



The Global Initiative
for Economic, Social and Cultural Rights



Asia South Pacific Association
for Basic and Adult Education
Learning Beyond Boundaries



Neglected Financing and Privatization of Education in Pakistan: Right to Education out of reach?

Alternative Report Submitted by Pakistan Coalition of Education with support of the Global Initiative for Economic, Social and Cultural Rights, Asia South Pacific Association for Basic and Adult Literacy (ASPBAE), Childs Rights Movement Pakistan (CRM), Society for Protection of the Rights of the Child (SPARC), Bonded Labour Liberation Front (BLLF), Pakistan Institute of Labour Education and Research (PILER), Pakistan Fisher folk Forum (PFF), Community Development Organization (CDO), Workers Education and Research Organization (WERO) and Program on Women's Economic, Social and Cultural Rights (PWESCR)-Pakistan

Presented to the United Nations Human Rights Council Universal Periodic Review of Pakistan, 3rd Cycle at the 28th session

SUBMITTED in March 2017



I. Introduction

1. This report titled: “Privatization of Education: A Right out of reach?” is a submission to the third cycle of Human Rights Council Universal Periodic Review (UPR) of Pakistan, taking place in the 28th session (6-17 November 2017).¹
2. This report describes how the current arrangement of education in Pakistan owing to inadequate financing and the growth of unregulated private actors in education has resulted in segregating effect in education, leading to systematic violations of the right to education. In a country with one of the world’s largest number of children out of school (OOSC) and having one of the lowest literacy rates in an education system being funded by one of lowest shares of GDP being spent on education, these concerns take a heightened prominence. The United Nations Committee on the Rights of the Child also recently echoed similar reservations where it was concerned, in Pakistan, about **“The privatization of education, with a lack of measures to ensure the compliance of private schools with minimum educational standards...”** in Pakistan.² Consequently it recommended Pakistan to **“Prevent the privatization of schools and establish mechanisms to monitor...”**³ This development also raises other human rights concerns such as discrimination based on gender, ethnicity and socio-economic status as well as right to work and earn.⁴ The social division created as a result is of pressing concern in the Pakistani society which already is in strife due to widening gap between the rich and poor and division on basis of religion, area and ethnicity.⁵

II. Follow up to the previous UPR Reviews of Pakistan

3. In the past two cycles, several countries recommended Pakistan to ensure the right to education for all without any discrimination. In the last review held in 2012, Thailand recommended specifically to *“consider providing universal free primary education to all children, regardless of their sex, nationality, race or ethnic origin”* (paragraph 122.146). Cuba made recommendations to *“... promote universal access to education”* (paragraph 122.144) whereas Oman recommended to *“...ensure the enrolment of all segments of society in education”* (paragraph 122: 145). Girls’ right to education was especially highlighted when countries recommended to *“developing adequate measures to guarantee in law and practice the equality of women, particularly their right to education...”* (Spain, paragraph 122.83) and to *“make efforts to expand access to education, especially for girls”* (Japan, paragraph 122.147)
4. The countries also made recommendations to increase domestic financing of education. Finland recommended in the first UPR review to *“take urgent measures to ensure that adequate resources are allocated for education”* (paragraph 106.36). Similarly the Netherlands urged

¹ Universal Periodic Review. (2017, March 20). Retrieved from United Nations Office of the High Commissioner: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>.

² CRC. (2016). Concluding observations on the fifth periodic report. Geneva: United Nations.

³ Ibid.

⁴ Alif Ailaan and SAHE. 2016. Who Gets The Good Jobs? Educational experiences that result in economic and social mobility. Islamabad: Alif Ailaan. vii-62 p.1.

⁵ Ahmed, I., Rehman, K. U., Ali, A., Khan, I., & Khan, F. A. (2014). Critical Analysis of the Problems of Education in Pakistan: Possible Solutions. International Journal of Evaluation and Research in Education (IJERE), pp 79-84.

Pakistan to “Increase its allocation of resources devoted to education” (122.143). Pakistan accepted all of these recommendations and reaffirmed the commitment to implement them.⁶

5. However, even in light of agreeing to these recommendations, **the situation regarding the Right to Education in Pakistan has not improved especially with in context of access to quality education for all regardless of social class, gender or ethnicity.** In fact, the growth of privatization of education with the support of State and the bilateral international donors threatens to further infringe upon the realization of the right to education.

