the family, rejection by the community which makes it extremely difficult for reintegration in the society and even more in schools. Teenage pregnancy and mother hood limits the girls’ involvement in education and thereby reducing their economic activities. Furthermore, UDHS reported that 56%

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<sup>103</sup> Minh Cong Nguyen and Quentin Wodon, “Impact of Child Marriage on Literacy and Education Attainment in Africa” Background paper for fixing the broken promise of education paper prepared for a task funded by Global Partnership for Education UNESCO and UNICEF Institute for Statistics, 2014.

<sup>104</sup> Sofia Naveed and Khalid Manzoor Butt, 'Causes And Consequences Of Child Marriages In South Asia: Pakistan’s Perspective' (2015) 30 South Asian Studies.

<sup>105</sup> See Appendix V for a list of denied rights due to child marriage

of teenagers who have had no education are more likely to have sex than those who have had education<sup>106</sup>.

Girls not Brides estimates that 21% of girls in Pakistan are married before the age of 18<sup>107</sup> and statistics in Uganda are even more horrifying i.e. approximately one out of every two girls get married before the age of 18<sup>108</sup>. Comparatively, both the countries encounter the reasons for child marriage: poverty, parents are in search of financial security, traditional and social norms, the desire to control women's sexuality and so women can perform their supposed roles as housekeeper and mother. Irrefutably, most early marriages end in early pregnancies which has been accounted for number one reason in Uganda for girls dropping out of school. A survey carried out in 20 districts of Uganda concluded that 34% of girls leave school due to pregnancy<sup>109</sup>. Tribune Pakistan reported that last year 42% of world's child brides were from Pakistan. The article further elaborated that child marriages further risk a girl's physical being stating that "The risk of death for pregnant girls under the age of 15 is five times higher than for women in their twenties. Taken together, the costs of this practice are too high to be ignored. Societies cannot progress when the common practice of marriage dooms them to a life of poverty."<sup>110</sup> UNICEF's State of the Child 2016 report dedicated a special section to child marriages, claiming that married girls are the "world's most vulnerable people"<sup>111</sup> and

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<sup>106</sup> UNICEF, 'The National Strategy to End Child Marriage and Teenage Pregnancy 2014/2015-2019/2020 – A Society Free of Child Marriage' (June, 2015)

<sup>107</sup> Girls Not Brides, 'Pakistan - Child Marriage Around The World. Girls Not Brides' (*Girls Not Brides*, 2016) <<http://www.girlsnotbrides.org/child-marriage/pakistan/>> accessed 18 November 2016.

<sup>108</sup> Girls Not Brides, 'Uganda - Child Marriage Around The World. Girls Not Brides' (*Girls Not Brides*, 2016) <<http://www.girlsnotbrides.org/child-marriage/uganda/>> accessed 18 November 2016.

<sup>109</sup> Josephine Ahikire and Aramanzan Madanda, 'A Survey on Re-entry of Pregnant Girls in Primary and Secondary Schools in Uganda' (2011) FAWE Uganda

<sup>110</sup> Asad Zia, '42% Of Underage Married Girls From Pakistan - The Express Tribune' (*The Express Tribune*, 2013) <<http://tribune.com.pk/story/487659/child-marriages-42-of-underage-married-girls-from-pakistan/>> accessed 20 November 2016.

<sup>111</sup> UNICEF, "The State of the World's Children 2016" (June 2016) p39 available at <[https://www.unicef.org/publications/files/UNICEF\\_SOWC\\_2016.pdf](https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf)>

are “socially isolated”<sup>112</sup> as their education is limited they lose the opportunity to acquire skills to earn money and secure a good job and are extremely vulnerable to domestic violence. Furthermore, the report indicated that girls who have little or no education are six times more likely to be child brides than those girls who have secondary schooling its explains that “the experience of going to school is empowering for girls, enabling them to develop skills and knowledge, and to forge social networks that equip them to communicate and stand up for their interests. Educated girls are better able to contribute to their countries’ growth and development, and to the prosperity and well-being of their current and future families”<sup>113</sup>.

The Constitution of Uganda sets the minimum legal for marriage to be 18, yet the practice of child marriage prevails in the region, especially in the rural areas. Parents usually justify child marriage as a tool for protecting their girls from premarital sex and pregnancy. The taboo of premarital sex and pregnancy exists in both the state and is associated with family honor. Uganda is ranked 9<sup>th</sup> among 20 countries as a hotspot for child marriage. World Vision reported that in 2013, 46% of girls got married before they were 18 and 12% before they turned 15 years<sup>114</sup>.

