

Right to Primary Education

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Parliamentary Caucus on Child Rights & Save the children

KEY DISCUSSION PAPER

Talat Mahmud, Director, Education Sector (Interim), Save the Children

Bangladesh has made significant progress in achieving Education for All goals. Some remarkable achievement are access to primary education and gender parity, National Education policy 2010, distribution of all text books free on January 01 of every year, grade 3 and grade 5 competency assessment results are publicly available. Despite these credible progress Education is still not a basic right of the citizens of Bangladesh but is a fundamental principle of the state.

If we look at the constitutional change in India regarding right to education, we will find that the 86th amendment of the Constitution in 2002, free and compulsory education for all children from six to fourteen has been included in the constitution as a fundamental right. The Act makes it obligatory for the state to ensure that every child gets free elementary education.

Unlike several other countries, the Indian Constitution did not only stop at the inclusion of a provision but also makes the government accountable for ensuring that a child attends school. In Philippines, the amendment to the Constitution declares that the state shall "protect and promote the right of all citizens to quality education, of all levels, and shall take appropriate steps to make such education accessible to all."

In the context of Bangladesh, Article 17 of our national constitution mentions free and compulsory education. It articulates that the “State shall adopt effective measures for the purpose of (a) establishing an uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law and (b) relating education to the needs of society and developing properly trained and motivated citizens to serve those needs; removing illiteracy within such time as may be determined by law.” We have witnessed the government's commitment in this regard on various national and international platforms. In the National Education Policy of 2010, a clause asserts that 1. Formulation of Consolidated Education Law: Steps will be undertaken in the light of this Education Policy and taking into account all laws regulations and policies, directives related to education to formulate a newly

coordinated Education law and to ensure its proper implementation. This is a big undertaking.

Several policies and conventions, including CRC, ICESCR, 1966, CEDAW, 1979, Universal Human Rights Convention, Vision 2021, and the Dhaka Declaration of 2009, ratified by the government of Bangladesh reiterates this statement. Government of Bangladesh has formulated a draft education law 2013. and the draft law 2013 was posted on the Ministry of Education website on August 5, 2013, for opinion from different strata of the society. Based on this law, a draft Education Law 2014 was prepared, and it was shared for ideas with limited numbers of educationists and concerned government officials. Then the pertinent question is why there has been no further progress of these draft laws, and what government's plan around Education Law is. We want to raise voices for the Right to Quality primary education agenda considering the budgetary implication and institutional capacity. We hope government will take appropriate measure for approving the Right to Education law as per the commitment of the Education Policy 2010.

A budgetary allocation would be required to ensure primary education for less than three percent of non-enrolled children, as Bangladesh has already achieved more than 97 percent enrolment in primary education. We believe that government has commitment for this and the additional budgetary allocation is not beyond the capacity of the present government. With this positive initiative present government could be in history of Education of Bangladesh.

Dr Enamur Rahman, MP, Chair of Roundtable Discussion

Through this discussion, we hope to prepare a list of recommendations that can be used to advocate and implement policies on the basic right to primary education. We intend to further develop the education sector through this discussion, whereby every child is provided the right to primary education.

Timothy Whyte, Country Director (In-Charge), Save the Children

Save the Children has been working in Bangladesh since the independence. We work for deprived children and their families in areas like education, health, child poverty, humanitarian response and policy rights and governance. Save the Children acknowledges that Bangladesh has achieved significant progress in primary education. But education is still a fundamental principle of the state and not a constitutional right. Still today, there are children growing up in Bangladesh who never set foot in school, who are deprived of basic opportunities that come with

education; to expand their horizons, to get a good job, to get ahead, and to contribute to society.

Education is universally recognised as the basic need of every human being. The Bangladesh Constitution recognises this need and enjoins the state to “adopt effective measures for the purpose of establishing a uniform, mass oriented and a universal system of education and extending free and compulsory education to all children to such a stage that may be defined by law.”