III. Normative framework of education policies and the right to education in Pakistan

6. Education has only recently been made a fundamental, justiciable and enforceable right in the Pakistan Constitution. Prior to the 18th Constitutional Amendment passed in 2010, education was added as a Principle of Policy.⁷ The 1973 Constitution of the Islamic Republic of Pakistan only stipulated in article 37-b that the State shall “remove illiteracy and provide free and compulsory secondary education within minimal possible period”,⁸ and in Article 38(d) that the State shall “provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment”.⁹ As part of the 18th Constitutional amendment, Article 25-A was added to the Chapter on “Fundamental Rights” and stipulates: “The state shall provide free and compulsory education to all children of the age five to sixteen years in such a manner as may be determined by law”.¹⁰
7. The National Education Policy (NEP) of 2009¹¹ is the main education policy framing guideline in the last two decades. It was considered to be a “living document” intended to be revised periodically but to remain in place. This policy document was intended to guide action towards achieving increased access to education and quality. In the NEP 2009, it is recognised that education is primarily a public function regardless of whether it is publicly or privately provided therefore subject to the official regulations.¹² The policy also requires the State to “take lead” as provider of education as per the Constitution and thereby commits to raise the education budget to 7% of the GDP by 2015.¹³

⁶ A/HRC/22/12/Add.1.

⁷ For more information, see Pakistan Coalition for Education, “Legislation on Right to Education in Pakistan: A Critical review” (April 2015), available from <http://www.pcepak.org/en/phocadownload/Demo/RTE-final-.pdf>.

⁸ PAK CONST. art. XXXVII, sec. b.

⁹ PAK CONST. art. XXXVII, sec. d.

¹¹ Ministry of Education, Government of Pakistan (2009) National Education Policy 2009 <http://unesco.org.pk/education/teachereducation/files/National%20Education%20Policy.pdf> [Retrieved 21 February 2017].

¹² Ibid.

¹³ Ibid.

8. The Article 25-A has been translated into provincial legislation by Islamabad¹⁴ and the provincial legislatures¹⁵ except the province of Khyber Pakhtunkhwa where the bill is yet to be passed. In the Federally Administered Tribal Areas, Gilgit Balitistan and Azad Kashmir, the legislation is also pending. However, there have been no accompanying rules and regulations to implement the RTE legislation in the provinces.¹⁶
9. Pakistan has also ratified the Convention on the Rights of the Child (CRC) under which “*State parties recognize the right of the child to education and... make primary education available to all*” (Article 28, Convention on the Rights of the Child- 1989). Pakistan is also party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which requires the *State parties to ensure the provision of compulsory free primary education, and progressively free secondary education*”.¹⁷ General Comment 13 of the Committee on Economic, Social and Cultural Rights, on the basis of these provisions, considers the +State of “having principal responsibility of direct provision of education in most circumstance. States parties recognise for example, that the “development of a system of schools at all levels shall be actively pursued”.¹⁸
10. Drawing in particular on articles 28 and 29 of the ICRC and article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and based on our work analysing the situation with regards to privatisation in education in ten other countries, following extensive consultation with education CSOs at the domestic, regional and international level, and with human rights and education academics and experts, we have developed the following additional criteria to determine the obligations of States with regards to private schools:

Noting the paragraphs 13 and 14 of article 13 of the ICESCR and paragraph 2 of article 29 of the ICRC on the liberty of education, when there are private actors providing education services, States must ensure that their involvement:

1. *Does not lead to the creation of extreme disparities in access to quality education or discrimination of any kind, and does not lead to segregation or division in societies in general or education in particular;*
2. *Provides for a true alternative choice to quality free education, and does not replace the public system;*
3. *Does not lead to the marketization of education such that education is no longer directed to the full development of a child's personality, talents and mental and physical abilities, but instead only to profit-making and achieving measurable outcomes - which would be contrary to the aims of education recognised in human rights law;*

¹⁴ Act 2012- Right to Free and Compulsory Education- National Assembly Secretariat – Islamabad. (2012). Islamabad: National Assembly.

¹⁵ See: http://rtepakistan.org/wp-content/uploads/2012/12/The_Sindh_Right_of_Children_to_Free_and_Compulsory_Education_Act_2013.pdf; http://rtepakistan.org/wp-content/uploads/2014/07/The_Balochistan_Compulsory_Education_Act_2014.pdf; <http://punjablaws.gov.pk/laws/2580.html>.

¹⁶ Right to Education law awaits implementation. (2015, January 28). Retrieved from Dawn News: <https://www.dawn.com/news/1159929>.

¹⁷ ICESR articles 13 and 14.