### **2.3.1 So, what are the States doing?**

In Pakistan, the Child Marriage Restraint Act adopted in 1929 sets the legal age for marriage to 16 for girls and 18 for boys<sup>115</sup>. Due to international and domestic civil society pressure, the Sindh Assembly adopted the Sindh Child Marriage Restraint Act in 2014 setting the minimum age for

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<sup>112</sup> See Note 111.

<sup>113</sup> See Note 111.

<sup>114</sup> World Vision, ‘Untying the knot: Exploring early marriage in fragile states’ (2013) Available at: [http://www.worldvision.org/resources.nsf/main/press-reports/\\$file/Untying-the-knot\\_report.pdf](http://www.worldvision.org/resources.nsf/main/press-reports/$file/Untying-the-knot_report.pdf)

<sup>115</sup> Child Marriage Restraint Act, (Act No. XIX of 1929) can be accessed at <  
[http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=149](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=149)>

marriage to 18 for both genders and marriage below 18 punishable by law<sup>116</sup>. However, a nationwide bill was struck down by the Pakistan's National Assembly. Pakistan has not signed or ratified the Convention on Consent to Marriage which sets the required age for marriage to be 18 for all countries<sup>117</sup>. This lack of state interest in adopting legislation is a violation of international human rights law and further, for the interest of the girl's education a significant barrier.

Uganda on the other hand criminalizes marriage under the age of 18 for both men and women, the law also indicates that women can marry at the age of 16 with their parents' consent<sup>118</sup>. The National Development Plan of 2010-2015 recognizes child marriage as a negative social and cultural practice<sup>119</sup>. The plan is set to address this issue by expanding access to primary and secondary education. It hopes to expand the curricula of schools to include marriage, parenting and human rights education. There have been pledges by the Ministry of Education, Science Technology and Sports to ensure the reentry of girls who drop out because of child marriage or early pregnancy and elimination of child marriage and teenage pregnancies is added to the new National Strategy for Girls Education in Uganda.

There has been significant intervention and facilitation by UN agencies and civil society groups to achieve this goal by the Government of Uganda. Several community based programs were

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<sup>116</sup> Hafeez Tunio, 'Sindh Assembly Passes Bill Declaring Marriage Below 18 Punishable By Law - The Express Tribune' (*The Express Tribune*, 2014) <<http://tribune.com.pk/story/701321/sindh-assembly-passes-bill-declaring-marriage-below-18-punishable-by-law/>> accessed 20 November 2016.

<sup>117</sup> Civil society organization and activists came together and demanded the government of Pakistan to increase the minimum legal age for marriage from 16 to 18 which was opposed by the Council of Islamic Ideology (CII). The CII is a constitutional body of Pakistan which gives legal advice to the Government and the Parliament for them to ensure that the laws of the country and in conformity with Islam. The Bill also demanded the Government to increase the punishment to two-year prison sentence and a fine of \$950 the current sentence is one month in prison and a fine of \$10. For more information view the article Faras Ghani, 'Pakistan Failure To Outlaw Child Marriage Sparks Outcry' (*Aljazeera.com*, 2016) <<http://www.aljazeera.com/news/2016/01/pakistan-child-marriage-160118062004700.html>> accessed 20 November 2016.

<sup>118</sup> UNICEF, 'The National Strategy to End Child Marriage and Teenage Pregnancy 2014/2015-2019/2020 – A Society Free of Child Marriage' (June, 2015)

<sup>119</sup> See Note 118.



held by UNICEF and UNFPA to sensitize families and create more awareness about teenage pregnancy and Female Genital Mutilation. Joy for Children Uganda – a program by Girls Not Brides addressed the issue by organizing trainings for local leaders, religious and traditional leaders to understand the disadvantages of child marriages. They provided financial incentives for families to keep their girls and provided sponsorship to girls as well as engaging with the media to generate more awareness. However, UNICEF’s report concluded that interventions “lack national spatial coverage” and were not comprehensive and well-coordinated<sup>120</sup>.

## **2.4 School Environment**

School environment represents a range of things, for girls it includes a variety of factors from having access to separate toilets, to feeling comfortable during their menstrual cycle, being prone to sexual harassment from male teachers to having access to food and clean water. The UN Special Rapporteur explained that girls face discrimination in the school environment due to educational models not being considerate about diversity and have a cultural focus. He further explains that girls face discrimination due to “the long distances girls must travel to get to school; to the lack of safe transport; to the sparse recruitment of women teachers; to the limited attention paid to girls with special educational needs; to the absence of thorough, continual gender awareness-raising and training for male and female teachers; to the scant interest taken in attracting back and retaining pregnant teenagers and adolescent mothers; to the lack of sex education; and to the costs of registration, uniforms, food, textbooks and teaching materials that families must defray, which affect girls more unfavorably.”<sup>121</sup>

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<sup>120</sup> See Note 111.

