Scoping Study into Human Rights-Based Approaches to Education in Southeast Asia
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Right to Education: Issues and Recommendations on RBE and Ways Forward

Issue 1: Duty Bearers are not aware nor are they sufficiently informed about the right to education.
Issue 2: Investment in education is either insufficient or improperly utilized to realize everyone’s right to education
Issue 3: Stringent School Admission Policies
Issue 4: Insufficient Number of Qualified Teachers
Issue 5: Insufficient Learning Resources
Issue 6: Lack of Infrastructure and Facilities
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FOREWORD

Since its foundation in 1965, the Southeast Asian Ministers of Education Organization (SEAMEO) has sought to promote universal access to quality basic education in Southeast Asia in recognition of the right to education as a universal human right. In 2015, the SEAMEO Council of Ministers reaffirmed SEAMEO’s commitment to addressing barriers to inclusion and access to basic learning opportunities of all learners, as part of its seven strategic priorities for 2015-2035. As a regional Center under the SEAMEO umbrella, SEAMEO INNOTECH has prioritized inclusive quality education as a thematic area of its 9th Five Year Development Plan (2016-2021) guided by its vision of “A Better Future for Every Learner in Southeast Asia”.

In alignment with this vision, the Center spearheaded a regional research on the state of Rights-Based Education (RBE) in Southeast Asia. This study focused on the national laws, policies and guidelines that enable the application of RBE in nine Southeast Asia countries; Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Thailand and Vietnam. Moreover, this research documented existing education programs and projects implemented by both the government and private agencies, designed to bring to fruition the application of RBE within the Region.

The Center is pleased to report, through this publication, the diverse experiences in implementing rights-based approaches to education in the nine SEAMEO member countries. The report highlights effective RBE policies, practices and innovations as well as identifies areas of policy and practice for further strengthening. The research also explores issues and remaining challenges to fully achieving universal access to quality basic education and proposes recommendations to address these barriers.

We hope that the research report findings inspire all RBE duty bearers (government officials, school administrators, teachers development partners and teachers, among others) to continue their collective efforts to ensure the application and protection of the right of every child to quality and free education throughout Southeast Asia. Through its research studies, capability building programs and knowledge management activities, the Center is one with all the nations in the region in bringing a better future for all learners in Southeast Asia.

Dr. Ramon C. Bacani
Director
SEAMEO INNOTECH
ACKNOWLEDGMENTS

SEAMEO INNOTECH is grateful to the contribution of the following researchers who accomplished the survey form, prepared and presented the country papers, and provided inputs during the regional research workshop:

**Ms. Hajah Siti Mariam Binti Hj Jumaat**
Senior Education Officer, International Affairs Unit, Ministry of Education
Brunei Darussalam

**Ms. Mal Hafida Haji Alit/ Malek**
Senior Education Officer, Office of the Director General of Education, Ministry of Education, Brunei Darussalam

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Assistant Director, Educational Planning and Research Division, Ministry of Education, Malaysia

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Senior Assistant Teacher, Basic Education High School, Mahnkhein, Myanmar

**Mr. Roger Masapol**
Chief of Policy Research and Development Division and OIC, Planning and Programming Division, Planning Service, Department of Education, Philippines

**Dr. Wipaporn Nitiprechanon**

**Ms. Nguyen Boi Quynh**
Vice Principal, Viet Duc High School
Hanoi, Vietnam

SEAMEO INNOTECH is also grateful to the following resource persons:

**Dr. Libing Wang**
APEID Coordinator
Senior Programme Specialist in Higher Education, APEID Unit, UNESCO Bangkok Asia-Pacific Regional Bureau for Education

**Ms. Hideko Miyagawa**
Chief, Education Section
UNICEF Philippines

**Ms. Bonna Duron**
Basic Education Advisor
Save the Children Philippines

**Hon. Roman Romulo**
Congressman, Chairman, Committee on Technical and Higher Education, House of Representatives of the Philippines

**Dr. Carlo Magno**
Vice President, Research and Testing, Asian Psychology Services and Assessment

**Ms. Carin Van Der Hor**
Country Director
Plan International-Philippines
We also thank UNESCO for granting us the permission to use the 4As framework based on the *Manual on the Rights-Based Education: Global Human Rights Requirements Made Simple* by Katarina Tomasevski.

We are also grateful to two expert reviewers who provided insightful inputs and comments: Dr. Yolanda S. Quijano, former Undersecretary of Programs and Projects of the Department of Education and currently an education consultant of the Early Childhood Care and Development Council, and Ms. Ma. Lourdes De Vera-Mateo, former Education Chief of the UNICEF-Philippines and a research fellow of SEAMEO INNOTECH.

Lastly, SEAMEO INNOTECH appreciates the efforts of the team that organized the regional research workshop, produced the conference proceedings, and wrote the research report: Dr. Ethel Agnes P. Valenzuela (team leader), Ms. Rhea Christina Rabin, Mr. Joselito R. Ereño, Ms. Donna Rasalan Lampa, Ms. Merjielyn Calimag-Emia, Ms. Nicole Asedillo, and Ms. May Ann Garay (members). Current Educational Research Unit (ERU) head, Dr. Sherlyne A. Acosta, also provided some inputs to the final draft of the report. They worked under the guidance of Educational Research and Innovation Office manager Mr. Philip J. Purnell and SEAMEO INNOTECH center director Dr. Ramon C. Bacani.
### ACRONYMS AND ABBREVIATION

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<th>Description</th>
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<tr>
<td>4As</td>
<td>Available, Accessible, Acceptable and Adaptable</td>
</tr>
<tr>
<td>APREC</td>
<td>Asia-Pacific Regional Education Conference</td>
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<tr>
<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
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<td>ADMs</td>
<td>Alternative Delivery Modalities/Modes</td>
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<td>AEP</td>
<td>Alternative Education Programs</td>
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<td>ALS</td>
<td>Alternative Learning System</td>
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<tr>
<td>BIBD-ALAF</td>
<td>Bank Islamic of Brunei Darussalam-Advocating Life-Long Learning for an Aspiring Future</td>
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<td>BTS</td>
<td>Barangay Targeting System</td>
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<td>CBRSP</td>
<td>Community-Based School Readiness Program</td>
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<td>CCT</td>
<td>Conditional Cash Transfer</td>
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<td>CFS</td>
<td>Child-Friendly School</td>
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<td>CLC</td>
<td>Community Learning Center</td>
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<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<td>CWD</td>
<td>Children with Disabilities</td>
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<td>EASE</td>
<td>Effective Alternative Secondary Education</td>
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<td>EFA</td>
<td>Education for All</td>
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<td>ERU</td>
<td>Educational Research Unit</td>
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<td>GASTPE</td>
<td>Government Assistance to Students and Teachers in Private Education</td>
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<td>GER</td>
<td>Gross Enrollment Rate</td>
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<td>GTP</td>
<td>Government Transformation Program</td>
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<td>HCAS</td>
<td>Humana Child Aid Society</td>
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<td>HEIs</td>
<td>Higher Education Institutions</td>
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<tr>
<td>HIV/AIDS</td>
<td>Human immunodeficiency virus infection /acquired immune deficiency syndrome</td>
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<td>HGS</td>
<td>Henry Gurney Schools</td>
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<tr>
<td>ICCs</td>
<td>Indigenous Cultural Communities</td>
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<td>ICT</td>
<td>Information and communications technology</td>
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<tr>
<td>IEP</td>
<td>Inclusive Education Programs</td>
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<td>IMPACT</td>
<td>Instructional Management by Parents, Community and Teachers</td>
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<td>INGOs</td>
<td>International Non-Government Organizations</td>
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<td>IPs</td>
<td>Indigenous Peoples</td>
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<td>IS</td>
<td>Integrity Schools</td>
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<td>MDG</td>
<td>Millennium Development Goals</td>
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<td>MOE</td>
<td>Ministry of Education</td>
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<tr>
<td>Acronym</td>
<td>Full Form</td>
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<td>MOES</td>
<td>Ministry of Education and Sports</td>
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<td>MOEYS</td>
<td>Ministry of Education Youth and Sports</td>
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<tr>
<td>MPR</td>
<td>Majelis Permusyawaratan Rakyat in English</td>
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<td>MTB-MLE</td>
<td>Mother Tongue-Based Multilingual Education</td>
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<td>NER</td>
<td>Net Enrollment Rate</td>
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<td>NFPE</td>
<td>Non-Formal Primary Education</td>
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<td>NKRA</td>
<td>National Key Result Areas</td>
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<td>NGO</td>
<td>Non-Governmental Organization</td>
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<td>NSDP</td>
<td>National Strategic Development Plan</td>
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<td>NSMP</td>
<td>National School Meals Program</td>
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<tr>
<td>OSY</td>
<td>Out-of-School Youth</td>
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<td>PDR</td>
<td>People’s Democratic Republic</td>
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<td>RBE</td>
<td>Rights-Based Education</td>
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<td>RI</td>
<td>Republic of Indonesia (Republik Indonesia)</td>
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<tr>
<td>SEAMEO</td>
<td>Southeast Asian Ministers of Education Organization Regional Center for</td>
</tr>
<tr>
<td>INNOTECH</td>
<td>Education Innovation and Technology</td>
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<tr>
<td>SEN</td>
<td>Special Educational Needs</td>
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<tr>
<td>SES</td>
<td>Special Education School</td>
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<td>SEIP</td>
<td>Special Education Integrated Program</td>
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<td>SBJIK</td>
<td>Sekolah Bimbingan Jalinan Kasih</td>
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<td>SPN 21</td>
<td>National Education System for the 21st Century (Sistem Pendidikan Negara Abad Ke-21)</td>
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<td>TESDA</td>
<td>Technical Education and Skills Development Authority</td>
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<td>SUCs</td>
<td>State Universities and Colleges</td>
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<tr>
<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organization</td>
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<tr>
<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<tr>
<td>UniFAST</td>
<td>Unified Student Financial Assistance System for Higher and Technical Education</td>
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EXECUTIVE SUMMARY

BACKGROUND

The assertion that every human being is entitled to education has been highlighted in several international treaties on human rights. Government leaders/authorities are expected to play a key role in initiating and steering efforts to provide this human right to education.

The Southeast Asian Ministers of Education Organization Regional Center for Education Innovation and Technology (SEAMEO INNOTECH) contributes to the fulfillment of the right to education by pursuing its mission of providing educational solutions and innovations in the region in order that Southeast Asians may develop their full potential.

In particular, support for a rights-based approach to education is one of the agenda identified in the Center’s 8th five-year development plan (2010-2016). This agenda of the Center is rooted in the purpose of its mother organization, SEAMEO, which was founded to advance human rights and fundamental freedoms among the peoples of Southeast Asia (SEA).

SEAMEO INNOTECH has been involved in promoting rights-based education (RBE) through its various research and development projects for over a decade. In 2002, the Center jointly organized with UNESCO and UNICEF the Workshop on Universalizing the Right to Education of Good Quality: A Rights-Based Approach to Achieving Education for All which was attended by 57 participants from eight countries. For the past ten years, the Center has been active in developing solutions that promote inclusive access to basic education in support of the RBE action agenda formulated in the workshop.

In an effort to strengthen the Southeast Asian nations’ pursuit of EFA and MDG goals, SEAMEO INNOTECH conducted a scoping study of the achievements of the different SEA countries in promoting education from a human rights perspective over the past decade. This scoping study aims to assess the status of RBE in SEAMEO member-countries through the review of the implementation of RBE-related policies, programs and projects and to recommend effective innovations and possible solutions to RBE issues.

To this end, the Center organized a regional workshop on Scoping Study into Rights-Based Education in Southeast Asia from 27 to 29 August 2014 in SEAMEO INNOTECH in Quezon City. The workshop on rights-based education was participated in by nine SEAMEO member-countries, namely, Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Thailand, and Vietnam. Each participating country prepared a country paper based on the state of RBE. During the regional workshop, country delegates worked collaboratively to identify best practices, issues and challenges, as well as recommendations to address them and to move RBE forward. Prior to the conduct of the regional workshop, the participants answered a survey on RBE. The data gathered during the regional workshop and the survey results form part of the scoping study on RBE.