In the Child Rights Convention, education is recognised as the fundamental right of every child. Other international instruments such as the UDHR, UNCR, and others reaffirms and enshrines these rights. We know that illiteracy limits individual opportunities as well as national goals such as participatory economic development and progress. The national resolve to achieve the education for all goal by ensuring quality basic education for all is reinforced by child rights as well as human rights considerations.

The World Declaration on Education for All in 1990, the Dakar Framework for Action in 2000, the Dhaka Declaration in 2009, and the Education Policy in 2010 confirm that education is every child's basic right, and require signatories to declare education as a right. Acting decisively on this now will help Bangladesh stand proudly as a signatory to the above, and solidify the country's position as a middle income country.

Save the Children is honoured to work closely with the Parliamentary Caucus on Child Rights, and wants to see primary education as a right in this country.

Rasheda K Choudhury, Executive Director, Campaign for Popular Education, Moderator of Roundtable discussion

There is still discrimination in our school system. If you go to the school at the Azimpur Sweeper Colony you will not find a single student from well-off background. Rich parents do not want their children to study in the same school where students from poorer backgrounds study. We need to change this colonial mind-set.

I am addressing the honourable Primary education minister and honourable deputy speaker here today. The Parliament is the centre of all decision making. We are requesting you to raise the voice in the parliament on behalf of us from humanitarian perspective and ensure the right of primary education for all children. We hope you will strongly recommend the issue of right to primary education in the national parliament,

Dr. Manzoor Ahmed, Professor Emeritus, BRAC University

Most countries of South Asia – Pakistan, India, Sri Lanka and Nepal – have included the right to primary education in their Constitution. Why is Bangladesh not being able to do the needful to ensure that the same happens here? We made declarations and ratified different conventions in this regard. We have made different kinds of amendments to the Constitution at different times, so why aren't we able to do the same in this case as well?

I don't think there should be any debate in incorporating this right into the Constitution. As all the concerned parties have the intention and plans to ensure right to primary education for all, we need to take the right initiatives to make sure this happens.

Nevertheless, I would also like to assert that laws are not enough, we need to ensure the implementation of these laws. We can't say for sure that the 97 percent of students enrolled in primary education are actually getting their

right to education, as they are not getting quality education to be responsible citizen. Most of these children don't even learn how to read and write by the time they get out of primary school. If only 25 percent of those enrolled in schools learn how to read and write, it doesn't establish their rights.

We also need to include education for all till class eight as per our educational policy. We need a comprehensive Upazila education plan to bring all children under education. We need to allocate more funds for the education sector. We must include the local leaders and ensure community participation to ensure quality primary education in their respective areas. We also need to ensure retention of children who are already in primary schools by offering them quality education.

Barrister Amirul Islam, Senior Advocate, Bangladesh Supreme Court

When fundamental rights are violated, one can go to the court and present a writ petition to ensure that the issue is addressed. The remedy is not in the court, it's with the state. So that's why we addressed the state in the Constitution. Article 17 of the Constitution declares that the state should ensure "uniform, mass-oriented" system of education, but have we been able to ensure uniform education for all? There is adequate responsibility given to the state as fundamental principles in the constitution, we have to understand the meaning of the clauses and act accordingly. Clause (b) of the Article relates education to the "needs of the society," but have we ever identified and addressed the needs of the society? Unless we identify the needs of society and produce "properly trained motivated citizens", whatever developments we have made till today will begin to tear apart. These should be the focus of the policy. We also need to see whether anything has been missed in the policy, and identify what is the performance under the policy and what are its flaws. Before we apply this Article, we need to see if there are constant exchanges with the guardians of the students. We need to move away from petty politics and look for actual solutions that involve families. The major responsibility should be on the family, as students are not outside their family or society. Curriculum, teaching methodologies and training of teachers is another important area of focus to ensure quality education.

Mohammad Mohsin, Education Manager, UNICEF

We need to determine whether we should consider education as our right or protection. Another thing is whether primary education should be till class five or it should be upgraded to class eight. We know that the government has extended up to class eight in 650 primary schools. We can take examples from this experiment when developing this law.