<sup>121</sup> United Nations Economic and Social Council, ‘Report by Special Rapporteur Mr.V.Munoz Bollalobos on the right to education– Girl’s Right to Education’ (2006) UN Doc E/CN.4/2006/45

### 2.4.1 Distance:

In the study carried out by Balouch and Shahid it was concluded that distance of the schools was a negative constraint for girls to attend primary school. Another study concluded that distance contributed as a negative constraint for girls to attend primary school<sup>122</sup>. Most students reported in Uganda that costs of using public transport were so high they choose to stay at home instead. Additionally, walking long distances adversely effects children's retention as they are exhausted by the time they reach school and are unable to concentrate on the lessons. Some of these children walk 2-5kms to attend school in Uganda and in Pakistan respectively. In Pakistan, it is almost impossible for girls to travel to school without a male guardian due to social norms and security reasons. Security is a main concern for parents with girls, as in some regions such as the SWAT Valley girls fear attending schools due to military fractions. The Taliban (an Islamic extremist political group) has repeatedly threaten to kill girls who attend school rooting their ideals in Islamic extremism<sup>123</sup>. The famous case of Malala Yousufzai is a perfect example of why parents fear sending their girls to school<sup>124</sup>. In other areas of Pakistan, the security threat remains prevalent. The recent attacks on a school in Peshawar region of Pakistan killed 144 students and teachers<sup>125</sup>. Human Rights Watch reported that there were at least 838 attacks on schools in Pakistan between 2009 and 2012 which lead to hundreds of schools being destroyed and severely damaged. The report adds that at least 30 students died in these attacks and 97 got

<sup>122</sup> Mazhar-ul-Haq Baluch and Saima Shahid, 'Measuring Gender Disparity At Primary School Level In Pakistan' (2009) 4 International NGO Journal.

<sup>123</sup> Mohammed Hanif, 'The Taliban's Main Fear Is Not Drones But Educated Girls | Mohammed Hanif' (*the Guardian*, 2012) <<https://www.theguardian.com/commentisfree/2012/nov/04/pakistan-extremists-girls-education>> accessed 24 November 2016.

<sup>124</sup> Malala Yousafzai, *I Am Malala*:

*The Story of the Girl Who Stood Up for Education and Was Shot by the Taliban* (1st edn, Little Brown & Co 2013).

<sup>125</sup> For more details view 'Pakistan Taliban: Peshawar School Attack Leaves 141 Dead - BBC News' (*BBC News*, 2014) <<http://www.bbc.com/news/world-asia-30491435>> accessed 20 November 2016.

injured. Kidnapping of students and teachers is yet another security issue, at least 138 students and staff were kidnapped in the time<sup>126</sup>. This attack however, was not targeted at girls but the security concern of parents is still justified.

#### **2.4.2 Sanitation/Toilets.**

United Nations instruments and International Conventions establish that it is a child's fundamental right to be able to receive education in a clean and healthy environment at schools. These lack of clean sanitation facilities are not only injurious to health of children but also a major obstacle in girl's education.

During an interview Kashif Farooqi, a gender expert from Islamabad, Pakistan explained that investment on sanitation facilities is limited and emphasized the importance of these facilities for women and girls. He elucidated that girls tend to be affected more by unsafe sanitation facilities as they have different biological needs. He added that lack of latrine facilities is a major reason of girls dropping out of schools<sup>127</sup>. In Pakistan, 50% of schools do not have toilet facilities for girls and boys i.e. half of all government primary schools and ¼ of private primary schools do not have any toilet facilities.<sup>128</sup>

‘When the girls are younger we love to send them to school, but for us it is very difficult to send girls to school if they are in the age of puberty. It is a matter of respect and dignity for us.’

Yasmeen, Village Peer, Mashaikh District<sup>129</sup> A school teacher in Mirpurkhas reported that school

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<sup>126</sup> See Note 78.

<sup>127</sup> Asian Commission on Human Rights ‘Lack of sanitation facilities in schools – an obstacle in girl's education’ (6 July 2012).

<sup>128</sup> Pakistan Country Paper, ‘Sanitation Country Paper’ (2013) available at <  
[http://www.communityledtotalsanitation.org/sites/communityledtotalsanitation.org/files/Sanitation\\_CountryPaper\\_Pakistan\\_SACOSAN\\_2013.pdf](http://www.communityledtotalsanitation.org/sites/communityledtotalsanitation.org/files/Sanitation_CountryPaper_Pakistan_SACOSAN_2013.pdf)>

<sup>129</sup> Oxfam, ‘Gender, WASH and education case study: Enhancing girl's participation in schools in Pakistan’ (September 2011).

toilets are so dirty that girls have no option but to go back home to use toilets. She explained that girls need their privacy in toilets, not having such privacy makes it very difficult for girls to attend school regularly and during their periods<sup>130</sup>.