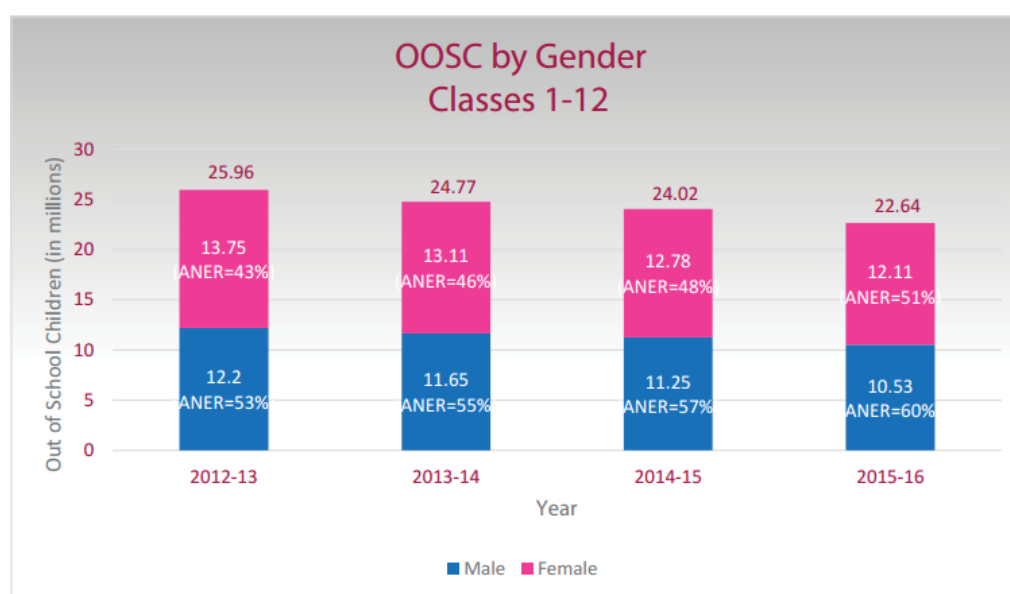
¹⁸ Comment 13, paragraph 48, CESCR.

4. *Maintains the highest quality standards and is adequately regulated, both in law and in practice, with adequate inspection staffing, effective accountability mechanisms, and without corruption; and*
5. *Is the result of a participatory policy formulation process and continues to be subject to democratic scrutiny and to the human rights principles of transparency and participation.*

11. This framework and the legal justification for it is detailed in a 2016 article by Aubry and Dorsi in the Oxford Review of Education.¹⁹ The present report deals mostly with the first dimension, non-discrimination, and the second dimension, related to public funding. The latter is discussed first, in section V, while section VI addresses issues of discrimination and segregation.

IV. The status of education in Pakistan

12. Pakistan faces enormous education challenges. After Nigeria, Pakistan has the world's second highest out of school population. Figures on the total number of out of school children range between 8.8 million and 25 million.²⁰ Almost one in every five child of primary school age is not in school and this proportion increases at higher education levels.²¹



Gender desegregated numbers of Out of School Children

(Source: Pakistan Education Statistics 2015-16, National Education Management Information System 2017)²²

13. According to the official statistics, there are 303,446 educational institutions out of which 63% belong to the public sector whereas 37% institutions are private. In these schools, around 58% of students are enrolled in public sector whereas 42% of students go to private institutions. The number of institutions and percentages are official projections based on the school census which

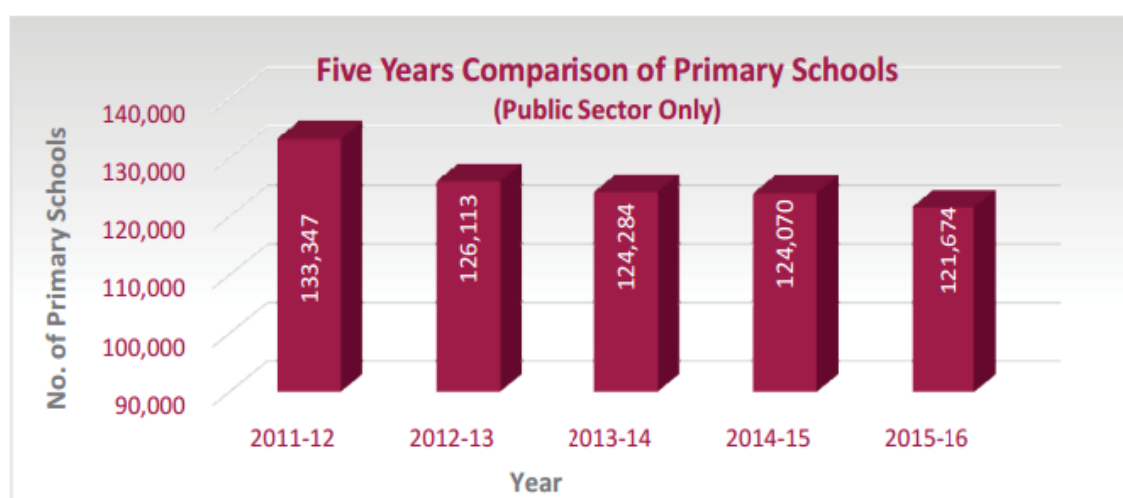
¹⁹ Aubry, S. & Dorsi, D. (2016). Towards a human rights framework to advance the debate on the role of private actors in education. Oxford Review of Education, [online] Available at: <http://bit.ly/2eeCVrd>.