The research used the 4As Framework, that is, making education available, accessible, acceptable, and adaptable (Tomasevski, 2004), as a guide to the development of the country papers as well in crafting the survey questionnaire.
KEY FINDINGS

RBE as Defined in the Region

Currently, most Southeast Asian countries are implementing major education reforms designed to improve the quality, efficiency and accessibility of their education systems. A major catalyst of these reforms is the global Education for All (EFA) movement, which pushed for the recognition of access to quality education as a basic human right. In their bid to achieve their respective national EFA goals, SEAMEO member countries have crafted new policies, revised national curricula, as well as developed and implemented innovative programs and projects that seek to improve access to quality education for their citizens. A significant number of these reform initiatives have been aimed at making quality education more accessible to the unreached, marginalized and vulnerable learners in order that they too are able to realize their right to basic education.

The adoption of such a rights-based approach to educational reforms has also contributed to socio-economic development in the region. Ensuring access to quality education supports the development of knowledgeable and skilled individuals who are better able to participate as productive and contributing members of society and serve as valuable human resources in promoting economic growth, community development and greater national economic prosperity.

The success of these educational reforms is evident from the rate of participation of children in primary education, expressed in terms of the Net Enrollment Rate (NER), which is nearly universalized in countries in the region. On the other hand, much still needs to be done to ensure universal access to secondary education.

A review of the constitutional provisions, law/legislations, policies, as well as selected programs and projects reveals that SEAMEO countries have defined rights-based education (RBE) as a kind of education that is free from discrimination of whatever form and mandates the government to protect and promote such a right by establishing a system of accessible quality education that is free and compulsory. Specifically, education is a right that should be enjoyed by everyone, including those incapacitated by their circumstances (children with disabilities, victims of disasters, extremely poor, residents of remote/underserved areas), those confined by their situation (ill, in prison), those undocumented/unregistered, and those marginalized (girl/boy, IPs). Governments are enjoined to protect and promote through the establishment of a system of free and compulsory quality education that is accessible and adaptable to all.

Accordingly, SEAMEO member-states have enacted laws and policies to define the specifics of a free and compulsory system of education, to protect and promote the right to education of children, and to underscore the inclusiveness of education particularly to those with disability or those who experienced discrimination. In addition, countries in the region are state parties to international human rights convention and have adopted the recognition of human right to education in their national laws.
RBE-related Interventions and Innovations

Educational services were delivered to disadvantaged learners through a range of interventions and innovative programs and projects.

The most notable of these are the child-friendly school (CFS) projects that have been institutionalized in countries in the region such as Cambodia's CFS policy, Myanmar's CFS Framework, Philippines' CFS System, and Thailand's CFS Project towards the creation of child-centered learning environment and learning process. Added to this are the efforts of several governments in the region to push for mother tongue-based learning in Cambodia, Philippines, and Thailand, and bilingual education in Brunei Darussalam and Vietnam.

Targeting the school attendance of the poor and malnourished children are school feeding programs that have been proven effective in motivating children to go to school and stay there as in the case in Brunei Darussalam, Cambodia, Lao PDR, Malaysia, and Philippines.

Moreover, there were pioneering solutions to address the access to education of the marginalized and disadvantaged learners such as mobile schools in Myanmar, Cambodia's barefoot teachers or schools on wheels in the Philippines that bring schools to where the unreached learners are. In relation to this, several unorthodox schools were established to target specific groups of disadvantaged children such as schools in hospitals and schools in prisons in Malaysia.

Those various RBE interventions and innovations are discussed in detail in Section 6 of this report.

RBE Duty Bearers

Aside from the national government which is obligated to implement RBE, there are specific duty bearers who are working to realize children's right to education. They are as follows:

- Teachers
- Educational Institutions Personnel
- Learners
- Parents/Guardians
- Local Government
- Members of the Community
- Local NGOs/Private
- International Development Agencies/Partner Organizations

SEAMEO member-countries have cited instances where these duty bearers have collaborated or worked together towards attaining a common agenda—to promote rights-based education.
RBE Programs and Projects

Using the 4As Framework (Availability, Accessibility, Acceptability and Adaptability of Education), a survey among nine SEA countries was conducted to provide a picture of how RBE is being realized in the region, from development to implementation of policies, programs, and projects. Respondents were asked to rate the items in the questionnaire on a scale of 1 to 5, with 5 being the highest. The results in the survey are in Annex B.

The survey brought to light the translation of RBE legal mandates into government concrete actions. The respondents scored indicators under “adaptability” quite high (4.4), indicating that government focused their efforts in adapting/customizing education based on children’s needs. Meanwhile, respondents rated relatively lower (4) indicators pertaining to acceptability of education.

The survey was supported by specific examples of policies and programs that each country has developed and implemented.

A. Making Education Available

The survey shows that most countries performed well in terms of providing free and compulsory education. Though all SEAMEO member-countries have provisions on compulsory education, the length of compulsory education varies, ranging from five years to 12 years. Primary education pupils do not have to pay for education in all SEAMEO member-countries. Students in secondary level also do not have to pay in many countries in the region such as in Brunei Darussalam, Cambodia, Indonesia, Malaysia, Philippines and Thailand. The length of free basic education varies across nations in the region (e.g., in Timor-Leste, free primary education lasts for nine years). Constitutional guarantee on free basic education is indicated in the constitutions of Cambodia, Lao PDR, Malaysia, Philippines, and Thailand. Other countries have laws that mandate free primary education.

On the other hand, the budget for education of several nations in the region remains insufficient to meet the needs of school-age children. Lack of necessary financial resources makes it more challenging for the governments to construct sufficient schools and classrooms, employ quality teachers, print out and distribute adequate quality teaching/learning resources, and provide other inputs necessary to ensure inclusive quality education that is available to all. Several strategies have emerged to make education more available, such as establishing schools in strategic locations, and offering unconventional schools such as mobile schools.

There are policies that expand parents’ options in terms of their children’s education, through private school registration laws, the standardization of curriculum in all schools, and the financial assistance for private junior school enrollees who graduated from a government elementary school. Moreover, there are programs that empower parents to facilitate the delivery of education to their children, e.g., home-based early childhood education.
B. Making Education Accessible

High on the agenda of actions to expand accessibility of education is the adherence of governments to international treaties that aim to remove discrimination as well as ensure gender parity on access to basic education. Although governments affirm that they prohibit discrimination on the delivery of basic education services, the results gathered from the scoping study indicate there are relatively few actions on advocacy-related measures to remove discrimination in education.

A few countries surveyed promote access of children with disabilities (CWDs) to education through improved facilities, establishment of schools catering to their special needs, and provision of scholarships. Special education/inclusive education programs likewise facilitate access of CWDs to education. Additionally, a few of the countries surveyed seek to increase education access of indigenous peoples (IPs) by setting up hostels for IP learners and schools in remote IP communities.

Non-formal education as well as unconventional learning modalities have been established targeting marginalized and unreached groups such as those in hospitals and prisons, and undocumented children. Moreover, countries developed several financial assistance programs that support the education of the economically-challenged individuals. These programs include education loans, scholarships, and conditional cash transfer schemes.

There are also strategies to promote school attendance such as school feeding and health programs, All School-Age Children in School (ACIS) Projects, and Early Registration programs.

To make education accessible, more effort is needed to monitor and collect disaggregated data to inform decision-making and policy formulation.

C. Making Education Acceptable

In regard to making education acceptable, countries in the region have aligned their curriculum with human rights requirements and have integrated human rights topics in the curriculum. Moreover, countries have ensured that teaching and learning adhere to human rights standards. In relation to this, efforts have been exerted on making education learner-centered through recent curriculum reforms such as the National Education System for the 21st Century (Sistem Pendidikan Negara Abad Ke-21 - SPN 21) in Brunei Darussalam and the K to 12 Basic Education System in the Philippines. Moreover, the promotion of child-friendly schools as a cornerstone of basic education is helping make education more relevant, responsive, and acceptable.

The institutionalization of mother tongue-based instruction in several SEAMEO member-countries (e.g., Philippines) is a positive development as it improves the acceptability of education. Several countries report having bilingual education programs and implementing mother tongue-based education for marginalized learners.

On the other hand, the survey indicates that there are challenges being faced with regard to the training of teachers on human rights, and the promotion of teachers’ rights such as appropriate compensation,
professional development and welfare. Among the indicators on the acceptability of education, the promotion of students' participation in policy development garnered the lowest rate.

D. Making Education Adaptable

The survey shows that governments exerted efforts to mainstream marginalized learners (e.g., those disadvantaged by gender, the CWDs, and minority groups), and to establish educational programs that specifically address gender disparity, and cater to CWDs and minorities. Examples of these programs are the individualized education for CWDs and remediation program for CWDs in Brunei Darussalam, specialized curriculum for IP learners in Malaysia, and scholarship program to promote girls' participation in school in Cambodia.

Education is being adjusted to suit the needs of learners in difficult circumstances through flexible learning options such as home-schooling programs and education in emergencies such as during flooding in Cambodia, and in typhoon-affected communities in the Philippines.

There is still work to be done in terms of addressing child labor and child marriage. Even without specific policies on child labor, there are non-formal education programs that cater to working children's educational needs. On the other hand, child marriage is being addressed by setting a specific age requirement for marriage in some countries.

Addressing Barriers and Challenges on RBE

The study identifies ten issues and challenges that impinge on the right to education, especially in the areas of availability, accessibility, acceptability, and adaptability. The discussion includes a number of recommendations to address the issues.

1. **Duty bearers are not aware nor are they sufficiently informed about the right to education.**

   The first step involves reviewing existing education structures, system and policy implementation to inform the development of a plan to raise awareness and solicit support for RBE. It is recommended that RBE promotion be part of the stipulated roles and responsibilities of the national government and local governments, education sector officials, parents, and community members. Students themselves should be given greater opportunities to take part in education planning, policy and program development, and monitoring and evaluation. To strengthen duty bearers' ability to fulfill their RBE obligations, capacity-building programs should be conducted.

2. **Investment in education is either insufficient or improperly utilized impeding the realization of everyone's right to education.**

   The suggested courses of action are to mandate the prioritization of education in the national budget and to raise allocations to the global standard of 4-6 percent of the country's gross domestic product (GDP); to use evidence-based information for budget planning and spending; and to seek
the cooperation of local governments, private institutions, donor agencies and communities in developing and implementing education programs targeting the unreached and marginalized and to converge their resources to avoid duplication and wastage and to ensure complementation.

3. **There are governments that have stringent school admission policies barring those without proper documentation or those unable to comply with school requirements from being enrolled.**

The recommendations for this include inter-government dialogue and collaboration on issues related to the undocumented and a review of admission policies. To address the lack of documentation, there should be a birth registration program for families of poor households or ethnic minorities or acceptance of alternative identification documents such as certificate of residence issued by local government authorities.

4. **The insufficient number of qualified teachers creates challenges to the availability and acceptability of education**

There is a need for governments: to set minimum teaching standards, conduct training and provide appropriate support for teachers; to offer incentive packages for teachers who serve marginalized and underserved learners; and review the policies on hiring, performance management, and dismissal of teachers.

5. **The unequal distribution of learning resources affects the proper provision of quality education services.**

To address learning resource constraints and gaps, there is a need to carry out an inventory of existing national requirements. The use of technology/open educational resources and teacher-made learning resources can be introduced/enhanced. Sharing of local/indigenous learning materials should be encouraged. Moreover, private sector groups, through their programs, serve as potential sources of needed learning resources in schools.

6. **Lack of infrastructure and facilities are barriers to accessible education.**

The recommendation is for governments to provide sufficient investment in education, build infrastructure, schools or community learning centers, and introduce/strengthen innovative alternative learning systems or delivery modes such as mobile teachers, mobile schools, multigrade instruction, small schools/integrated schools in remote areas.

7. **Poverty hinders access to education for many, particularly in developing countries in the region.**

This could be addressed through conditional cash transfer programs, scholarships, and strict adherence to a fee-free/zero-collection policy in education.
8. Learners in remote and underserved areas are sometimes unable to access quality education.

For this, recommendations include providing transportation services or allowances for students, establishing multigrade or K9 integrated schools in remote areas, and strengthening and expanding the reach of alternative learning programs.

9. Children suffering from poor health and malnutrition maybe incapacitated from availing the education they deserve because they are unable to attend regular classes.

The recommendation is to strengthen linkages between health and education sectors in order to offer comprehensive health and nutrition programs in schools, promote water sanitation and hygiene, and ensure education service to sick children in hospitals.

10. Real and virtual threats to child safety exist in some schools such as bullying, exploitation, and other forms of abuse.

To address this, child protection policies should be implemented through inter-government agency collaboration (education, health, social welfare, and justice) at the national level, and child protection committees should be established at the school level. Moreover, there should be guidelines promoting safe, responsible and ethical use of ICT to address child safety concerns and foster the development of effective digital citizenship for both students and teachers.