Similarly, Uganda faces the same challenge the Daily Monitor noted that the Ugandan government spent Uganda Shillings 593 million on construction of latrines in schools, the ratio prior to this investment stood at 4094:1<sup>131</sup>. The Ugandan Universal Primary Education policy lacks the emphasis or mention of any strategy that is focused on providing facilities for girls i.e. girls and boys are meant to use some toilets or changing rooms. This leads to girls not being taken care of during their menstrual periods which as we have seen a significant reason for girls to drop out of school<sup>132</sup>. The Guardian reported that girls in rural parts of Uganda end up missing eight days every month due to their menstrual cycle. The main reason for absenteeism is lack of toilets, sanitary pads and bullying from other classmates (especially boys). It was further explained that these missed days amount for 11% of the total learning days which makes it hard for girls to make up for the missed school days thereby resulting in higher chances of girls dropping out<sup>133</sup>. Despite the investment situation in primary schools still looks hostile as enrollment rates have increased and most of the money was spent in secondary schools.

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<sup>130</sup> See note 127.

<sup>131</sup> Lilian Namagembe, "City Schools Lack Toilets" (*Daily Monitor*, 2016) <<http://www.monitor.co.ug/News/Education/-City-schools-lack-toilets-/688336-3141512-spg6ly/index.html>> accessed 20 November 2016.

<sup>132</sup> Lucie Galimaka, 'Policy gaps in Universal Primary Education that contribute to school dropout in Uganda' *A research paper presented to Graduate School of Development Studies, Institute of Social Studies, in partial fulfillment of the requirements for obtaining the Masters of Arts in Development Studies* The Hague (2008)

<sup>133</sup> Dorah Eguny, 'A Bleeding Shame: Why Is Menstruation Still Holding Girls Back?' (*the Guardian*, 2014) <<https://www.theguardian.com/global-development-professionals-network/2014/may/28/menstruation-girls-education-uganda-sanitation>> accessed 23 November 2016.

### 2.4.3 Food:

There is a general consensus that a well-nourished child performs better at school. Gelli emphasizes that lack of food and poor health contributes to inefficiency among children at school<sup>134</sup>. According to Jacoby et al., children who do not have a meal before going to school are not able to retain what they learn and children who are hungry have difficulty concentrating on educational materials<sup>135</sup>. In 2006, the World Food Programme (WFP) school feeding programmes data showed that 63% of children did not have food before going to school. In Uganda, it was noted that due to lack of food at school and home children tend to stay home and look for food instead of going to school and not be able to concentrate. A teacher in UNICEF's out of school children study in Uganda reported that "Children come to school when they do not have what to eat and they do not understand what is being taught to them at class, they keep yawning and eventually escape back home to look for what to eat"<sup>136</sup>. Provision of food is an issue both girls and boys however, lessons from WFP's School Feeding Program (SFP)<sup>137</sup> surveys identified that girls' enrollment in WFP assisted primary schools significantly increased. The analysis of the effectiveness of WFP's School Feeding Program (data collected from 32 countries) indicated that enrollment in WFP assisted schools increased by 22% for boys and 28% for girls in the first year of the program's establishment.<sup>138</sup> In addition, it was observed that take home rations reduced the dropout rate of girls especially of those in higher primary grades<sup>139</sup>.

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<sup>134</sup> Aulo Gelli, 'Food Provision in Schools in Low and Middle Income Countries: Developing an Evidenced Based Programme Framework' *HGSF Working Paper Series No.4* (September 2010)

<sup>135</sup> Hanan G. Jacoby, 'Is There an Intrahousehold "FlyPaper Effect?" Evidence from a School Feeding Program' (2002) 112 *The Economic Journal*.

<sup>136</sup> UNICEF, 'Out of School Children Study in Uganda' 2014.

<sup>137</sup> World Food Programme establish School Feeding Programme (SFP) in 32 countries around the world in partnership with the government in order to provide designated primary schools especially in conflict and disaster affected areas. The goal of this program is to increase access to education and enrollment rates of children.

<sup>138</sup> Aulo Gelli, Ute Meir and Francisco Espejo, 'Does Provision Of Food In School Increase Girls' Enrollment? Evidence From Schools In Sub-Saharan Africa' (2007) 28 *Food Nutr Bull*.

<sup>139</sup> See Note 137.

Similarly, a school feeding program in Burkina Faso linked the establishment of school canteens with higher level of school enrollment, regular attendance, lower dropout rates and high success rates on exams for girls.<sup>140</sup>

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<sup>140</sup> Joy Miller Del Rosso, 'School Feeding Programs: Improving effectiveness and increasing the benefit to education. A Guide for Program Managers' The Partnership for Child Development (1999).