²⁰ Alif Ailaan (2014) 25 million broken promises: the crisis of Pakistan's out of school children. Islamabad: Alif Ailaan. <http://bit.ly/1FkolZ0> [Retrieved 28 January 2016].

²¹ Ibid.

²² ANER: Adjusted net enrolment rate.

was last conducted in 2005.²³ Over the last four years, there has been a steady decline of the number of public primary schools in the country owing to “... lack of teachers, closing down of non-functional schools” and dwindling enrolment.²⁴



(Source: Pakistan Education Statistics 2015-16, National Education Management Information System 2017)

14. Meagre national education spending combined with a rapidly growing population²⁵ and international pressure on the State to advance its efforts in achieving universal primary education has resulted in State support for the expansion of private education.²⁶ In addition to that, the ineffective system due to leakages in budget resulting in public education to be out of demand, Pakistan has simultaneously experienced an unprecedented growth in the number of private schools. In particular, there has been a dramatic expansion of the low-fee private schools in poor urban areas and rural villages over the last two decades²⁷. According to ASER survey, approximately 59% of children in urban areas and 23% in rural areas were enrolled in private schools in Pakistan in 2012.²⁸

V. Public financing of education

15. Pakistan’s education system has faced consistent insufficient education spending by subsequent governments. According to the Ministry of Finance’s 2014 – 2015 economic survey, Pakistan spent 2.14% of its GDP on education, falling far short of Pakistan’s longstanding target, reiterated by the current federal government, of spending 4% of GDP on education by 2018, the

²³ EMIS, N. (2017). Pakistan Education Statistics 2015-16. Islamabad: Ministry of Federal Education and Professional Training, Government of Pakistan.

²⁴ Ibid.

²⁵ Pakistan’s population is estimated at approximately 180.71 million in 2011 with an average growth rate of 2%.

²⁶ Institute of Social and Policy Studies (2010) *Private Sector Education in Pakistan: Mapping and Musing I-SAPS*: Islamabad. <http://bit.ly/1qxhLJ5> [Retrieved 7 April 2016]

²⁷ Andrabi, Das, & Khwaja, Private Schooling: Limits and Possibilities, 2005

²⁸ Alif Ailaan. 2014. *25 million broken promises: the crisis of Pakistan’s out-of-school children*. Islamabad: Alif Ailaan. Pp.6.

international target of 6% and even more of the National Education Policy (NEP) target of 7%.²⁹ In 2016, there was an increase of 7-20% allocation in all provinces but this was not targeted against access or quality.

16. Being a country with one of the lowest tax-to-GDP ratios in the world, with 10% of GDP furnished with taxes, financing for education requires system-wide, swift action in which tax reforms on federal and provincial levels. Recognising the need to prioritize social sector, in particular education and health, with increased allocation financed through sustainable domestic sources is one way of enforcing the RTE. According to the EFA Global Monitoring Report (2013-14), if Pakistan increased its tax revenue to 14% of GDP and allocated one-fifth of this to education, it would be sufficient to bring the Out of School Children back to school.³⁰
17. However, the current provincial budget allocation and spending trends are a point of significant concern. According to the I-SAPs report on public financing of education, the share of education in total provincial budgets is declining in all provinces except for Balochistan.³¹ Education share has declined from 26% in 2013-14 to 20% in 2015 in Punjab where as in Khyber Pakhtunkhwa, it has reduced by 4% and in Sindh the decline is by 3%.³² The development budget also has been reduced considerably in Khyber Pakhtunkhwa and Balochistan where the budgets for education development have been reduced by 15% in 2015-2016 compared to the previous years' budgets. The expenditure of the development budget is also a cause of concern where almost all provinces had significant unspent development budget. In Punjab, only 46% of the development budget was expensed in the 2014-15 whereas Sindh spent 58%, Balochistan spending 64% and KP had 97% of its budget expensed.
18. As illustrated above, the insufficient domestic prioritisation and financing continues to undermine the realisation of the right to education. This has resulted in wide and socio-economic segregation. Given the current education challenges, Pakistan should take immediate measures to ensure that the maximum available resources are devoted towards education as per its obligations set out under international law. If the current Sustainable Developmental Goals are to be met, the budget allocation on education would roughly need to triple.³³

²⁹ Ministry of Education, Government of Pakistan (2009) National Education Policy 2009 <http://unesco.org.pk/education/teachereducation/files/National%20Education%20Policy.pdf> [Retrieved 24 February 2017].