The study resulted in the identification of the four types of learners who, because of their difficult circumstances, are least likely to claim their right to education. They are:

- Children with disabilities
- Undocumented children/migrant workers’ children
- Indigenous peoples’ children
- Children in conflict with the law
- Children who are victims of disasters

The study holds the government, from the national level to the local level, as the duty bearer primarily responsible and accountable for addressing the issues and concerns raised.
CONCLUSIONS

In conclusion, it is clear that rights-based education is not only recognized but is also operationally defined by Ministries of Education in the region. Countries in the region have constitutional provisions on RBE, or have developed and implemented RBE policies that are responsive to the right to education. Free and compulsory education is the most common RBE policy, which is either enshrined in the countries’ respective Constitutions or mandated in national laws. Though all governments are mandated to provide free compulsory education, the scope and length of free education vary across the SEA countries. Many countries have not made preschool and upper secondary level free and compulsory.

Despite these efforts, RBE as a component of national development goals can be further strengthened. On a positive note, SEA countries support the humanistic principle of EFA, which highlights the advantages of education for each person, and is consistent with rights-based education.

Governments in the region have been active in pursuing a RBE agenda through several effective and innovative initiatives that operationalize the right to education. These include child-friendly schools, school feeding and/or health and nutrition programs, mother tongue-based education, and alternative learning modes/systems such as mobile schools or schools in hospitals, schools in prison, among others. Moreover, countries in the region have targeted interventions and support programs for those who are marginalized in education such as CWDs, IPs, the poor, the geographically unreached, among others.

To enhance the impact of RBE, the prevailing issues such as those pertaining to sufficiency of budget and availability of qualified teachers, as well as the neglected issues of child labor and child marriage should be dealt with so that all could claim their right to education. Moreover, the least served sector of society should be identified and programs that cater to their educational needs should be institutionalized.

MOVING RBE FORWARD IN THE REGION

While much has been achieved in promoting RBE in the region, there are a number of strategic measures that can move forward and strengthen rights-based education in Southeast Asia as follows:

1. RBE Communication and Advocacy

Countries in the region are obliged by international agreements and global covenants such as the Universal Declaration of Human Rights, Convention on the Rights of the Child, International Conventions on the Elimination of All Forms of Racial Discrimination, Conventions on the Elimination of All Forms of Discrimination against Women to promote and protect their citizens’ rights including the right to education. However, government officials and personnel who play a key role in realizing the citizens’ right to education are not always active in advocating for this right. This gap may be addressed through communication and advocacy that promote RBE and ensure that RBE is integrated in the practices of the key actors in RBE, specifically government officials at various levels of government, school heads, and teachers in government schools.
2. **RBE Capacity-building**

Crucial to the successful implementation of RBE policies and programs is the building of the capacity of key stakeholders, namely, the teachers, school heads, and education personnel, to be more inclusive and child-friendly in their approaches to education and in dealing with learners in their care.

To fortify government’s commitment to fulfill its citizens’ right to education, there should also be initiatives to build the capacity of education officials on human-rights based approaches to education so that they may act as promoters and protectors of the right to education.

Moreover, RBE capacity-building programs should gear duty bearers to act on the core message that education is the right of everyone, and everyone has the responsibility to make it happen.

3. **Research, Monitoring and Evaluation**

More research is needed to identify and profile those whose right to education remains unclaimed, and to formulate plans, programs, and interventions for them. Moreover, RBE-oriented policy, planning, and budgeting should be systematically formulated through proper monitoring and evaluation (M&E) of education performance. The results of systematic and purposeful data gathering can be more meaningful by including a dissemination action plan targeting key duty bearers in RBE.

4. **Regional, National and Local Collaboration**

The remaining gaps on RBE can be addressed through inter-government, governmental and non-governmental organization (GO-NGO), public-private collaboration and support mechanisms at various levels such as school-based management and international development cooperation. This collaboration and support system have led to the success of several RBE-oriented programs and projects, i.e., child-friendly schools, locally-financed classroom construction, and school feeding programs.

5. **Rights-Based Education in the 21st Century**

The onset of the digital age raises new possibilities and challenges in making education more accessible. Digital technologies have the potential to extend citizens’ right to education through a myriad of new learning pathways and access to learning resources. On the other hand, such technologies bring with them associated risks that threaten RBE such as issues of exclusion related to digital divide, cyber safety and cyber pollution, and threats to indigenous knowledge and culture.

Thus, while countries in the region are increasingly using digital technology in education and harnessing its potential to support RBE, it is crucial that measures are taken to ensure inclusiveness, child safety, and cultural sensitivity of ICT-based programs/projects.
Since there are common challenges to RBE in the region, duty bearers at the regional, national and local levels can respond to these challenges by sharing resources and technical expertise. RBE alliances and knowledge networks at these levels can be established and strengthened to enhance the capacity of duty bearers to fulfill their obligation of ensuring that children claim their right to education.

The success of RBE policy and program implementation depends on nations coming together to overcome barriers to the right to education. The ultimate beneficiaries of RBE are the education rights-holders whose lives will change for the better when they get access to education that is acceptable and responsive to their needs.
The right to education is a universally recognized human right. Like all human rights, it is inalienable, indivisible, and interdependent and interrelated with other rights. As such, it is an enabling right as well because it allows people to exercise and strengthen their voice to claim and secure their other rights (Global Campaign for Education, n.d.). But while the right to education is internationally recognized and has been affirmed in several global treaties (e.g., Convention against Discrimination in Education) and conferences (e.g., World Education Forum), it remains to be one of the biggest challenges of our times as millions of children are still denied their basic entitlement to education. Data showed that although the number of children who are out of school have fallen through the years, there are still 57 million out-of-school children worldwide in 2011 (UNESCO, 2014). In East Asia and the Pacific where the 11 SEAMEO members belong, around 7.9 million children of primary school age were not in school in 2008 (UNESCO, 2011). Overall, while this represents a substantial decline from previous years, the rate of decline across the region is uneven, with some countries (e.g., Philippines) tending to have a slower pace of decline than the others.

UNICEF and UNESCO both promote a rights-based approach to education.

A rights-based approach, according to UNICEF (2007), focuses on the human rights of each individual. It is premised on the dignity of and respect for a person. Thus, it employs the standards, principles and methods of human rights, social activism and development to be able to promote justice, equality and freedom, as well as to address the causes and issues that underlie poverty, injustice and exploitation.

On the other hand, for Save the Children Sweden (2005), a rights-based approach to education applies internationally agreed upon human rights principles and standards into the concepts, categories and
language commonly used in education programs. Its goal is to guarantee that every child acquires a quality education that upholds and respects her/his right to dignity, identity, agency, integrity and optimum development; and that prepares her/him to handle challenges in life towards reaching her/his full potential. Rights-based education acknowledges the children as subject of rights and that as rights holders, along with parents, teachers and others, they are entitled to demand that their government, the duty bearer, meets its obligation to fulfill, respect and protect the right to education of all children.

Similarly, the Southeast Asian Ministers of Education Organization (SEAMEO) was founded to serve the rights of the people in the region as it is an organization that intends “to promote cooperation among the Southeast Asian nations through education, science and culture in order to further respect for justice, for the rule of law and for the human rights and fundamental freedoms which are the birthrights of the peoples of the world.”

Being one of the SEAMEO regional centers hosted by the Government of the Philippines, SEAMEO INNOTECH’s mandate is to develop innovative and technology-based solutions to problems and needs of the region. Part of its usual undertaking is to conduct policy researches that would strengthen the educational system in the region, particularly in determining the educational issues and needs of member-countries and coming up with innovative solutions to address them towards the full realization of Southeast Asians' full potential.

Starting FY 2009, the Center has embarked on a set of interrelated project initiatives through the SEAMEO INNOTECH Regional Education Program (SIREP) that is being supported by the Center’s Endowment Fund. The SIREP Projects address the following priorities:

- Educational Leadership and Management and specifically capacity-building in support of decentralized education
- Educational Policy (with focus on teacher professional development and educational governance)
- Equitable Access to Education (with focus on technology-based innovations such as flexible and alternative learning systems)
- Educational partnerships (specifically strengthening technology transfer possibilities with national partner institutions to maximize regional outreach of INNOTECH training program interventions).

The Center invests on expanding its leadership role in education innovation in the region through SIREP-funded researches that document the policies, structures and procedures of educational innovations across the countries in Southeast Asia and systematically assess their implementation. Included

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in its priority areas for policy researches are equitable access to education and education in difficult circumstances. Rights-based education is one of the identified priority areas for capacity-building expansion and research based on SEAMEO INNOTECH’s 8th Five-Year Development Plan (2011-2016).

In 2002, SEAMEO INNOTECH collaborated with UNESCO and UNICEF in the conduct of a regional workshop on rights-based education in Southeast Asia attended by Ministry of Education (MOE) representatives from Cambodia, Indonesia, Lao PDR, Malaysia, Philippines, Thailand, Timor-Leste, and Vietnam. An outcome of this 2002 UNESCO Workshop on Universalizing the Right to Education of Good Quality: A Rights-Based Approach to Achieving Education for All was an affirmation of commitment to rights-based education, while recognizing existing issues and challenges which needed to be addressed.3

As a follow up to the 2002 workshop and in an effort to strengthen the SEA region’s pursuit of EFA and MDG goals, including attendant post-2015 agendas, the Educational Research Unit (ERU) of SEAMEO INNOTECH conducted the SIREP-funded research project Scoping Study into Southeast Asian Rights-Based Education (RBE) from March 2014 to June 2015. The scoping study aims to find out what has been achieved in the past decade in the different Southeast Asian (SEA) countries in promoting education from a human rights perspective. While the recognition of the right to education is universal across all SEA countries, the approaches to linking rights-based education status to educational access and quality improvement varied across the SEAMEO member states. This study assessed the strategies that each country has employed in implementing a rights-based approach to education, and reviewed the capacities of the duty bearers and rights holders to realize and address the interrelated rights of access, quality, and respect within the learning environment. The study hopes to bring to the fore the countries’ diverse experiences in implementing rights-based approach to education using a common framework, in order to highlight effective practices, lessons learned, and areas for further strengthening.

RESEARCH OBJECTIVES

This research project aims to gauge the extent to which countries in the region enabled children to claim their right to education. Specifically, the objectives of the study are to document the following:

- Definitions of rights-based education in Southeast Asian countries;

- Evidence of rights-based approaches to education in constitutional provisions, laws and policies, and specific examples of programs and projects.

- Examples of innovative models of RBE implementation in Southeast Asian schools; and

- Issues and challenges to RBE in the region and future directions toward more effective and targeted policies against barriers and discrimination.

SEAMEO INNOTECH FRAMEWORK FOR THE SCOPING STUDY INTO RIGHTS-BASED EDUCATION

The following rights-based education framework was followed to determine the progress and level of attainment of children’s right to education in each country in Southeast Asia. It is hoped that the results of this study will contribute towards strengthened approaches to RBE in the region.

Figure 1: Framework for the Scoping Study into Rights-Based Education

The research was guided by the Manual on Rights-Based Education: Global Human Rights Requirements Made Simple by Katarina Tomasevski (2004), which provides governments, particularly policy-makers and education practitioners, with pointers on how to fulfill their human rights obligations. In particular, it makes use of a four-fold schema as the overarching conceptual framework in assessing rights-based education, comprising i) availability, ii) accessibility, iii) acceptability, and iv) adaptability of education.

- **Available education** means that it should be free and compulsory for all children, at least at the primary level.4

- **Accessible education** is the removal of barriers such as discrimination.

- **Acceptable education** refers to quality education that sets standards on content, medium of instruction, and methods of teaching.

- **Adaptable education** is ensuring that education is responsive to the needs and interests of children.

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4 As prescribed in international covenants such as International Covenant on Economic, Social and Cultural Rights
**Context**

This research report begins with a discussion of the current landscape for rights-based education in Southeast Asia. This includes the status of the education sector in the region, characteristics of the national education systems in each SEA member-country, and their respective performances in terms of ensuring universal education access. Shaping the structure of rights-based education in the country are the legislations, policies and development agenda of the national government and the education sector.

**Strategies and Actions**

Rights-based education, as defined by legislation and policies, is translated into action through programs and projects designed to make education available, accessible, acceptable, and adaptable (Tomasevski, 2004). These RBE-related strategies and actions are documented to provide specific examples of how Southeast Asian countries address each of the 4As of RBE.