### 3.0 The Way Forward:

Pakistan and Uganda, though geographically and culturally miles apart face very similar challenges in providing children their right to free, accessible, acceptable, adaptable education as discussed in the previous chapters. The previous chapters highlighted many of issues that hinder the exercise of this right and emphasized specific issues that restrain girls from acquiring quality education. The previous chapters have also indicated what the two States have proposed and or implemented to curb societal evils such as child marriage and early pregnancies, in addition to discussing the basic facilities that the both these states lack in their education system i.e. provision of food and water, transport facilities and structural amenities which lead to a significant amount of girl school drop outs. This chapter will review a few of best practices and policies implemented by other states and successful policies adopted by Uganda and Pakistan that have restricted the number of out of school girls and increased enrollment levels. The purpose of outlining these policies is to establish that through such incentives States can keep girls in school and enhance the welfare of this vulnerable group.

First, the most obvious and highly recommended solution to making education available for girls is to increase financial investment directed specifically for higher enrollment and retention rates of primary school girls. Currently both Uganda and Pakistan spend approximately 2% of their annual budget on the education sector, which is no match to the minimum international requirement of 6% as promised by both the States. By increasing spending governments can look to build more schools, provide better infrastructure, clean water, teacher welfare, children with special needs, sanitation facilities and recruit and train teachers to further enhance the quality of education.

Second, regarding Child Marriages and Early Pregnancies both States need to make amendments to their policy regarding the legal age for marriage. Pakistan's legal age for marriage for girls is 16 which urgently needs to be increased to 18. In Uganda, the legal age is 18 by law, but there is a loophole in the legislation. It provides that with permission of parents and guardian's girls can be enter marriages at the age of 16. In many cases parents then force girls to get married if they believe she has brought dishonor to the family and or is pregnant. Hence, States need to increase the legal age for marriage and clearly outline a penalty for those who force girls into marriage. Currently, the fine for early marriages in Pakistan stands at \$10 and one month of imprisonment. It is recommended that the sentence for this practice should be up to 2 years in prison and a fine for at least \$1000. No such fine or punishment is found in the Ugandan legislation. However, the Uganda National Strategy on Child Marriage is (NSCM) is an exemplary approach by the Government on Uganda. It is described as "holistic, comprehensive framework that reflects the commitment of the Government of Uganda"<sup>141</sup>. The policy has several key areas of focus: improve policy and legal environment, promotion of children's rights, improve child protection services, changing the thinking and perception of child marriage and early pregnancy in the community and establishing a reporting and monitoring mechanism. THE NSCM is headed by the Ministry of Gender, Labor and Social Development (Uganda) and the framework has been designed with participation from government, national and international NGOS, the United Nations.

Addressing the issue of child brides is not an easy task it requires the government to take some numerous essential steps. A qualitative study regarding gender roles in Karachi, Pakistan emphasized that women need a strong support system within the society. This support system

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<sup>141</sup> UNICEF, 'The National Strategy to End Child Marriage and Teenage Pregnancy', 2015.



should provide underage girls legal aid, sheltered homes to protect their rights especially from domestic violence. Once, girls are made aware of their rights and importance of pursuing education, such support systems should help these girls to report and sue parents or community leaders who force these girls to marry in their early years.<sup>142</sup> A strong support system in both Uganda and Pakistan can be extremely beneficial. As discussed in the earlier chapters, teenage pregnancies, sexual harassment, rape and high number of street children getting pregnant in Uganda is a negative determinant to girl's education and a violation of their rights. The government should work with law enforcement officials and civil society organizations domestically and internationally to establish these support systems. These systems should also take into consideration providing food supplies and child care centers within schools to ensure that the children of these young mothers are also taken care of.

Some policy makers indicate that it is acceptable for girls to stay in school even when pregnant provided they are in good health and can easily be attended to by medical personnel. They should also be allowed to re-enroll in a school of their choice after six months after delivery to allow for adequate breast feeding. Some teachers even indicate that appropriate facilities could be availed in school to allow for lactating girls to attend school as well. Some suggest that schools could have appropriate facilities including sickbays or day care centers to cater for such girls if they were to be in school as mothers. There are some cases that reflect positive change within school level in Uganda to accommodate young mothers back into school and the perception of people around pregnant girls have changed as compared to 10 years ago. While, this is a slow change but it does indicate that girls who are assertive and have support from the

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<sup>142</sup> Tazeen S. Ali et al "Gender Roles and their influence on life prospects for women in urban Karachi, Pakistan: a qualitative study" *Global Health Action* 2011, 4: 7448 p6.

families can re-enroll in school after giving birth. Establishing gender specific programs and fostering an environment which makes it comfortable for girls to learn<sup>143</sup>.