³⁰ (2014). EFA Global Monitoring Report (2013/14) TEACHING AND LEARNING: Achieving Quality for All. Paris: UNESCO.

³¹ (2016). Public Financing of Education in Pakistan Analysis of Federal, Provincial and District Budgets (2010-11 to 2015-16). Islamabad: Institute of Social and Policy Sciences (I-SAPS).

³² Ibid.

³³ Ibid.

Trends in Education Budget 2010-11 to 2015-16



Source: FABS Reports from PIFRA SAP System

(Source: Institute of Social and Policy Sciences (I-SAPS), *Public Financing of Education in Pakistan 2010-11 to 2015-16*. 2016)

VI. Segregating effect of the Pakistani education system

19. The NEP 2009 recognised the segregating effect of the education system where “the rich send their children to private run English medium schools which offer foreign curricula and examination systems (whereas) the public schools enrol those who are too poor do so”.³⁴ Therefore in essence, in Pakistan, the provision of education is dependent on the purchasing power of the parents where the quality education is only available in high fee charging private schools leading to a highly segregated society.

20. Despite existing laws and policies, education is still not free in Pakistani schools, including both in public and private schools. According to the Pakistan Standards and Living Measures survey 2013-14, the average cost of educating a child is Rs. 18,291 per year (\$ 175) whereas the cost of education in private school is more than double as compared to public school.³⁵ For a household with an average income of Rs. 24,000-31,000 per month (\$230-295), it can be seen that education of one takes up a substantive portion (15-20%) of their income given that average family has 5-7 children.³⁶

³⁴ Ministry of Education, Government of Pakistan (2009) National Education Policy 2009 <http://unesco.org.pk/education/teachereducation/files/National%20Education%20Policy.pdf> (Paragraph 46) [Retrieved 21 February 2017]

³⁵ Alif Ailaan. 2015. Not Free At All : Profiling the costs parents incur on education Islamabad: Alif Ailaan. ix-31 pp. 15

³⁶ Alif Ailaan. 2015. Not Free At All : Profiling the costs parents incur on education Islamabad: Alif Ailaan. ix-31 pp. 12

21. The below table from illustrates the annual expenditures, detailing the various expenditure heads. A major expenditure for public school student is transport and private tutoring showing that access and quality issues continue to mar the public education thereby shifting the costs to the parents to bear.

Description	Type of school							Total
	Government school	Private school	Deeni madrasa	NGO/ foundation / trust	Non-formal basic education (NFBE) school	Privately (not enrolled-home schooling)	Others	
School fee	481	8,179	1,680	538	2,704	1,061	6,933	3,310
Uniform	911	1,293	977	1,017	700	1,210	2,510	1,075
Books and stationery items	731	1,723	774	883	468	1,350	1,415	1,126
Examination fee	273	583	556	345	--	1,052	1,532	441
Private tuition	3,860	5,378	2,513	4,340	--	8,778	9,762	4,784
Transport	4,998	7,215	3,720	5,322	--	1,239	7,027	6,413
Other expenses	954	1,471	725	718	339	914	2,060	1,142
Total education expenditure per child	12,208	25,842	10,945	13,163	4,211	15,604	31,239	18,291

Annual Expenditures to Educate a Child

(Source: Alif Ailaan. *Not Free At All: Profiling the costs parents incur on education*.2015)

22. While the public education system continues to struggle in terms of providing quality and accessible education to all, these private providers have stepped in to fill in the gap. However, the private schools fails to meet quality standards, as the learning outcomes from private school are not significantly higher than a public school.³⁷
23. While the NEP 2009 envisioned a “system of checks and balances for the private sector to oversee the issue of fees, school standards, and pay of teachers, conduct...” the legislation to ensure this has been inadequate and absent. The legislation to regulate private market in Punjab has been recently revised as The Punjab Private Educational Institutions (Promotion and Regulation) Ordinance Amendment 2017³⁸ under which the provincial government has

³⁷ Muzaffar, I. 2010. Education in Pakistan: the nickel and dime route to ruin? Campaign for Quality Education Working Paper Series, Available at <http://www.cqe.net.pk/cqepublications.php>