If we look into the number of schools in our country, we see that there are good number of schools in rural except some pockets as haor, char and vulnerable areas. We are also in the rise of slums with the increase of population in the cities. But the number of schools in cities is reducing. We need to address this issue to make the education as a right. If we talk about uniform education, then we are bound to accept that we are still lacking in ensuring this over the broader spectrum of our country's population.

Children with disabilities are often just excluded from school enrolment surveys. Education for children with disabilities fall under the Ministry of Social Welfare and not under the education ministry. If you look at the progress reports of primary education in the country, you'll find that a specific number of enrolments, say 80,000, is mentioned but we don't know the actual number pool.

There seems to be a difference in non-formal and formal education under our education law. The draft education law also needs to be a little clearer about madrassa education. Education needs of the society as a whole should definitely be the focus of our attention. Our instruments of education also lack a firm structure, and this need to be clearer through the law.

Md. Nurunnabi Shanto, Manager- Education, Action Aid

Free distribution of books is a laudable initiative. Now we need to work on enhancing the quality of the books. We also need to focus on education infrastructure to ensure the retention of students in schools. While in some schools one might find classrooms, there's no provision for toilets there. Some schools are situated in areas that don't have proper linking roads and we have to address these issues to ensure quality primary education for all to establish right to education.

Professor Quazi Faruque, Member, National Education Policy 2010 Implementation Committee

Ensuring uniform primary education is a constitutional pledge. We need to create an education movement to implement this pledge and bring an end to all forms of discrimination in our education system. I want to emphasize on draft education law. Why this law is not placed in Bangladesh? If we tell about the right, we need to think about duty and budget too. We need to make momentum and utilize that as well. We should set priority for uniform primary education too.

There should be a conduit between primary and secondary level of the education structure so that students can go through a harmonized learning process.

Shereen Akther, Program Officer- UNESCO, Dhaka

We are talking about right to primary education. I think it needs to law protected. If we tell about programmatic approach or PEDP III, role of SMC, participation of community, everything should be adjusted and strengthen by law. In the Education Policy 2010, there is a provision for non-formal education. It is important for ensuring life-long learning that is stipulated in SDG 4. It will also help eradicate illiteracy and provide people new skills necessary for coping with the changing world. If we focus on the societal need for present situation and even for future, non-formal education can assist to fulfil the need. So law needs to consider non-formal education contribution too.

Dr. S. M. Hafizur Raman, Professor, IER, University of Dhaka

In terms of access to primary education, we are now at the saturation level. We have achieved 97 percent access. To make it hundred percent, we need to prioritise on neglected areas. We also need more targeted investments in primary education.

Abul Quashem, Director, BNFE

We have achieved great success in primary school enrolment. But the dropout rate is still very high. We need to focus on this area. If we cannot retain students in school, mere enrolment will not work.

M Habibur Rahman, Senior Advisor, Education Sector, Save the Children

If we think about the 3% children who are out of school, the size is not very small, they are mainly from vulnerable and excluded community as ethnic minority, disable children, ultra poor family and geographically hard to reach location. To enrol these children is not so easy, there need to an area specific plan.

In 1990, we enacted a compulsory Primary Education Act. The Act needs to be revised to ensure primary education as a fundamental right. We are far ahead from our neighbours' country as India, Pakistan. They established the education as their constitutional right or fundamental right but we could not. We need to take such kind of initiative to make sure the access of primary education to all children.

Our schools are not well planned. We need to do a comprehensive school mapping to ensure equal access to primary education for all children. We need to make location plan before opening a school because the survey considers both the geographical and population reality of an area. It will also ensure equitable distribution of students, teachers and education facilities. Finally I just want to recommend about to think on school decentralization, right to quality primary education bounded by law and consider the issue to align with 1990 education act and 2010 education policy.

Dr. Abu Hena Mostofa Kamal, DG (In Charge), Directorate of Primary Education

The SDGs have emphasised on quality primary education. We have taken some initiatives in this regard. Recently, we launched a massive training programme for primary school teachers. To reach the unreached and to reduce dropout, the government has started work to reach areas such as haors, chars and so on. In the haor area, we have adopted flexible school schedule, taking into consideration children's difficulty to reach school during the monsoon period. We are also developing our school infrastructure for children with disabilities and to cope with disasters .