Third, as observed previously girls tend to drop out of schools due to long distance from to and from schools. The Government needs to work on implementing transportation system for schools that would pick and drop students to and from school. UNICEF has introduced several practical solutions to help families in poverty to send their children to school. These initiatives include scholarships and small stipends (for uniforms, transport). Additionally, UNICEF has been successful in Kenya and India in subsidizing construction of school buildings that are close to communities resulting in lower to no transport cost. Kenya and Uganda are both located in East Africa and very closely related socially, economically and culturally. Similarly, India and Pakistan are neighboring countries and before 1947 were one country hence they share innumerable similarities. Therefore, if such programs have been successful in Kenya and India the likelihood of them succeeding in Uganda and Pakistan are high. Furthermore, a similar initiative in Egypt resulted in an increase of 60% of girls' enrollment in schools.<sup>144</sup>

Forth, data from various school feeding programs show that distributing food within schools has had a successful impact on improving enrollment and attendance of girls. The governments of both Pakistan and Uganda should invest and develop food giving programs in conjunction with World Food Program and other civil society organizations. For example, in Bangladesh a program that distributed food within schools increased enrollment by 20%<sup>145</sup>. In Pakistan, a different approach was utilized by WFP, it involved distributing one or two tins of oils to

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<sup>143</sup> See Note 141.

<sup>144</sup> Department for International Development, 'Girl's Education: Towards a better future for all', 2005.

<sup>145</sup> Patricia Lone, 'Commentary: Keeping Girls in School', UNICEF (1996) available at <  
<https://www.unicef.org/pon96/edgirls.htm>>

families who would allow their girls to attend school regularly. The program showed positive results i.e. the attendance increased from 73% to 95% among participating schools. The program was also successful in building mother-teacher relationship as required the teachers to distribute additional foods in the hands of the mothers that put them in direct contact. This resulted in a successful attempt at building relationships<sup>146</sup>.

Fifth, establishing monitoring and evaluation mechanisms that can assist the government in collecting data regarding the school, to deliver any assistance required for smooth operations. An important innovation in Uganda to track and monitor education service delivery by various schools known as EduTrac was established by UNICEF and the Ministry of Education and Sports (MoES) in 2011. This program is a real-time information management system designed to read and detect data through SMS. Simply, this program allows districts to report any complaints or issues in relation to teacher absenteeism, attendance of the students, delivery educational materials etc. This program gives districts in Uganda a better opportunity to plan future schools, monitor and supervise existing schools based on the data collected by this program.<sup>147</sup>

Sixth, Rose explains that the practice of non-state organizations is quite common in developing countries as States often fail to meet their requirements of providing accessible and quality education<sup>148</sup>. An interesting community based approach adopted by non-governmental organizations in Pakistan have increased the enrollment of girls in schools significantly. The Mohmand Agency Community Based Education Centers were established near the Afghan Border, an area which is a war zone and prone to political and military clashes. Before the

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<sup>146</sup> See Note 145.

<sup>147</sup> 'EduTrac' (*Educationinnovations.org*, 2011) <<http://www.educationinnovations.org/program/edutracs>> accessed 21 November 2016.

<sup>148</sup> Pauline Rose, 'NGO Provision Of Basic Education: Alternative Or Complementary Service Delivery To Support Access To The Excluded?' (2009) 39 *Compare: A Journal of Comparative and International Education*.

establishment of these education centers there were no schools within 2.2 miles and hence these centers made it possible for girls to travel to school. These centers follow a community based schooling model, managed by an NGO and funded by the International Rescue Committee. The main features of the school (at primary level) include recruiting community members as school officials and teachers and involving community leaders and government officials within the area. Moreover, the main feature of the education center is employing female teachers to make the environment friendly and comfortable for girls<sup>149</sup>. Diamer Home Schools (DHS) located in Northern Pakistan follow a similar model, these home-based schools are at primary level that engage local political, religious and community leaders as well as government officials. All teachers recruited are females and hired within the community. The community is involved in donating land or building and member being employed as staff. This region faces social conservatism and girls' education unacceptable hence providing education that are within the proximity of the girls' homes and managed by female teachers leads to increased enrolment. The DHS are Australian funded and managed by Aga Khan Development Network, Pakistan. The success rates of these model schools can be measured by soring enrollment rates in the region, MA CBEC's increased enrollment by 75% and DHS by 51%<sup>150</sup>.

One commendable project that was implemented in Pakistan's Baluchistan province enrolled 14,000 girls and established 300 new village schools. The girls were enrolled into schools from the most isolated areas of the country where female literacy is said to be no more than 4%. This project was funded by various international organization and stands on the concept of mobile female teacher training unit i.e. women who have acquired 8 or 10 years of education are trained

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<sup>149</sup> Jamila Razzaq, 'Community-Supported Models For Girls' Education In Pakistan: The Transformational Processes Of Engagement' (2016) 26 Development in Practice.