**Duty Bearers**

Duty bearers refer to those involved in the realization of RBE, namely, the international organizations, national governments, local governments, nongovernment organizations, private entities, communities, among other groups. The roles and capacity to fulfill the obligations of duty bearers specifically those at the frontline of education service delivery—education personnel at the school and district levels, and parents—are discussed.

**Rights-Holders**

The experiences of rights-holders, i.e., school-age children in school and out of school, in claiming their rights are also tackled in this report. Moreover, it identifies claim-holders who were unreached and underserved in rights-provision and discusses the reasons for such.

**Constraints and Sucesses**

In the course of fulfilling the right to education, these are the constraints that prevent the duty bearers from fulfilling their obligations, such as resource and knowledge/capacity gaps. Overcoming these constraints, as well as implementing the 4As policies and programs, lead duty bearers towards exemplary implementation of actions and programs on RBE.
METHODOLOGY

To achieve the objectives stated above, the study was implemented in phases and employed various research approaches as cited below:

**Preliminary Research Work**

A review of literature on rights-based education, both general and specific to countries in Southeast Asia, was conducted. The review covered empirical studies, manuals, reports, proceedings, and other documents to shed more light on the current status of implementation of rights-based education in Southeast Asia.

**Data-Gathering and Analysis**

- A conference-workshop was held on 27-29 August 2014 with local and regional experts in the field of rights-based education in Southeast Asia in attendance. The workshop focused on examining strategies, approaches, innovations, successes, and remaining barriers in promoting rights-based education. It was participated in by nationals nominated by Ministry of Education officials from each SEAMEO member-country. Each nominated participant has expertise/experience in RBE. (See Annex A for a brief profile of country delegates.)

- The country delegates of the conference workshop were asked to respond to a scoping survey that aims to document current policies and practices in promoting rights-based education in their respective countries.

- The outputs of the conference-workshop, including the country presentations, workshop discussions and the review of literature, were analyzed and synthesized into a research report.

- Follow up questions were administered to ensure that the research report contains accurate and updated information.

**Research Report Writing and Publication**

This research report was drafted based on the data gathered. The report includes an analysis of the data and recommendations for future directions on school-based approaches to rights-based education in Southeast Asia. To validate the findings and to ensure the acceptability of both format and content, the report went through a review process.

This research report is intended to be published and disseminated to the participants, their respective Ministries of Education, as well as to other organizations that may find the research findings relevant. The electronic version of the publication is uploaded to the SEAMEO INNOTECH website for access by interested educational professionals.
SCOPING STUDY INTO HUMAN RIGHTS-BASED APPROACHES TO EDUCATION IN SOUTHEAST ASIA

SCOPE AND LIMITATIONS OF THE STUDY

The scoping study attempted to cover all 11 countries in Southeast Asia to come up with a regional landscape of rights-based education. Unfortunately, two countries—Singapore and Timor-Leste—did not participate in the regional workshop, nor did they provide responses to the survey. Nonetheless, available online data and information about Timor Leste were included, particularly those pertaining to its education laws.

The participants endorsed by the ministries of education are working at various levels of government from the central office to the school level. This indicates varying points of view when it comes to RBE-related policies and programs. Those working at the national government offices provide the national policies and program and those at the school level provide the policies and programs that are actually being implemented at the ground.

The data collection period was from August 2014 to December 2015. Specifically, it covers programs and projects that are implemented within the last five years. For laws, it covers those that are in effect at the time of the writing/revisions of this study.

While the study mainly focused on basic education, both the formal and non-formal education, there were examples of informal education programs, pre-school, and higher education programs related to RBE that were also cited to illustrate the extent to which RBE is implemented.
RIGHT TO EDUCATION: CONTEXT AND DEFINITION

BRUNEI DARUSSALAM

About the Country

Brunei Darussalam, with a total land area of 5,765 square kilometers, has a total population of about 423.2 thousand people (2014), with an average annual growth rate of 1.3 percent. Brunei Darussalam has four districts, namely the Brunei-Muara, Belait, Temburong, and Tutong districts. The Sultanate has a young population, with around 54 percent of Bruneians under the age of 30. The country also has one of the highest per capita GDPS in the region, reaching just over $48,000. This ranks Brunei Darussalam second only to Singapore within the 10-nation ASEAN bloc.

Map from Central Intelligence Agency (CIA), The World Factbook.


Country’s vision and development goals

Brunei Darussalam’s five-year National Development Plan contains the country’s strategies to stimulate economic growth, focusing on various target sectors of the economy. The plan outlines the distribution of government funding and the budget allocated for development projects across various sectors of the country.

The 9th National Development Plan (2007-2012) includes development projects that are aligned with the country’s long-term development plan Brunei Vision 2035, locally known as Wawasan Brunei 2035. It aims to make Brunei Darussalam recognized for:

- the accomplishments of its well-educated and highly-skilled people measured by the highest international standards;
- a quality of life that ranks among the top 10 nations in the world; and
- a dynamic and sustainable economy with an income per capita that is among the highest in the world.

Vision and Mission of the Education Ministry

Brunei Darussalam’s Ministry of Education envisions Quality Education towards a Developed, Peaceful and Prosperous Nation and works to accomplish its mission to provide holistic education to achieve fullest potential for all. In pursuit of its mission and vision, the MOE is focused on improving its educational policies and programs that promote the basic human rights of children and the skills of local teachers. At the heart of MOE’s mandates is overseeing the provision of educational opportunities to ensure that every child reaches his/her potential.

Educational System

Since 1993, the education system in Brunei Darussalam adheres to the 12-Year Education Policy that mandates seven years in pre-school and primary, three years in lower secondary, and two years in upper secondary or vocational/technical education.

Another major development took place in January 2009 when the National Education System for the 21st Century (termed Sistem Pendidikan Negara Abad Ke-21 or SPN21 locally) was adopted. Through SPN21, the country’s education system changed, particularly in these three areas: the education structure; the curriculum and assessment; and technical education.
Mandates and Policies on RBE

Brunei Darussalam puts a premium on education and ensures the right to educational access through the following laws and national policies:

- **The Compulsory Education Order 2007** provides nine years of compulsory education. This ensures that all children from the ages of six to 14 are in school for at least nine years. Parents are accountable in enrolling their children and those who fail to do so are deemed violating the Order and are thus liable for legal action.

- **Education Order 2003 and Education Regulation 2004** ensure the provision of primary education, secondary education, post-secondary education, technical and vocational education, special education need, teacher education and national curriculum.

- **Special Education Policy 1997** specifies the services that should cater to the needs of all children, including those with diverse learning or special needs. It provides for the mainstreaming of students with special needs, with assistance from a Special Education Needs Assistant.

- **Bilingual Education Policy 1984** ensures that learners attain high levels of proficiency in both the Malay and English languages.

- **Education Act 2011** cites the role of the Ministry of Education in the establishment, regulation, operation, and management of government schools.
CAMBODIA

About the Country

The Kingdom of Cambodia with total land area of 181,035 square kilometers, has 24 provinces and one municipality (Phnom Penh capital). Each province is divided into 197 Districts/city/krong (excluding the capital Phnom Penh called Khan), 1633 communes/Sangkats and 14,139 villages (2014). The Kingdom of Cambodia has a total population 14.7 million (CIPS, November 2013), with 29.6 percent aged 0-14; 65.9 percent aged 15-64; and 4.5 percent aged 65 and above. The annual population growth rate is around 1.8 percent (2014).

Country’s Vision and Development Goals

Cambodia crafted Vision 2030 “Building a Sustainable, Competitive and Harmonious Economy.” It is the aspiration of the Royal Government to build a peaceful, orderly, politically stable and secure Cambodian society, and become a prosperous nation with long-term economic growth, sustainable and equitable development, enhanced livelihoods of people, and reduced poverty incidence. Part of the government’s goal is for Cambodia to reach the status of an upper-middle income country by 2030 and become a high income country by 2050. In line with this, the Royal Government has four strategic objectives: 1) ensuring an average annual economic growth of 7 percent; 2) creating more jobs for people especially the youth; 3) achieving more than 1 percentage point reduction in poverty incidence annually; and 4) further strengthening institutional capacity and governance at both national and sub-national levels.

A way to realize the national vision is the a National Strategic Development Plan (NSDP) 2014–2018 that lays the foundations for becoming a middle income country in 2030 as well as plans on ASEAN integration in 2015. The government has promoted decentralization of governance, tasking sub-national councils to promote public service delivery and local development. In the long term, these unified administrations will coordinate all administrative activities, including those of the Ministries’ line offices. The gradual

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7 Country information cited in this section is mainly taken from Thol Ven, “Country Paper on Rights-based Education in Cambodia” (paper presented at the Regional Research Workshop on Scoping Study into Rights-Based Education in Southeast Asia, SEAMEO INNOTECH, Philippines, August 27-29, 2014).

8 UN ESCAP, Statistical Yearbook for the Asia and the Pacific 2014.

transfer of roles and responsibilities from the national to sub-national level is reflected in the MoEYS policy on decentralization and de-concentration reform of educational management.

**Vision and Mission of the Ministry of Education, Youth and Sport (MoEYS)**

The MoEYS envisions the development of high-quality and ethical human resources in order to develop a knowledge-based society within Cambodia. Its mission is to lead, manage and develop the education, youth and sport sectors in Cambodia to respond to the socioeconomic and cultural development needs of its people and the reality of regionalization and globalization.

For its **long-term objective**, the MoEYS aims to achieve the holistic development of Cambodia’s young people, to engender a sense of national and civic pride, high moral and ethical standards and a strong belief in young people’s responsibility for the country and its citizens. In line with the Constitution and the Royal Government’s commitment to the UN Child Rights Convention, MoEYS’s **immediate objective** is to ensure that all Cambodian children and youth, regardless of social status, geography, ethnicity, religion, language, gender and physical form, have equal opportunity to access quality education. Specifically, it aims for graduates from all its institutions to be able to meet the regional and international standards; become competitive in the job markets worldwide; and act as engines for social and economic development in Cambodia.

In addition to this, Cambodia is working towards the realization of its National Education For All (EFA) Plan 2015 that aims for equitable access to high quality of basic education.\(^\text{10}\)

**Educational System**

Before 1975, the country adopted an education system that is based on the French system, where students are required to take 13 years of education (6+4+2+1) and pass 4 or 5 major examinations. After 1979, the Ministry of Education, based on the country’s immediate needs, executed a 10-year education system (4+3+3) and then expanded it into an 11 years education system from 1986 to 1995. Having seen that students’ competencies were still low and course subjects were still not fully comprehensive in a five-year primary education period, the Ministry in 1996 undertook new measures to reform the curriculum, develop new textbooks, and hone the teaching skills of teachers. Since then, the Ministry has implemented a 12-year education system (6+3+3), which is similar to education system of other countries.

The education system in Cambodia consists of three year of preschool (from lower step to higher step), six years of primary school, three years of lower secondary school, and three years of upper secondary school. The total number of schools is 11,865, broken down as follows: Preschool - 3,184; Primary school - 6,993; College (grade 7-9) - 1,244; and Lycee - 29 (grade 10-12) and 415 (grade 7-12).\(^\text{11}\)

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Educational Right in the Constitution

Chapter VI of the Constitution of the Kingdom of Cambodia 1993 includes the following provisions related to RBE:

**Article 65**
The State shall protect and promote citizens' rights to quality education at all levels and shall take all measures, step by step, to make quality education available to all citizens.
The State shall pay attention to physical education and sports for the welfare of all Khmer citizens.

**Article 66**
The State shall establish a comprehensive and standardized educational system throughout the country which shall guarantee the principles of freedom to operate educational institutions and equal access to education in order to ensure that all citizens have an equal opportunity to earn a living.

**Article 67**
The State shall adopt an educational program and the principles of modern pedagogy which encompass technology and foreign languages.
The State shall control public and private educational institutions and classrooms at all levels.

**Article 68**
The State shall provide free primary and secondary education to all citizens in public schools. Citizens shall receive education for at least nine years.

RBE-related Laws

- The Educational Law of 2007 of the Ministry of Education, Youth and Sport, specifically Chapter VII, Articles 31 to 43, contains a statement on the educational right and obligations as follows:

  **Article 31: Right to access education**
  Every citizen has the right to access quality education of at least nine years in public schools free of charge. The Ministry in charge of education shall gradually prepare the policy and strategic plans to ensure that all citizens obtain qualitative education as stipulated by this law.