³⁸ See at: <http://www.lawsofpakistan.com/wp-content/uploads/2017/01/THE-PUNJAB-PRIVATE-EDUCATIONAL-INSTITUTIONS-PROMOTION-AND-REGULATION-ORDINANCE-1984.doc.pdf>

introduced some fee regulation for the schools charging fee above Rs. 4000 per month. However, this policy lacks a regulatory framework for all private schools including low fee private schools and lacks scope to ensure quality in private schools. In other provinces, legislation to regulate private market is still underway since 2001 and have revised and reviewed such as North West Frontier Province (NWFP) Registration and functions of private educational institutions (amendments) Ordinance 2002, the Sindh private educational institutions (regulation and control) (amendment) act, 2003.³⁹

24. Only in Islamabad Capital Territory (ICT)⁴⁰ has the Government been able to introduce a regulatory framework to monitor private schools. The Private Educational Institutions Regulatory Authority is working in ICT to enforce relevant rules and regulations on private education sector. According to official statistics, there are 1,069 registered Private Educational Institutions (PEIs) in Islamabad Capital Territory (ICT) catering for 221,125 students.⁴¹ However, the same cannot be said about the other four provinces where the majority of students study in private schools and public-private partnership schools, but an adequate regulatory and monitoring framework is lacking..
25. The minimum requirements to open a private school in Pakistan are very low. Private institutions offering primary and secondary education do not require affiliation with a board, which means a school can be registered without being accountable for suitable permanent premises, qualified faculty, a library, and other necessary facilities⁴². According to Fennell and Malik, *“the absence of a set of regulations that would lay out the criteria that must be met by all educational institutions, whether state, Public Private Partnerships in education (ePPPs), or private providers, has proven to be a big lacuna. The consequent lack of guidance on requirements regarding salary scales for teachers, the teacher-student ratio, and the necessary physical characteristics to be deemed a registered school has meant that there are almost no entry restrictions on new providers.”*⁴³
26. The result of this unchecked growth of private education is to create a highly discriminatory and segregating education system. Access to education varies greatly by location, gender and wealth in Pakistan. More than half of all out of school children are girls (70%) and children from poor households are more likely to be out of school compared to their counterparts in high-income families.⁴⁴ The richest quartile of the population has the highest enrolment rate (80%) while the

³⁹ For details of this act, see: <http://sindhlaws.gov.pk/setup/publications/PUB-13-000221.pdf>

⁴⁰ For details of act, <http://www.peira.gov.pk/Downloads/Doc1.pdf> The Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Bill 2015, Bill No. 46 of 2015

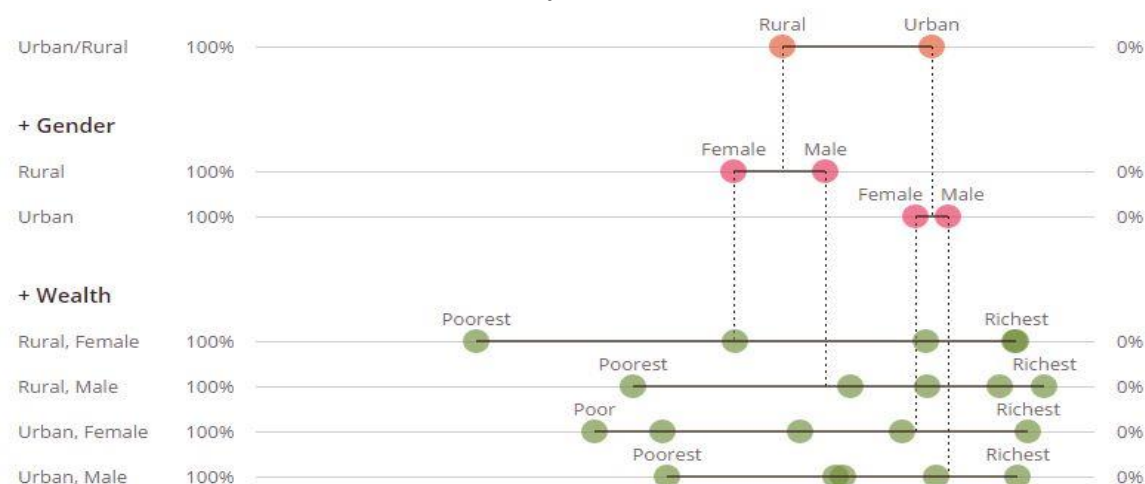
⁴¹ Legal Mandate of PEIRA: (2017, March 30). Retrieved from Private Educational Institutions Regulatory Authority (PEIRA): <http://www.peira.gov.pk/index.html>

⁴² Haider, M. S. (2015, December 26). *Why isn't the standard of education in Pakistan's private schools regulated?* Retrieved April 13, 2016, from Express Tribune: <http://blogs.tribune.com.pk/story/29386/why-isnt-the-standard-of-education-in-pakistans-private-schools-regulated/>

⁴³ Fennell, S. and R. Malik (2016) *“Donors, Private Actors, and Contracts: Recasting the Making and Ownership of Education Policy in Pakistan”* in Verger, A., Lubienksi, C. and G. Steiner-Khamsi (Eds.) (2016). *The World Yearbook of Education 2016: The Global Education Industry*. New York: Routledge.