<sup>150</sup> See Note 148.

as teachers in their villages, 400 of which have been recognized by the government. These schools are run at large by parents. Another province of Pakistan, Punjab adopted the same project and opened 114 schools in the last 5 years and enrolled 3000 girls.<sup>151</sup>

Seventh, lack of toilets and menstruation remains an obstacle for girl's dropout rates and retention. As a solution to this issue, Uganda has developed a National Strategy for Girl's Education (NSGE) within which it has acknowledged the need to address problems girl face due to menstruation. It has developed a Menstrual Hygiene Reader that provide information about understanding and dealing with periods. The MHR is one of such interventions. Other notable involvements distributing sanitary napkins to poor areas in conjunction with local NGOs such as Forum for African Women Educationalists. Establishing guidelines for school constructions explicitly requiring schools to have separate toilets, changing room for girls, providing sanitary napkins within the toilets, extra skirt/dress incase girls soil their clothes and providing basic toiletries such as soap. An advocacy campaign titled "Go back to School, Stay in School and Complete School" is also established in partnership with UNICEF which creates awareness regarding education and encourages girls to return to school.

Finally, this chapter provided seven recommendation that can be implemented by Pakistan and Uganda to fight the challenges they each face in providing education. The first recommendation applies to both States establishing the urgency to increase spending on education. Second, a few best practices and suggestions to eliminate child marriage. Uganda has already adopted a national strategy to eliminate child marriage and early pregnancy, with a more emphasis on its implementation and stricter law enforcement measures Uganda can attain what is has started out

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<sup>151</sup> Patricia Lone, 'Commentary: Keeping Girls in School', UNICEF (1996) available at <  
<https://www.unicef.org/pon96/edgirls.htm>>

to achieve. Pakistan, in this case can learn from the framework created by Uganda and adopt a similar strategy as child brides a serious issue for Pakistan and requires immediate action. Third, in overcoming distance restrictions for girl's access to school is addressed. Both Pakistan and Uganda can work with International Organizations to build schools and subsidize transport costs. Since such programs worked in neighboring countries, success rates are high for Pakistan and Uganda. Fourth, evidently school feeding programs have been successful in Bangladesh and Burkina Faso in increasing enrollment rates for girls, we also discussed an example in Pakistan of such an initiative. Uganda, if adopts such a measure girls are more likely to stay in school and complete their education. Fifth, a monitoring and evaluation system is essential although Pakistan has recently adopted the Safe School Initiative which uses technological advancements to assess the level of risk preparedness of schools and provide specific recommendations. However, this is not a monitoring tool as such, but technology is being used to facilitate educational institutions to create a safer environment. Therefore, innovations such as EduTrac can be implemented within Pakistan to gather data from schools and cater to their specific needs. Sixth, civil society and government partnerships have proved to be effective in Pakistan. Similar projects and support from governments to NGO's and international organizations can help foster an environment best suited for girl's education. Seventh, construction of separate toilet facilities for girls and provision of amenities for girls who are on their period. Uganda has taken a few steps towards providing girls with basic facilities there is still a long way to go, however, Pakistan need to address this significant issues. Menstruation cycle remains a taboo topic in Pakistan, yet similar advocacy programs and strategic intervention needs to be taken to ensure girls don't miss out on school due to lack of toilets of inadequate sanitary facilities.

## Conclusion

Right to Education is a fundamental right for all human beings, despite of their gender, sexuality, economic status, ethnicity or nationality. Yet, even today almost a decade after woman suffrage girls are denied of basic human rights as their gender is discriminated against. Patriarchal social constructs still prevail and educating boys remain a priority over education of girls. Even though, the last few decades have seen a surge in girl's enrollment in schools the issue still triumphs in our society, weakening our economic systems and welfare of the society. The importance of educating girls cannot be stressed enough. Simply put, educating a girl leads to a better world, a better society, a better family and a better individual. The aim of this thesis was to shed some light on the various challenges children in Uganda and Pakistan face in accessing their right to education. This was explained by highlighting alarming statistics of out of school children in Pakistan – 25 million and the abysmal survival rate of children in school in Uganda. Both the States are poverty stricken which is the number one factor restricting their children from enrolling and remaining in school. Lack of school facilities; infrastructure, access to healthcare, sanitation and clean water, dysfunctional schools, low quality of education, social norms, discriminatory traditional practices continue to serve as a hindrance to children's education in Uganda and Pakistan. Moreover, there are other unique issues associated with each state that contribute to restricted educational facilities for children. Children in Pakistan seem to be a target for Radical Islamist fractions of the country that threaten children especially girls from attending school. In Uganda, the warlord Joseph Kony abducted thousands of children to serve in his army and a few years later released them to integrate within the society. This took away years from the children's life which with otherwise should be spent in school, in addition to leaving these traumatized children displaced and on the streets of Uganda without shelter, food, money or