  **Article 32: Right of enrollment for grade 1 (one) of the general education program**
  Enrollment of the children for grade 1 (one) of the formal general education program shall be set at an age of 6 (six) years or at least 70 (seventy months on the date of the beginning of the school year.
Aside from specific provisions on the rights of learners, the state encourages and promotes access to special education for children with disabilities and outstanding learners who are gifted and/or talented. Learners with disabilities have the same rights as able learners and have separate special rights as follows:

**Article 39: Rights of disabled learners**

Disabled learners have the same rights as able learners and have separate special rights as follows:

- Disabled learners of either sex have the right to study with able learners if there is sufficient facilitation in the study process for the disabled learner to fulfill the educational program of the educational institutions.
- Disabled learners with special needs have the rights to receive additional teaching in the regular educational program, which is not a particularly special educational program.
- Disabled learners who are not able to learn with able learners have the right to receive special education in separate special classes. These disabled learners can study at community schools in their locality.

The right to education encompasses the right of parents/guardians, learners and educational personnel to request assistance as well as complain to education authorities if there is any violation of their rights.

- There are several school policies that are supportive of rights-based education, such as:

  » **Child Friendly School Policy** (basic education): A Child Friendly School is a school that recognizes and nurtures the achievement of children's basic rights.

  » Education policies that ensure the equitable access of all to education services, enhance the quality and relevance of learning, and ensure effective leadership and management of education staff at all levels.
About the Country

Indonesia is a huge country with a total population of approximately 252.8 million in 2014, and an average annual population growth rate of 1.45 percent. Surrounded by the oceans, Indonesia consists of more than 13,000 islands with ethnographic groups that speak 700 local languages.

Priority Goals of the Education Sector

As stated in the Ministry of Education’s National Strategic Plan 2010-2014, the provision of education is based on four universal paradigms as follows:

- **Empowerment of the whole person** is treating the students as whole human beings with the right to actualize themselves to their full potential in aspects of intellectual, spiritual, social, and kinesthetic.

- **Lifelong learning** is a learning process that begins from birth to end of life. Lifelong learning transpires through formal, non-formal, and informal education channels regardless of age, place, and time. Learning can take place in open systems organized with flexibility of choice and completion time across programs and educational pathways (multi-entry multi-exit system).

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13 UN ESCAP, Statistical Yearbook for Asia and the Pacific 2014.
• **Education for all** aims to ensure that all citizens are able to claim their human right to education with proper planning and implementation of educational programs. Special consideration is given to students who face physical or mental barriers, economic and social challenges, or geographical constraints. This entails organization of special schools and provision of special education services, such as non-formal and informal forms of education, itinerant teacher, distance education, and other forms of education, which are democratic, fair, and equitable to both genders.

• **Education for sustainable development** provides opportunities for people to think about the sustainability of the planet and the sustainability of the whole universe. Education is viewed as fostering understanding of the importance of sustainability and ecological balance, while providing an understanding of the values of social responsibility. It leads people to see themselves as part of a social system with human beings working together and working with nature and all its contents. This kind of education is expected to develop learners’ critical understanding of the environment (social and natural) and all forms of interventions and development of environment.

**Educational System**

In general, the education system in Indonesia starts at approximately ages 5–6 for kindergarten (preschool), ages 6–12 for primary education, 13–15 for junior secondary education, 16–18 for senior secondary education, 19–22 for bachelor’s degree, age 23 and above for master’s and doctoral degrees. Primary and junior secondary education, called basic education, is compulsory and free education. Basic education and senior secondary education are equivalent to 6 + 3 + 3 years.

**Education Indicators**

In 2013, the rate of illiterate people in the country was 4.03 percent. The Net Enrollment Ratio (NER) for primary and junior secondary education is 95.8 percent and 80 percent, respectively. Gross Enrollment Rate (GER) for senior secondary education (including vocational school) is 82 percent, and 29.87 percent for higher education.  

In 2014, the total number of primary schools was 148,155 with 1,023,883 classrooms. Of this number, 5,325 classrooms are in need of repair. In junior high school, the total number of schools are 36,724 with the classrooms numbering 328,691. Of the number of classrooms, 2,711 are in need of repair. The MOE expects that by the end 2014, all damaged classrooms have been renovated.

**Educational Right in the Constitution**

The right to education of Indonesian citizens has been guaranteed by the Constitution of Indonesia since 1945. Article 31 also states clearly that “every citizen is entitled to education, and every citizen is obliged to complete the compulsory basic education and the government will finance it.” This constitutional provision become the basis of legislations that are related to the fulfillment of human rights in Indonesia, including the right to education.

14 Wirda, “Country Paper on Rights-based Education in Indonesia.”
15 Ibid.
**RBE-related Laws**

Indonesia has a number of laws and regulations on human rights, particularly the right to education. These are:

- **MPR Decree No. XVII / MPR / 1998 on Human Rights** has several provisions on educational rights as follows: (i) Article 5 states, "every person has the right to develop and acquire the benefits of science and technology, arts and culture for the welfare of mankind"; (ii) Article 15 states, "every person is free to choose the education and teaching"; (iii) Article 40 states, "of vulnerable groups, such as children and the poor are entitled to more protection against their human rights."

- **Law No. 39 of 1999 on Human Rights** includes the rights of children. Specifically, Article 60, paragraphs (1) and (2), subsection 1 states that "every child is entitled to education and teaching in the context of personal development in accordance with their interests, talents, and level of intelligence," while subsection 2 states that "every child has the right to seek, receive, provide information in accordance with the level of intellect and his age for the development of the whole in accordance with the values of decency and propriety."

- **RI Law No. 23 of 2002 on Child Protection**, particularly in Article 9, paragraph 1 states that "every child shall have the right to an education and training in the context of her/his personal and intellectual development based upon her/his interests and talents." Subsection 2 of the same Article states, "every child, particularly disabled and gifted children, shall have the right to receive special-needs education." Moreover, Article 48 states that "the Government is obliged to implement basic education at least 9 (nine) years for all children." In addition, Article 52 paragraph 1 states that "Government is responsible for providing educational costs and/or free assistance or special services to children from poor families, abandoned children, and children who live in remote areas.

- **Law No. 20 of 2003 on National Education System** stipulates the rights and obligations of citizens, and the rights and obligations of the Government and Local Government related to the National Education System, including making sure that funds for the education of every citizen aged 7 to 15 years are available. In terms of the rights and obligations of citizens, for example, Article 5 (1) states that "every citizen has an equal right to education; and (2) states, every citizen aged 7 to 15 years old must attend elementary education."

- **1997 Act of the Republic of Indonesia No. 4 Concerning Disabled People** declares that all people with disabilities have the right to access education that is appropriate to their disabilities. Moreover, the right to education of learners with special needs is specified in **Minister of Education Decree No. 70/ 2009 on Inclusive Education**.  

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LAO PDR

About the Country

The Lao People’s Democratic Republic (Lao PDR) is a landlocked country situated in the center of the Indochina Peninsula, South East Asia. It is bordered by China to the north, Cambodia to the south, Vietnam to the east, Thailand to the west, and Myanmar to the North West. Some 70 percent of the country is composed of mountains and high plateau. The plains region is situated along the Mekong River. Laos has a tropical climate. The population of Lao PDR in 2014 was 6.9 million with an average annual growth rate of 1.8 percent. Lao PDR represents a rich and interesting mix of ethnic groups, which constitutes a significant asset to the country’s human resource base. The state is secular, but the population is predominantly Buddhist.

Lao PDR administration has four levels: central, provincial, district, and village levels. The governor provides the administration at the provincial level the administration, the district by chief administrator and the village by the village chief.

Country’s Vision and Development Goals

In its bid to achieve its long-term overarching goal of exiting the group of Least Developed Countries by the year 2020, the Government of Lao PDR has made education a core strategy for developing human resource development. This is articulated in major policy and planning documents such as the National Socio-Economic Development Plan 2006-2010 (NSEDP), National Growth and Poverty Eradication Strategy (NGPES), National Education System Reform Strategy 2006-2015 (NESRS), Education for All-National Plan for Action 2003-2015, Teacher Education Strategy 2006-2015 and Action Plan 2006-2010 (TESAP) and Education for All Mid-Decade Assessment (October 2008). These documents prioritize the improvement of the quality of and access to basic education as a means of enhancing the country’s employment and income-generating activities and strengthening the social safety net coverage.


18 UN ESCAP, Statistical Yearbook for Asia and the Pacific 2014.
To achieve its development goals, the government found it necessary to introduce substantial reforms to the national education system. One area of reform focuses on the provision of educational opportunities for the poor, vulnerable groups, and ethnic populations.

**Priority Goals of the Education Ministry**

The Lao PDR government has instituted national education reforms in support of the government’s policy on national human resource development. Earlier education reform agenda were contained in the *National Socio-Economic Development Plan 2006-2010* “to increase primary school attendance and literacy rates particularly for people in under-served areas, such as ethnic peoples, children with special needs and girls; and to make quality secondary education accessible in order to raise the number of students entering and completing secondary education and hence going on to a third level education.”

Currently, the *National Education System Reform Strategy, 2006-2015* serves as the education sector’s flagship planning document containing four key areas of action are:

- increase the length of general education to 12 years (5+4+3);
- expand access to quality and relevant education;
- implement the *Teacher Education Strategy and Action Plan*; and
- expand technical schools and vocational training.

The Education Law ushered in the new structure of school education: 5+4+3 formula for the primary, lower secondary and upper secondary levels. The education reform is aligned with the Education for All principle of nine years of high-quality basic education and the commitment of the government to meet international norms and standards in education. Alongside this reform are the curricular reforms aimed at aligning its curriculum after the K-12 model.

**Educational System**

The Ministry of Education and Sports provides policy direction, coordination, planning, and quality control to education. At the other levels, administration of primary and secondary education is through the Provincial Education and Sports Services (PESS) and District Education and Sports Bureaus (DESB).

At present, Lao PR’s education system consists of pre-education (ages three to five), five years of compulsory primary education, four years of lower secondary education, and three years of upper secondary education. This 5+3+3 structure will be replaced by 5+4+3 structure. Post-secondary-non-tertiary-education requires one to two years in technical schools, and tertiary education offered by universities in Laos and technical teacher training colleges requires three to seven years.
**Education Indicators**

By 2014, Lao PDR met or even surpassed its EFA targets. Enrollment of children ages 3 to 5 in early childhood education is 39.1 percent, exceeding the 36 percent target of the government. The net enrollment rate for primary education hit the target of 98 percent. For secondary level, the lower secondary total enrollment is pegged at 74.4 percent, more than 2 percentage point than the target, while for upper secondary, the enrollment reached the target of 41 percent.19

**Educational Rights in the Constitution**

The Constitution and the Education Law, as amended in 2007, contains a provision on the right to education, guaranteeing the rights of all to non-discriminatory access to education.

In particular, Article 19 of the **Lao PDR Constitution (1991)** states that:

**Article 19.** The state pays attention to developing education in combination with the building of the new generation to be good citizens. The objectives of the educational, cultural and scientific activities are to raise the level of knowledge; the patriotic spirit; the spirit of cherishing the People’s Democratic Regime; the spirit of maintaining unity and harmony among the people of various ethnic groups; enhance the sense of being masters of the country; and implement the compulsory education system at primary levels. The state authorises the operation of private schools which function under the curricula of the state. The state together with the people build schools at all levels to turn education into a comprehensive system; and pay attention to developing education in the areas where the ethnic minority people reside.

In the amended Lao PDR Constitution (2003), all Lao citizens are guaranteed the right to education and to upgrade themselves.20

**RBE-related Laws**

The following are some of Lao PDR’s laws and regulations on rights-based education:

- **Decree of Order on Compulsory Primary Education** identified the following principles of compulsory primary education:
  
  - Primary education is the first level of general education, and includes five years of schooling. It establishes the basic educational level that should be attained by all Lao citizens;
  
  - All Lao citizens residing in the country must receive primary education thoroughly and equally beginning at 6 years of age, regardless of race, religion, sex, ethnicity, and social/economic status;
  
  - All pupils enrolled must complete primary schooling. They shall continue schooling without dropping out or leaving school until the age of 14, except for those with physical and mental health problems who cannot continue their schooling even though sufficient care may have already been provided;

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19 Sibounheuang, “Country Paper on Rights-based Education in Lao PDR.”

