

MAASTRICHT CENTRE FOR HUMAN RIGHTS, MAASTRICHT UNIVERSITY, AND;
EUROPEAN INTER UNIVERSITY CENTRE FOR HUMAN RIGHTS (EIUC)

*" Human Rights Dimensions and Madrasa Education- An Overlooked Perspective
The Case of Pakistan"*

AUTHORED BY: SUMEERA HASSAN

SUPERVISED BY: PROFESSOR FONS COOMANS

EUROPEAN MASTERS' DEGREE IN HUMAN RIGHTS AND DEMOCRATISATION

2015/2016

TABLE OF CONTENTS

GLOSSARY OF TERMS.....	6
ABSTRACT.....	9
INTRODUCTION.....	10
THE RESEARCH METHODS.....	12
CHAPTER 1 ‘THE RIGHT TO EDUCATION; ON QUALITY, FREEDOM AND OBLIGATIONS’	15
1.1 UNDERSTANDING THE RIGHT TO EDUCATION.....	16
1.2 THE INTERNATIONAL LEGAL FRAMEWORK ON ‘THE RIGHT TO EDUCATION’	18
1.3 THE HUMAN RIGHTS DIMENSION, ‘QUALITY OF EDUCATION’	32
1.4 THE NATURE OF STATE OBLIGATIONS UNDER THE RIGHT TO EDUCATION.....	43
1.5 ON ABSOLUTE FREEDOM.....	48
CHAPTER 2 ‘UNDERSTANDING MADRASAS’	51
2.1 A BRIEF HISTORICAL ACCOUNT OF MADRASAS.....	52
2.2 THE TYPES AND CLASSIFICATION OF MADRASAS IN PAKISTAN.....	54
2.3 LEARNING FROM THE NEIGHBORS: MADRASAS IN BANGLADESH AND INDIA.....	57
2.4 ‘SCHOLARLY CONFLICT’: PROBLEMS AND CRITICISMS ASSOCIATED WITH THE PAKISTANI MADRASAS: A LITERATURE REVIEW.....	62
CHAPTER 3 ‘MAPPING THE STRUCTURE; CONTESTING THE RIGHT TO QUALITY EDUCATION’	66
3.1 ‘ABSOLUTE’ FREEDOM IN PRACTICE.....	67
3.2 MADRASA, CHOICE OR A COMPROMISE?.....	69
3.3 INSIDE THE MADRASAS.....	79
3.4 DURING AND AFTER THE MADRASA GRADUATION.....	88
3.5 A VICIOUS CIRCLE, ‘BLOCKING THE CHANGE’	93
CHAPTER 4 ‘MADRASAS AND PAKISTAN’S SYSTEMATIC VIOLATION OF RIGHT TO EDUCATION’	98
4.1 DETAILED ANALYSIS OF THE VIOLATIONS.....	99
4.2 IN THE LIEU OF CONCLUSION: A NEED TO INTERFERE.....	109
CONCLUSION AND RECOMMENDATIONS.....	110-111
BIBLIOGRAPHY.....	113
APPENDIX.....	128

ABSTRACT

Madrasas in Pakistan came under the limelight after 9/11 terror attacks. Since then, the scholarly work on the madrasas only focus on the security, while the human rights dimension is overlooked. Filling the gap, this study evaluates the Pakistani madrasas under the guidelines provided by the right to education and especially the Convention on the Rights of the Child (CRC). The first part of this research lays down the international legal framework on the right to education, devise the quality dimension under the CRC and its General Comments, and contends the right to religious freedom is not absolute. The second chapter increases the familiarity with madrasa history, the types of madrasas in Pakistan, provides the example of madrasa in other states and concludes by providing 'scholarly conflict' on madrasa existing in literature. The third chapter is based on the field research observation-both primary and secondary sources have been utilised. The chapter assesses the madrasas under the guidelines of human right to education. The last and fourth chapter concludes this research by assessing if Pakistan has complied to its obligations under the right to education and concludes by providing recommendations.