water. Furthermore, the prevalence of HIV/AIDS in Uganda is another noteworthy factor that limits children's education. Both Uganda and Pakistan also face challenges with different groups of the society such as children with disabilities, refugee children, orphans and girls. Hence, the focus of this thesis was on the most vulnerable group of the society- Girls. Girls/women face immense discrimination in all walks of life from the moment they are born – from female foeticide to child marriages, sexual harassment at work to denied opportunity to attend schools. Various benefits of educating girls were highlighted in the second chapter with a special focus on two significant constraints that limit girls' right to education. Child Marriage and Early Pregnancy is the evil of our society limiting girls to not only accessing and completing education but vulnerable to domestic violence, psychological and physical harm and restricting them from self-development. If action is not taken now, it is estimated that there will be at least 350 million child brides in the world by 2050. Apart from achieving full elimination of such traditional harmful practices, attention needs to be paid to missing school facilities that restrict girls' education. It was found that lack of toilets, distance from schools, absence of female teachers, no provision of food, unhealthy sanitation facilities and deficiency of clean water have an impact on girl's not enrolling and retaining in school. The Government of Uganda and Pakistan has committed to providing free and accessible education for all and hence measure need to be taken immediately to fulfil their obligation. The last chapter highlighted a few recommendations and best practices that both these States have exercised to facilitate girl's education. In addition to recommendations based on successful programs by civil society organizations that have shown positive results on the enrolment of girls. By learning from each other and civil society programs both Uganda and Pakistan can take adequate measures to provide girls with education.



## Appendix

### Appendix I: Over all framework for RTE, provided by UN Special Rapporteur Katarina Tomasevski

#### Box 1: Conceptual framework

RIGHT TO EDUCATION	AVAILABILITY	<ul style="list-style-type: none"> <li>- fiscal allocations matching human rights obligations</li> <li>- schools matching school-aged children (number, diversity)</li> <li>- teachers (education &amp; training, recruitment, labour rights, trade union freedoms)</li> </ul>
	ACCESSIBILITY	<ul style="list-style-type: none"> <li>- elimination of legal and administrative barriers</li> <li>- elimination of financial obstacles</li> <li>- identification and elimination of discriminatory denials of access</li> <li>- elimination of obstacles to compulsory schooling (fees, distance, schedule)</li> </ul>
RIGHTS IN EDUCATION	ACCEPTABILITY	<ul style="list-style-type: none"> <li>- parental choice of education for their children (with human rights correctives)</li> <li>- enforcement of minimal standards (quality, safety, environmental health)</li> <li>- language of instruction</li> <li>- freedom from censorship</li> <li>- recognition of children as subjects of rights</li> </ul>
	ADAPTABILITY	<ul style="list-style-type: none"> <li>- minority children</li> <li>- indigenous children</li> <li>- working children</li> <li>- children with disabilities</li> <li>- child migrants, travelers</li> </ul>
RIGHTS THROUGH EDUCATION		<ul style="list-style-type: none"> <li>- concordance of age-determined rights</li> <li>- elimination of child marriage</li> <li>- elimination of child labour</li> <li>- prevention of child soldiering</li> </ul>

## Appendix II: Map of Pakistan and location in the world.



Source: Google, available at <http://www.infoplease.com/atlas/country/pakistan.html> and Google Maps.

### Appendix III: Map of Uganda and location in the world.



Source: Google, available at <<http://www.infoplease.com/atlas/country/uganda.html>> and Google Maps.

## Appendix IV: Millennium Development Goals



Source: UN Millennium Development Goals 2000, available at <<http://www.un.org/millenniumgoals/>>

## Appendix V: List of Denied Rights

### **RIGHTS DENIED BY CHILD MARRIAGE OR EARLY MARRIAGE**

Early marriage of girls undermines a number of rights guaranteed by the Convention on the Rights of the Child:

- The right to education (Article 28).
- The right to be protected from all forms of physical or mental violence, injury or abuse, including sexual abuse (Article 19) and from all forms of sexual exploitation (Article 34).
- The right to the enjoyment of the highest attainable standard of health (Article 24).
- The right to educational and vocational information and guidance (Article 28).
- The right to seek, receive and impart information and ideas (Article 13).
- The right to rest and leisure, and to participate freely in cultural life (Article 31).
- The right to not be separated from their parents against their will (Article 9).
- The right to protection against all forms of exploitation affecting any aspect of the child's welfare (Article 36).

Source: UNICEF, 'The National Strategy to End Child Marriage and Teenage Pregnancy 2014/2015-2019/2020 – A Society Free of Child Marriage' (June, 2015)

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