20 SEAMEO INNOTECH, “Strengthening Education Systems for Out-of-School Children in Southeast Asia.”
• Education services can be provided in the form of either public or private schooling; however, the content must be ensured with the aim to develop children physically and mentally with high capability, in compliance with the curriculum designed by the Ministry of Education and Sports; and

• The Government and the people will join efforts to be responsible for education management and services in all public primary schools. The services in schools are free of charge.

• Moreover, Article 14 of the Education Law, mandates the State to establish special schools for people with serious disabilities. For those with light disabilities, the State is responsible for facilitating their enrollment in the local schools, as well as mobilizing both the private sector and civil society to invest in the establishment of inclusive education schools. Article 24 of the Education Law, on the other hand, highlights the State’s role in proving scholarships for students with disabilities and mobilizing civil society to provide support, as appropriate.21

• Article 26 is about the promotion of the education of the child. The Law on the Protection of the Rights and Interests of Children states that “the State has policies to promote and create conditions to ensure that children receive education by expanding formal education, professional training centers and skills training centers from both State and private sectors, and by providing sufficient teachers, textbooks and materials, aimed at developing children’s knowledge, abilities, attitudes and talents, in order that children become successors in the mission for the efficient protection and development of the nation.” The law likewise mandates the provision of education for the disadvantaged, for children with disabilities and for those affected by HIV/AIDS. It likewise calls for the establishment of child-friendly schools.

MALAYSIA

About the Country

Malaysia has a total land area of 329,847 km². Its territories share a border with Thailand, Indonesia, and Brunei, and are surrounded by the South China Sea. The population of Malaysia in 2014 was 30.2 million with an average annual growth rate of 1.6 percent.

Priority Goals the Education Ministry

The new Malaysian Education Blueprint 2013-2025 was a product of a comprehensive review of Malaysia’s education system. The blueprint focuses on improving access to education, raising standards, closing achievement gaps, promoting unity among the students and maximizing system efficiency. The Blueprint aims for all children, regardless of gender, ethnicity, socio-economic background, location and abilities, to gain access and complete basic primary education. The Ministry of Education is continuously taking action to ensure high quality education is accessible and affordable for all. All these actions of the education sector are aligned with the national vision of becoming a developed country by 2020 (Vision 2020).

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23 UN ESCAP, Statistical Yearbook for Asia and the Pacific 2014.
**Education System**

Malaysia’s education structure consists of six years of primary education and five years of secondary education. The primary education system provides a strong foundation in the mastery of basic skills, followed by three years of lower secondary and two years of upper secondary education that both offer comprehensive education programs. Children with special needs are provided with education opportunities similar to other children.

There are two types of public schools in Malaysia: the National schools and the national-type schools. The MoE oversees the provision of primary and secondary education both in public and private schools.

**Education Indicators**

Since gaining independence in 1957, Malaysia has made remarkable improvement in providing access to quality basic education. For instance, the total enrollment in primary and secondary education grew from about 3.5 million in 1985 to over 5.3 million in 2013.²⁴ This education progress was a result of education transformation programs and initiatives which guarantee that every child has access to basic quality education by 2015, i.e., the national commitment for compulsory education.

Over the past 13 years, the gross enrollment ratio (GER) or the percentage of students enrolled in primary education has increased from an already high GER of 95.6 percent in 2000 to 96.6 percent in 2013.²⁵ The continuing challenge is to reach the remaining school-age population without access to education. On the other hand, the survival rate in primary level between the years 2000 and 2013 is very high ranging from more than 96 percent to 99 percent.²⁶

MoE’s endeavor to make secondary education accessible through fee-free policy and generous education aid packages has resulted in the reduction of school leavers and contributed to the increase in transition rate from primary to lower secondary level from 90 percent to 97 percent between the years 2000 and 2013.

**Mandates and Policies on RBE**

- The *Malaysia Constitution*, Article 12 on Religion and Education, states that educational institutions maintained by a public authority shall not discriminate against any citizen on the grounds only of religion, race, descent or place of birth. In particular, there shall be no discrimination against the admission of pupils or students, the payment of fees, or provision of funds or financial aid to pupils or students in any educational institution (whether or not maintained by a public authority and whether within or outside the Federation).

²⁴ Khairullah, “Country Paper on Rights-based Education in Malaysia.”
²⁵ Ibid.
²⁶ Ibid.
• The Education Act 1996, [Act 550] Compulsory Primary Education, Section 29A, states every parent who is a Malaysian citizen residing in Malaysia shall ensure that once a child has reached the age of six years on the first day of January of the current school year, the child will be enrolled as a pupil in a primary school on that year and will remain as a pupil in a primary school for the duration of the compulsory education. A parent who contravenes shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding six months or to both. The compulsory primary education policy has boosted the primary school enrollment and intake rates throughout the years. At present, the education ministry is responding to the challenge of providing access to the national education system for children with special educational needs, children from minority groups, from poor families and those residing in remote areas, children without legal identification documents, children of migrant workers and children of non-citizens.

• The government of Malaysia has taken steps towards strengthening the prospects of realizing the New Economic Policy (NEP) by setting up the Government Transformation Program (GTP) and the Economic Transformation Program (ETP) that provide a roadmap with detailed objectives, outcomes and a set of actions to address challenges in improving student outcomes and ensuring that quality education is accessible to all. Moreover, the government backed its commitments to provide quality education for its citizens with an education budget that constitutes a substantial part of the nation's budget.

• Under the Malaysian Education Blueprint 2013-2025, the government aims to provide equal access to quality education that is at par with the international standard and ensures that the country is ready to rise to the educational challenges post 2015.27 The Blueprint affirms the critical role of education in turning Malaysia into a knowledge-based economy, able to compete in the increasingly globalized economy. One of the strategies in this Education Blueprint is extending the period of compulsory education from primary to secondary.28

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28 Ibid.
About the Country

Having covered a land area of 677,000 square kilometers, Myanmar is the largest country in mainland Southeast Asia. More than one third of Myanmar’s current population is composed of young people. Approximately 38 percent of Myanmar’s population of 59 million, 21 million are children under 18 years of age. About 69 percent of the population is based in rural areas.

Country’s Development Goals

Myanmar is striving to establish a modern developed nation with three sets of national objectives: 1) political objectives, 2) economic objectives, and 3) social objectives.

Four political objectives

- Stability of the State, community peace and tranquility, prevalence of law and order
- National reconsolidation
- Emergence of a new enduring State Constitution
- Building of a new modern developed nation in accord with the new State Constitution.

Four economic objectives

- Development of agriculture as the base and all-round development of other sectors of the economy
- Proper evolution of the market oriented economic system
- Development of the economy, inviting technical know-how and investments from inside the country and abroad
- The initiative to shape the national economy must be kept in the hands of the State and the national peoples.


Ibid.
**Four social objectives**

- Uplifting of the morale and morality of the entire nation
- Uplifting of national prestige and integrity and preservation and safeguarding of cultural heritage and national character
- Uplifting of dynamism of patriotic spirit
- Uplifting of health, fitness and education standards of the entire nation.

Moreover, Myanmar is striving to achieve its Millennium Development Goals targets through an all-out effort on social development, education for all citizens and poverty reduction throughout the nation. Focus is on the development of human resources and improvement of socio-economic conditions in rural and border areas of Myanmar.

**Priority Goals of the Education Ministry**

The Ministry of Education (MOE) is in charge of the provision of the basic education in the country. Aside from the MOE, the other ministries are also involved in education such as the Ministry of Religious Affairs, which is responsible for monastic schools, and the Ministry of Border Affairs, which is responsible for schools in the troubled border regions of Myanmar.31

One of the departments within the Ministry of Education is the Educational Planning and Training which is primarily responsible for short- and long-term planning and training for primary and lower secondary teachers in the education colleges. Other major departments are: Basic Education I, II and III; Higher Education (Lower Myanmar and Upper Myanmar); Myanmar Board of Examinations; Myanmar Education Research Bureau (MERB); and Myanmar Language Commission.

The national plan for Myanmar’s basic education is detailed in the **Ten-Point Education Policy 2011**. The plan includes the following:

1. implement free, compulsory primary education system,
2. increase the enrollment rate in basic education sector,
3. nurture a new generation of intellectuals and intelligentsia and develop the human resources,
4. improve capacities of teachers in both basic and higher education sectors,
5. utilize teaching aids more effectively,
6. upgrade the quality and socio-economic status of educational personnel,
7. provide scholarships, stipends and awards, both locally and internationally,
8. promulgate relevant laws for the participation and contribution of private sectors in education services,

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9. collaborate with international and local organizations including the UN, INGOS and NGOs, and
10. upgrade education standards to international levels.

The Myanmar EFA National Action Plan 2015 (EFA-NAP) aspires for an improved access to quality and relevant basic education and the delivery of learning needs of out-of-school youth and adults.

**Education System**

The Myanmar Basic Education School system consists of 11 years, broken down as follows:

- five years of primary school (Grade 1 to 5),
- four years of lower secondary (middle) school (Grades 6 to 9), and
- two years of upper secondary (high) school education (Grades 10 and 11).

Currently, Myanmar is reviewing the 5+4+2 structure of its education system and will likely adopt a 6+4+2 structure. Although pre-school education is also available, it is not effectively integrated with the rest of the education system—only about one-fifth of all eligible children attend pre-school, with children in rural areas having the least access.

**Education Indicators**

In an effort to fast-track the universalization of primary education, the basic education sub-sector is implementing a nationwide school enrollment promotion program. Improvement in education indicators has been noted through the All School Age Children in School program (1999-2000 academic year) as follows:

- Grade 1 intake rate is 98.48 percent in 2012
- NER in primary level age is 84.6 percent, middle school level age is 47.16 percent and high school level is 30.1 percent
- Completion rate in primary level, middle school level, and high school level are 81.2 percent, 71.7 percent and 30.38 percent, respectively
- Net school enrollment rates are high at over 80 percent and drop out rate is less than 55 percent
- Total adult literacy rate increased to 92.7 percent.

**Mandates and Policies on RBE**

- Children's right to education in Myanmar is both a national mandate and commitment to international instruments such as Convention on the Rights of the Child and Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and Convention on the Rights of Persons with Disabilities, EFA, and MDG. These commitments have been translated into national policies such as the Child Law which was enacted in recognition of the Convention on the Rights of the Child.
In particular, Myanmar has a national legal framework to uphold the rights of the child and provide them protection. These legislations include the Child Law (1993), Rules related to the Child Law (2001), and the Anti-Trafficking in Persons Law (2005). Moreover, it became a matter of policy to fortify children’s protective environment across country to eliminate factors that will be harmful to children.

- The Myanmar Constitution also contains the commitment of the country to RBE as it recognizes that education is a right. It mandates the State to provide free compulsory primary education. In addition to the Constitution, RBE is contained in several legislations.

- The National Education Law of 2014 (Parliamentary Law No. 41) mandates free compulsory primary education as well as special education programs and services for school-age children, youth, and other citizens with disabilities.32

- The Basic Education Law (promulgated in 1964 and amended in 1973 1983 and 1989) provided the following educational objectives:
  - Enable every citizen of Union of Myanmar to become a physical and mental worker well-equipped with basic education, good health and moral character;
  - Lay foundations for vocational education for the benefit of the Republic of the Union of Myanmar;
  - Give precedence to the teaching of Science capable of strengthening and developing productive forces;
  - Give precedence to the teaching of arts capable of preservation and development of culture, fine arts and literature of the state; and
  - Lay a firm and sound educational foundation for further pursuance of university education.

- The Private School Registration Law (2011) on the other hand, provides its citizens free choice in terms of achieving a level of development that is at par with international education levels.

- Framework of Rural Development and Poverty Alleviation Plan (2011-2015) outlines specific formal education activities as follows:
  - Provision of necessary requirements for all school-going-age children in schools in order to achieve successful implementation of free, compulsory primary education;
  - Opening of new schools, appointment of teachers, provision for construction of school buildings, furniture and teaching/learning materials for mobile families and the rural areas with low population density;
  - Fulfiling necessary regional requirements, constructing the buildings for boarding students, and establishment of trust fund in order to reduce educational wastage in primary and lower secondary level;
  - Provision of scholarships in lower and upper secondary levels;
  - Undertaking a program to ensure access to higher education for all students who passed the matriculation exam.

32 SEAMEO INNOTECH, “Strengthening Education Systems for Out-of-School Children in Southeast Asia.”
About the Country

The Philippines is an archipelago consisting of 7,107 islands. It has 17 regions, 81 provinces, 144 cities, 1,490 municipalities and 42,028 barangays (villages) as administrative areas. As a constitutional republic, the country is headed by a president that acts as the chief of state and the head of the government. The population of the Philippines in 2014 was 100.1 million with an average growth rate of 1.7 percent.