⁴⁴ Alif Ailaan (2014) *25 million broken promises: the crisis of Pakistan's out of school children*. Islamabad: Alif Ailaan. <http://bit.ly/1FkolZO> [Retrieved 17 January 2017].

poorest quartile has the lowest (61%).⁴⁵ The below figure shows the percentage of children who have never been to school, by location (urban/rural), gender and wealth. According to Alcott and Rose (2015),⁴⁶ in rural Pakistan, girls from the poorest households are 31% less likely than the poorest boys to attend private schools. Aslam (2009) similarly finds that access to private schools is also found to be generally lower in rural areas. This may be from the fact that there are less private institutes present in the rural areas of Pakistan (21%) as compared to 66% of the total private schools present in urban areas.⁴⁷ Another study also found high urban-rural disparities in terms of who goes to public or private schools with 50 % of all private school students belonging to 10 districts out of 113. These 10 districts are more urban and wealthier, and most of them are located in Northern Punjab.⁴⁸



(Source: UNESCO World Inequality Database on Education based on Pakistan Demographic and Health Survey 2012)

27. Therefore, in a system with weak regulation and absent operation guidelines, there are concerns about equity about private provision of education in a context where the government has promised to provide free and compulsory education. In some provinces, the provincial governments have actively supported the expansion of private schools through redirecting public finance and subsidies. An example of rapid expansion of private schools, in particular low fee private schools (LFPS) in the country can largely be attributed to Punjab Province where the government has proactively promoted the expansion of LFPSs through public private partnership modalities that are managed and financed through the Punjab Education Foundation (PEF).⁴⁹ This rapid increase of private actors can be attributed to bi- and multi-lateral donors through various reform interventions promoted at the provincial level since the 1990s. Since its

⁴⁵ ASER national report 2015 (2015) Available at:

http://www.aserPakistan.org/document/aser/2015/reports/national/ASER_National_Report_2015.pdf (Accessed 17 January 2017).

⁴⁶ Alcott, B. M. and Rose, P. M. (2015) "Schools and learning in rural India and Pakistan: Who goes where, and how much are they learning?" *Prospects*, 45(2): 345-363.

⁴⁷ See: <http://library.aepam.edu.pk/Books/Pakistan%20Education%20Statistics%202014-15.pdf>.

⁴⁸ Nguyen, Q., & Raju, D. (2014). Private School Participation in Pakistan. The World Bank.

⁴⁹ Malik, R. and Rose, P. (2015) *Financing Education in Pakistan: Opportunities for Action*. Country Case study for the Oslo Summit on Education for Development Country report prepared for the Oslo Summit on July 6-7, 2015. <http://bit.ly/1KfBx3F>. [Retrieved 7 April 2016]

establishment in 1994, the World Bank has supported the Punjab Education Foundation (PEF)⁵⁰, a quasi-autonomous institution of the provincial government, to promote PPPs in education. The World Bank has financed the foundations' Education Voucher Programme with the aim of increasing access to education for the 'poorest of the poor'. The UK Department for International Development (DFID) funds access to financing initiatives for low-fee private schools and provides significant funds for the PEFs programs to support LFPS. According to a recent report on the financing of education in Pakistan, *"DFID has also established a company with functions very similar to the Sindh Education Foundation for funding public private partnership mechanisms – ones specifically focused on promoting private school establishment in low-income communities."*⁵¹

28. The implication of this promotion of private providers in lieu of public education with public funds is alarming especially in weak regulatory mechanisms. Despite inconclusive evidence on the educational benefits of private schools, donors have invested and continue to invest substantially in the expansion of low-fee private schools and PPP programs in Pakistan.⁵² Most of the evidence demonstrating that the involvement of the private sector is a cost effective option and demonstrate a positive impact on quality have been supported by international organisations promoting these models.⁵³ This is of major concern, particularly given a growing body of research evidencing the negative impacts of the growth of private actors on the right to education.⁵⁴ An aggressive push for fee charging private providers by bi-lateral donors, such as DFID, is thus potentially a violation of these States' extra-territorial obligations, where this provision negatively affect the right to education.⁵⁵

⁵⁰ According to its websites, the Foundation's mission is "the promotion of quality education through Public-Private Partnership, encouraging and supporting the efforts of private sector through technical and financial assistance, innovating and developing new instruments to champion wider educational opportunities at affordable cost to the poor."