Advocate Umme Razia Kajol, MP, Member- Education Standing Committee

I agree with the speakers that we should recognize primary education as a right. Still there is ample scope in the existing education policies for increasing our coverage of primary education. We need to emphasise more on implementation of the existing policies rather than formulating new one.

We should stop the coaching business. It harms students' learning process in a school environment. We often see competition among parents to send their children to coaching centres. It is an unhealthy practice. They should encourage their children to learn on their own. Parents should understand that achieving high grades cannot be the sole motto of education. It is more important to internalise and practice the values of what they learn in school in their lives.

Abul Kalam, MP, Member- Education Standing Committee

I think our demand should be the right to quality primary education, not just primary education.

In rural areas, if schools could take extra classes for students who will appear in board exams, there would not be any demand for coaching centres. In my constituency, I asked the schools to follow this advice; they did, and last year, the schools in my area fared very well in all the board exams.

We have ensured attendance of girl students in schools through the stipend programme. We should have similar programmes for boys to establish right to primary education. If we can arrange a meal at school and bear basic educational expenses then we would be able to reduce the dropout rate drastically.

Advocate Hosne Ara Lutfa Dalia, MP, Member of Parliamentarian Caucus on Child Rights

We need to ensure accountability of the teachers. First they need to be trained properly; and then if they fail to deliver quality education, action should be taken against them. I would also like to reiterate that we should discourage the coaching business. School authorities should take stern action against teachers who force students to take private tuition.

We do not have adequate number of schools in rural areas. The government should establish more schools in remote and hard to reach areas.

Shamsul Alam Dudu, MP, Member of Parliamentarian Caucus on Child Rights

We have achieved tremendous success in primary school enrolment. Now we need to emphasise on quality of education in these schools. The government has taken various training initiatives in this regards. Recently I visited some schools in my constituency and I am very satisfied with their improved education standard. If we all work together we will be able to achieve quality education within a few years to establish education right.

Advocate Mostafizur Rahman, MP, Honourable Minister- Ministry of Primary and Mass Education, Special Guest of Roundtable discussion

I frequently visit PTIs to monitor teachers' training programmes. I found their training curriculum quite satisfactory. Today primary teachers are more qualified in terms of degree. But they lack dedication. To motivate brilliant students to join this noble profession, we have raised their salary to a standard level.

We need more discussions on the quality of education. I want to give my sincere thanks to the organizers of today's programme. Our media should be pro-active in highlighting this issue. It is a team work. We need support from all the stakeholders.

I believe that all children are equal in their capacity. We need to give them the opportunity to learn in their own way. We are committed to ensure primary education for all children.

In the Chittagong Hill Tracts, we are planning to establish residential primary schools where students from remote areas can reside and get the opportunity of quality education. We have already started publishing special books for students of ethnic minorities. For children with disabilities, we have a plan of establishing residential primary schools in every Upazila to create access to education for these vulnerable children.

It is unfortunate that there are some mistakes in our text books. The NCTB should be more careful about these

glitches.

We are planning to expand the stipend facilities to bring all children to school. If we want to give every student a handsome amount of money, it will cost us Tk 1500 crore or more. Let's see what we can do in this regard. I will also try my best to pursue the cabinet to pass the proposal of recognising primary education as a right.

Advocate Fazle Rabbi, Honourable Deputy Speaker, Bangladesh National Parliament, Chief Guest of Roundtable discussion

I fully support the idea that primary education should be recognised as a fundamental right. To do that, we do not need to amend the Constitution. Rather, we should modify the Compulsory Primary Education Act, 1990, in light of clause 17 (b) of the Constitution.

A large number of students who dropout constitutes children with disabilities. The government has passed the Protection of Persons with Disabilities Act 2013 where there is specific clause that emphasises on disable children's access to education. We need the proper implementation of this Act.

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