Country’s Development Goals

The government, through its Philippine Development Plan (PDP) 2011-2016, envisions inclusive growth through sustained economic development, improved lives of Filipinos, and empowered poor and marginalized sectors.

Part of its objective to attain inclusive growth is poverty reduction. Poverty, under the updated PDP 2011-2016, is being dealt with as a state of deprivation in multiple dimensions that include education. To achieve inclusive growth and poverty reduction, the plan seeks to improve human capabilities through enhancement of knowledge and skills. The plan’s social development priority strategies specific to education include providing complete and quality basic education; developing workforce competence and life skills through Technical-Vocational Education and Training (TVET); and making higher education competitive and responsive to national development goals.

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35 UN ESCAP, Statistical Yearbook for Asia and the Pacific 2014.
Vision-Mission of the Department of Education

The Department of Education (DepEd) has the following vision statement:

We dream of Filipinos who passionately love their country and whose values and competencies enable them to realize their full potential and contribute meaningfully to building the nation. As a learner-centered public institution, the Department of Education continuously improves itself to better serve its stakeholders.

The vision puts the learners at the center of decisions and policies, particularly in designing the curriculum, resource allocation and mobilization, and work ethic. Moreover, this vision specifies the DepEd as a duty bearer.

DepEd’s mission puts premium on the collaboration of all stakeholders including family, community and school workers. They serve as duty bearers in providing an ideal learning environment, one that is child-friendly, gender sensitive, safe, and motivating. The mission of the DepEd is to “protect and promote the right of every Filipino to quality, equitable, culture-based, and complete basic education where:

- Students learn in a child-friendly, gender-sensitive, safe, and motivating environment
- Teachers facilitate learning and constantly nurture every learner
- Administrators and staff, as stewards of the institution, ensure an enabling and supportive environment for effective learning to happen
- Family, community, and other stakeholders are actively engaged in and share responsibility for developing life-long learners.”

The Department’s core values are Maka-Diyos (pious), Maka-tao (humane), Makakalikasan (pro-nature), and Makabansa (nationalist). The second value relates to human rights-based approach to education.

The country is likewise committed to fulfilling the Philippine Education for All (EFA) 2015 National Plan of Action through a multistakeholder collaboration.

Educational System

In the Philippines, it is the DepEd that formulates, implements, and coordinates policies, plans, programs and projects in the areas of formal and non-formal basic education. It is also responsible for the supervision of all elementary and secondary education institutions, including alternative learning systems as well as the establishment and maintenance of a complete, adequate, and integrated system of basic education relevant to the goals of national development.
The previous 10-year education cycle has recently been revised into a K to 12 education program; that is, one year of kindergarten, six years of elementary education, four years of junior high school and two years of senior high school. Through the K to 12 education program, it is expected that graduates will be holistically-developed and equipped with 21st century skills, namely: 1) learning and innovation skills; 2) information, media, and technology skills; 3) effective communication skills; and 4) life and career skills. Moreover, it offers various options: 1) higher education, 2) middle-level skills development, 3) employment, and 4) entrepreneurship.

**Education Indicators**

The net enrollment rate (NER) measures the participation of school-age children in education. The NER indicates that the Philippines is close to achieving the universal primary education in 2015. The Philippines recorded a 95 percent net enrollment rate in 2013. Gauging the education achievement vis-a-vis the Philippine Development Plan (PDP) targets, elementary NER has surpassed the targets in 2011 to 2012, while secondary NER, with a steady rate of almost 65 percent for the past two years, has yet to meet the 71 percent PDP target. For the last two years, slight increases were recorded in the completion rates; however, there is still a need to improve schools' capacity to keep children in school, especially in elementary and secondary levels.

The quality of formal education is measured by the results of the National Achievement Test (NAT) expressed in mean percentage score. Although the NAT results have been increasing in both elementary and secondary education in recent years, they are still below the set national targets. The 2015 Philippine Elementary NAT score of 69.10 percent is below the 74.2 percent PDP target, while the 2015 Secondary NAT score of 49.48 percent is short of the 70.9 percent PDP target for that year.

**Education Rights in the Constitution**

The 1987 Philippine Constitution articulates its citizens’ right to education. Under the Constitution’s Article XIV (Education, Science and Technology, Arts, Culture and Sports), Section 1 (Education), the Philippine government’s role and responsibility as duty bearer is to “protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all.” This serves as the legal constitutional framework and guiding principle for a right-based approach to development programming. Section 2 enumerates the responsibilities of the State in ensuring that education becomes accessible and relevant to all learners. Section 5 of the Constitution likewise mandates that education gets the highest budgetary priority among agencies and sectors.

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37 Ibid.
38 Dr. Nelia Benito of Philippine Department of Education, e-mail message to SEAMEO INNOTECH, October 26, 2016.
RBE-related Laws

There are laws (and corresponding implementing rules and regulations) that operationalize each section of Article XIV of the Constitution. The following, arranged chronologically, are the legislations that support the constitutional provisions related to education:

- The **Magna Carta for Public School Teachers of 1966** assures Filipino teachers’ favorable living and working conditions. It contains provisions on security of tenure, working hours, remuneration, and benefits.

- The **Education Act of 1982** establishes and maintains a complete, adequate and integrated basic education system in line with the goals of national development.

- The **Free Public Secondary Education Act of 1988** mandates the provision for a free public secondary education to all qualified citizens and to promote quality education at all levels.

- The **Government Assistance to Students and Teachers in Private Education (GASTPE) Act, 1989 (amended 1998)** recognizes the complementary roles of public and private educational institutions in the educational system and the invaluable contribution of the private schools to help improve the delivery of basic education. As well, it emphasizes the role of the government in providing mechanisms to maximize use of private resources and providing financial assistance to students and teachers in private schools.

- An **Act Providing for an Organic Act for the ARMM 1989** establishes the Autonomous Region in Muslim Mindanao (ARMM) which provides for the mechanisms for self-determination, including education.

- The **Magna Carta for Disabled Persons 1992 (amended 2007)** guarantees equal access to quality education by disabled/gifted persons, as well as ample opportunities to develop their skills and take appropriate steps to make such education accessible to all disabled persons.

- The **Indigenous Peoples’ Rights Act of 1997** recognizes and promotes the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs), with the participation of the ICCs/IPs concerned, to protect their rights; guarantees respect for their cultural integrity; and ensures that members of the ICCs/IPs benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population.

- The **Governance of Basic Education Act of 2001** reiterates the government’s mandate to protect and promote the right of all citizens to quality basic education and to make such education accessible to all by providing all Filipino children free and compulsory education in the elementary level and free education in the high school level, including alternative learning systems for out-of-school youth and adult learners.
• An Act Providing for the Magna Carta of Women 2009 affirms the role of women in nation-building and ensures the substantive equality of women and men in cognizance of the economic, political and sociocultural realities that affect women's current condition.

• The Kindergarten Education Act 2012 institutionalizes Kindergarten as an integral part of the basic education system of the country, emphasizing mandatory and compulsory kindergarten education that effectively promotes holistic stimulation and values formation to sufficiently prepare learners for formal elementary schooling.

• The Early Years Act of 2013 mandates the protection of the rights of children to survival and development in consideration of the nature of childhood and their specific needs, thus designating the DepEd as the primary agency responsible for helping develop children in the formative years between 5 and 8 years.

• The Enhanced Basic Education Act of 2013 creates a functional basic education system that aims to develop productive and responsible citizens equipped with the essential competencies, skills and values for both lifelong learning and employment, thus increasing the number of years for basic education from 10 to 12, and establishing the K-12 Basic Education System. It makes secondary education compulsory.

• The Anti-Bullying Act of 2013 mandates the adoption of policies and measures in all elementary and secondary schools to prevent and address the existence of bullying in their respective institutions.

These laws do not only recognize education as a basic right of all citizens, but also provide mechanisms for inclusive education, respect for cultural and faith diversity, and recognition of the unique learning needs of persons with disabilities and persons in difficult circumstances.
THAILAND

About the Country

The Kingdom of Thailand has an area of 513,115 km². It has 76 provinces, including its capital Bangkok. Each province is divided into sub-districts. The population of Thailand in 2014 is 67.2 million with an average annual population growth rate of 0.3 percent. In 2014, there are 30,922 schools and 7,243,713 students (57.32 percent of population of ages 3-17 years old).

Vision-Mission of the Education Ministry

The Ministry of Education envisions the improvement of the quality of education and the creation of opportunities for Thai people to gain lifelong learning, with participation from all sectors, so as to have quality and moral citizens. Its mission is to:

1. Enhance the quality and standards of education to ASEAN.
2. Enhance educational opportunities to citizens equally.
3. Develop educational management with the principles of good governance.

The following are the Educational Policies and Strategies of the MOE:

1. Accelerate quality development of education and learners
2. Increase access to education
3. Reinstate peace in the three Southern Border Provinces
4. Alleviate drug-related problems
5. Develop tablet content for the one-tablet-per-child project
6. Focus on research and development

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41 UN ESCAP, Statistical Yearbook for Asia and the Pacific 2014.
42 Ibid.
7. Promote the new business fund project
8. Push forward the People’s Constitution
9. Accelerate the disbursement of government budget
10. Develop administration and management systems
11. Work closely with other ministries and agencies to move forward government policies. 

**Education system**

The education system in Thailand is divided into formal, non-formal, and informal education. **Formal education** has two levels as follows: 1) basic education and 2) higher education.

**Basic education** refers to at least 12 years of education before higher education. It has three levels as follows:

1. Pre-school education which covers the 3-6 age group.
2. Elementary which is compulsory and lasts for 6 years.
3. Secondary education which is divided into three years of compulsory lower secondary education and three years of upper secondary education or high school consisting of vocational education and higher education.

**Non-formal education** has flexible aims, modalities, management procedures, duration, assessment, and evaluation conditional to its completion. The contents and curricula for non-formal education shall be appropriate, respond to the requirements, and meet the needs of individual groups of learners.

**Informal education** enables learners to learn by themselves according to their interests, potentialities, readiness and opportunities available from individuals, society, environment, media, or other sources of knowledge.

**Education Indicators**

Thailand has a net enrollment rate of 92 percent for primary level in 2014 and 80 percent for secondary level in 2012.

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Educational Right in the Constitution

The Constitution of the Kingdom of Thailand in 1997 focuses on the development of education in the country. There are many sections related to rights-based education including:

- Section 30 containing provisions that education shall be of quality and shall be provided free of charge.
- Section 40 which mandates that education receive priority in national communication resources.
- Section 43 which states that every person shall enjoy equal right to receive basic education for the duration of not less than twelve years.
- Section 69 which cites that every person shall have both the duty and the right to receive education and training.
- Section 81 which ensures the right of local organizations to participate.

RBE-related Laws

Thailand has a number of laws and regulations on right-based education. These are:

- The Education Act 1999 states that “all individuals shall have equal rights and opportunities to receive basic education provided by the State for the duration of at least 12 years. Such education, provided on a nationwide basis, shall be of quality and free of charge.” It specifies the right to education for those with disabilities, the destitute and the disadvantaged. It likewise contains the obligation of parents/guardians regarding the education of those under their care as well as the right of government and other sectors to provide basic education.46

Moreover, the Education Act obliges children seven years of age to enroll in basic education until the age of sixteen years, with the length of compulsory education totalling nine years. Included in the Education Act are the guidelines on the learning process as well as the education standards and quality assurance.

- In 2009, Thailand launched the 15 Years Free Education with Quality Policy that extends the coverage of free formal and non-formal education to 15 years for the poor and disadvantaged children, who receive free assistance in the form of tuition fees, textbooks, learning materials, school uniforms, and others.47

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47 SEAMEO INNOTECH, “Strengthening Education Systems for Out-of-School Children in Southeast Asia.”
To guarantee the right of children who have no legal status in Thailand, there is the **Cabinet Resolution on Education for Unregistered Persons (2005)** which ensures that they can access public schools even without evidence of civil registration.\(^{48}\)

The **Convention on the Rights of the Child**, which was ratified by Thailand in 1992, details the fundamental rights that all signatories must guarantee for their children. These include children’s rights to:

- **survival** through basic healthcare, peace and security;
- **development** through a good education, a loving home and adequate nutrition;
- **protection** from abuse, neglect, trafficking, child labour, and other forms of exploitation; and
- **participation** such as to express opinions as well as to be listened to and have a voice in decisions that affect their lives.