⁵¹ Malik, R. and Rose, P. (2015) *Financing Education in Pakistan: Opportunities for Action*. Country Case study for the Oslo Summit on Education for Development Country report prepared for the Oslo Summit on July 6-7, 2015. <http://bit.ly/1KfBx3F> [Retrieved 20 February 2017]

⁵² Bano, M. 2008. Public-Private Partnerships (PPPs) as 'anchor' of educational reforms: lessons from Pakistan. Background paper prepared for the Education for All Global Monitoring Report 2009/ED/EFA/MRT/PI/12.

⁵³ See this UKAID and DFID summary of literature on PPPs in Pakistan from 2011 "Helpdesk Report: Public Private Partnerships in Education (Pakistan)": <http://www.a-id.org/pdf/helpdesk-report-public-private-partnerships-in-education-pakistan.pdf> See also: Andrabi, T., Das, J., Khwaja, A.I., Vishwanath, T. and Zajonc, T. (2008). Pakistan Learning and Educational Achievements in Punjab Schools (LEAPS): Insights to inform the education policy debate. See also: Andrabi, T., Das, J., and Khwaja A.I. (2006) "A Dime a Day: The Possibilities and Limits of Private Schooling in Pakistan" World Bank Policy Research Paper No. 4066.

⁵⁴ See various country reports here: <http://globalinitiative-esr.org/advocacy/privatisation-in-education-research-initiative/international-advocacy-on-privatisation-in-education/>

⁵⁵ See Right to Education Project and others, "Parallel report to the CESCR on the United Kingdom" (November 2015), available from <http://bit.ly/1hDObw5>.

VII. Recommendations for action by Pakistan

29. The Pakistani education system, by being divided into parallel systems, is a recipe for segregation in society resulting in human rights violations. This segregation is precarious in a society which already faces multitude of other challenges⁵⁶ owing to its fragmented nature. Free, publicly provided education should be a unifying force as envisioned by the NEP 2009.⁵⁷
30. Additionally, for progress national income, economic growth and poverty reduction and in human development outcomes such as women's empowerment, health, risk mitigation, justice and increased tolerance investing in education is crucial.⁵⁸ Yet it is indeed unfortunate that the government makes little efforts to prioritise the right to education, as evidenced by the third lowest spending on education worldwide and an explicit policy of relying on the private sector to provide education.⁵⁹ This approach not only creates discrimination and is not matched by adequate regulation, which infringed the right to education, but it also undermines the realisation of all human rights in Pakistan. Based on the above analysis, we suggest the following recommendations to Pakistan:
1. To substantially increase the education budget and fulfil the overdue commitment of 6% of GDP or 20% of the annual budget as a matter of urgent priority.
 2. To institute an appropriate regulatory and monitoring framework for monitoring the enforcement of Article 25-(A) of the Constitution and the fast-growing private schools operating in weak regulatory mechanisms.
 3. To revise the National Education Policy given the contextual shift in the post 18th Amendment, focusing on improving the quality of public education in Pakistan and enforcing the constitutional right to education.
 4. To take all necessary measures, including by immediately setting out a plan to effectively regulate and monitor private schools, to avoid any direct or indirect harmful impact of the private education sector on human rights, in particular ensuring that they do not contribute to discrimination or segregation, and to ensure that the private sector contributes to the fulfilment of the right to education for all in Pakistan.
 5. To regularly collect and make publicly available data on private schools, their fees and social diversity amongst the pupils attending private and public schools, so as to be able to transparently identify and understand inequalities.

⁵⁶ UNDP. (2016, June). DAP. Inequality: Missing from public agenda. Islamabad.

⁵⁷ Paragraph 20. Ministry of Education, Government of Pakistan (2009) National Education Policy 2009 <http://unesco.org.pk/education/teachereducation/files/National%20Education%20Policy.pdf> [Retrieved 21 February 2017].

⁵⁸ Wils, A., & Bonnet, G. (2015). The Investment Case for Education and Equity. New York: UNICEF.

⁵⁹ Ministry of Education, Government of Pakistan (2009) National Education Policy 2009 <http://unesco.org.pk/education/teachereducation/files/National%20Education%20Policy.pdf> [Retrieved 21 February 2017].