Leading the promotion of equal education opportunities is the Ministry of Education. It encourages various agencies to be involved in ensuring that:

- All children in the basic education level (until the age of 15) have access to free quality education in any school, adequate nutrition, and right to a warm family.
- All enrolled children get basic health care, education, peace and security, and funding support for the cost of education, lunch, school textbooks, clothing, and skills-enhancing activity.
- All children are entitled to protection, help in getting a full quality education, and protection from harm, abuse, neglect, and exploitation in all its forms. The Office of the Basic Education has established Child (students) Protection and Helping Centers which monitor the situation in every area of education and report every year to the Bureau of Academic Affairs and Educational Standards.
- All children have the right to participate in decision-making in matters that affect them through stakeholder or educational participatory organizations, such as Kruprateep Oungsongtam Foundation, Kruyui Foundation, Foundation for Development of Disabled Persons Thailand, Monks from temples like Wat Phra Baht Nam Phu, NGO and The King’s Project.

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\(^{48}\) SEAMEO INNOTECH, “Strengthening Education Systems for Out-of-School Children in Southeast Asia.”
VIETNAM

About the Country

Vietnam has a total land area of 331,210 km². The country borders the Gulf of Thailand, Gulf of Tonkin, and South China Sea, China, Laos, and Cambodia. The population of Vietnam in 2014 is 92.5 with an average annual growth rate of 0.9 percent.

Education System

The education system in Vietnam is comprised of a 12-year education cycle which is made up of a 5+4+3 structure. The five-year primary education in Thailand is compulsory. The official entry age is six.

After students have satisfactory completed the four-year lower secondary education, they have several options:

- three-year upper secondary school (academically-focused stream) or professional secondary schools (practically and vocationally oriented stream), both leading to university and college entry;
- vocational training; or
- non-formal education or work.

Mandates and Policies on RBE

- The Constitution of Vietnam recognizes education as the right and responsibility of every citizen. Despite government commitments, social recognition, and legal frameworks available, education remains inaccessible to many children, women and people of minorities, as well as those without birth certificates because of poor or absent educational and training facilities. These issues are being addressed by state regulations that provide educational support to children in different circumstances.

Generally, citizens do not have to pay tuition at a public institution, including elementary school students. There is also a state regulation that exempts or reduces tuition, and provides learning support for:

- Students and teacher-trainees who attend training courses to achieve pedagogical professional standards;

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50 UN ESCAP, Statistical Yearbook for Asia and the Pacific 2014.
Pupils and students from ethnic minorities, from marginalized areas, and from economically and socially disadvantaged sectors;

Children in kindergarten and students orphaned by both parents, are helpless or disabled, and have economic difficulties;

Children in kindergarten and high school students whose parents are poor as stipulated by the Prime Minister;

Children in kindergarten and high school students whose parents are non-commissioned officers and soldiers, soldiers who have served a term in the People’s Armed Forces;

High school students in boarding school, college preparatory school, pre-university science; and

Pupils and students in educational institutions and vocational education that cater to the poor and near-poor households as stipulated by the Prime Minister.

- Stipulated in the **Law on Universalization of Primary Education of 1991** is the policy of free primary education.\(^5\)

- The **Education Law 2005** states that “learning is the right and obligation of every citizen…regardless of ethnic origins, religions, beliefs, gender, family background, social status or economic conditions. It further stipulates that education is the responsibility of the state and the whole population with specific provision on the roles and responsibilities of teachers, school, family, and society.”\(^5\)

- Non-discrimination of children as well as the education of children particularly those in special circumstances are assured through the **Law on Protection, Care and Education of Children (2004)**.\(^5\)

- Moreover, Vietnam has the **Law on Persons with Disabilities (2010)** that ensures and facilitates access to education by persons with disabilities while the **Law on Gender Equality (2006)** ensures that both genders have equal right to education.\(^5\)

- Under the **Education Strategic Development Plan 2011-2020**, the education sector sets it agenda towards improvement of the quality of education and the promotion of education in the disadvantaged regions.\(^5\)

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51 SEAMEO INNOTECH, “Strengthening Education Systems for Out-of-School Children in Southeast Asia.”


54 Ibid.

55 Ibid.
KEY FINDINGS ON RBE-RELATED MANDATES AND POLICIES

Globally, the right to education has been recognized and is being upheld through the Universal Declaration of Human Rights (Article 26), International Covenant on Economic Social and Cultural Rights (Article 13), and Convention on the Rights of the Child (Article 28). Other international covenants have specific provisions on the elimination of discrimination in education: Convention on the Elimination of All Forms of Discrimination against Women, International Convention on the Elimination of All Forms of Racial Discrimination, and UNESCO Convention against Discrimination in Education.

The Association of Southeast Asian Nations (ASEAN) with Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam as members, adopted a Human Rights Declaration that recognizes that every person has the right to education. As we have seen, the right to education is contained in the constitutional provisions of each Southeast Asian country.

Table 1: Constitutional Provisions on the Right to Education per Country

<table>
<thead>
<tr>
<th>Country</th>
<th>Right to Education</th>
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</thead>
<tbody>
<tr>
<td>Cambodia</td>
<td>Constitution of the Kingdom of Cambodia, Chapter VI, Article 65: The state shall protect and promote citizens’ right to quality education to all level and shall make quality education available to all citizens.</td>
</tr>
<tr>
<td>Indonesia</td>
<td>Constitution of Indonesia, Article 31: Every citizen is entitled to education and every citizen is obligated to follow the compulsory basic education and the governance will finance it.</td>
</tr>
<tr>
<td>Lao PDR</td>
<td>2003 Lao PDR Constitution, Article 21 and 22: The State emphasizes the expansion of education in conjunction with building a new generation of good citizens. Education, cultural and scientific activities are the means to raise the level of knowledge, patriotism, love of the people’s democracy, the spirit of solidarity between ethnic groups and the spirit of independence. The pursuit of compulsory primary education is important. The state permit private schools that follow the state curriculum. The government and citizens jointly schools of all level to complete the education system, with emphasis on the expansion of education in ethnic group areas.</td>
</tr>
<tr>
<td>Malaysia</td>
<td>Federal Constitution of Malaysia 1957, Article 12: Rights in respect of education states that in respect of education, Article 12 provides that there shall be no discrimination against any citizen on the grounds only of religion, race, descent or place of birth.</td>
</tr>
<tr>
<td>Myanmar</td>
<td>2008 Constitution of the Republic of the Union of Myanmar, Section 366: Every citizen has the right to education and every citizen shall be given basic education that is compulsory.</td>
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56 Information from the Regional Research Workshop on the Scoping Study into Rights-Based Education in Southeast Asia, SEAMEO INNOTECH, Philippines, August 27-29, 2014; Constitution of Lao PDR; Constitution of Thailand; Constitution of the Democratic Republic of Timor-Leste; and Constitution of Vietnam
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<tr>
<th>Country</th>
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<th>Constitutional Provisions</th>
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<tbody>
<tr>
<td>Philippines</td>
<td>1987 Philippine Constitution, Article XIV, Section 1: The State shall protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all.</td>
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<tr>
<td>Thailand</td>
<td>2007 Constitution of the Kingdom of Thailand, Section 49: A person shall enjoy an equal right to receive the education for the duration of not less than twelve years which shall be provided by the State thoroughly, up to the quality, and without charge...</td>
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<tr>
<td>Timor-Leste</td>
<td>Constitution of the Democratic Republic of Timor-Leste, Section 59: …Every citizen has the right to education and culture, and it is incumbent upon it (State) to promote the establishment of a public system of universal and compulsory basic education that is free of charge in accordance with its ability and in conformity with the law.</td>
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<tr>
<td>Vietnam</td>
<td>1992 Constitution of the Socialist Republic of Vietnam (As Amended 25 December 2001), Article 59: The citizen has both the right and the duty to receive training and instruction.</td>
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Constitutions typically embody the aspirations of sovereign nations, including the fundamental rights of their citizens. The constitutions of countries in the region all guarantee citizens' right to education. Their specific provisions define their countries' notion of rights-based education.

Reviewing the countries' constitutional provisions on the right to education yields the following definition of RBE:

- Education is recognized as one of the fundamental rights of citizens.
- Government is obliged to protect and promote the citizens right to education. Several concomitant statements in the constitution define the protection and promotion of this right such as making education compulsory and providing the necessary funds to provide free education to the citizens.
- Citizens have the responsibility to avail of basic education. It falls upon the citizens to act on their rights by going through the process of learning to develop their full potential.

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There are laws and/or national legislations that support the right to education or have specific policies/programs that operationalize the rights-based approach to education.

Countries in Southeast Asia have made education compulsory with laws on education governance or regulations specifying the length of compulsory education. In a few countries, there are laws pertaining to compulsory and free education such as Compulsory Education Act 2011 of Brunei Darussalam and Free Public Secondary Education Act, 1988 of the Philippines.

Likewise, there are policies on inclusive education/special education such as the Inclusive Education Policy for Children with Disabilities 1994 of Brunei Darussalam, Establishment of Special School for people with disability in Lao PDR, Persons with Disabilities Act 2008 of Malaysia and the Magna Carta for Disabled Persons 1992 of the Philippines. A few laws pertain to other disadvantaged sector such as Magna Carta of Women and Indigenous Peoples’ Rights Act in the Philippines.

There are also laws or national policies on child protection, alternative education, and financial assistance to students.

**SYNTHESIS**

Laws/legislations and policies that relate to the right to education can be analyzed in terms of their relation to availability, accessibility, acceptability, and adaptability of education. The table in the next pages provide the summary of such analysis.
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<tr>
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<th>Acceptability</th>
<th>Adaptability</th>
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<td>o Child Law 1993</td>
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<td></td>
<td>o Governance of Basic Education Act 2001</td>
<td>o Magna Carta for Disable Persons 1992</td>
<td>o DO 40, s. 2012 - Child Protection Policy</td>
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<td></td>
<td>o Free Public Secondary Education Act 1988</td>
<td>o Indigenous People’s Right Act 1997</td>
<td>o Anti-Bullying Act 2013</td>
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<td>o Magna Carta of Women 2009</td>
<td>o DO 74, s. 2009 - Mother Tongue-Based Multilingual Education Policy</td>
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<td>o Kindergarten Act 2012</td>
<td>o DO 51, s. 2004 - Standard Curriculum for Elementary Schools and Private Madaris</td>
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<td>o DO 26, s. 1997 - SPED Programs Institutionalization Policy</td>
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<td>o DO 41, s. 2012 - No Collection Policy</td>
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<td>o DO 27, s. 2013 - Gender and Development Policy</td>
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<td></td>
<td>o 15 Years Free Education with Quality Policy 2009</td>
<td>o Cabinet Resolution on Education for Unregistered Persons 2005</td>
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Source: Country Papers Presented during the Regional Research Workshop on Scoping Study into Rights-Based Education in Southeast Asia, 27-29 August 2014, SEAMEO INNOTECH, Philippines
From the initial review of all the laws, legislations, and policies relating to RBE, it can be inferred that only five countries have laws and policies that cover all of the 4As framework on RBE, namely Brunei Darussalam, Cambodia, Indonesia, Malaysia, and the Philippines.

It is clear that most of the education laws in Southeast Asian countries are concentrated on making education "accessible." Meanwhile, there are fewer laws that address the issue of adaptability of education.
States Parties to international human rights conventions have a legal obligation to fulfill their citizens’ right to education. However, the States’ commitment to rights-based education through enactment of laws, issuance of policies, and implementation of programs and projects will not be successful without the involvement of education duty bearers. The government can empower parents, capacitate teachers, equip schools and other learning facilities, but parents, teachers, education personnel, community members, civil society organizations, and other education supporters, individually or collectively, have to cooperate and acknowledge their own responsibilities in realizing children’s right to education.

Duty bearers can lead to the attainment of 4As, e.g. making education more available through the national government’s implementation of free and compulsory education, or by providing support programs such as scholarships, thus improving the enrollment rate. Teachers, as duty bearers, also make education more acceptable by contributing towards children’s academic achievement.

DUTY BEARERS’ RESPONSIBILITIES

This part of the report discusses the legal obligations of duty bearers as specified in the laws of each Southeast Asian country. The data from these were provided by the conference participants and gathered online. Information about Timor-Leste was based on materials that are available online since it did not participate in the conference or contributed a country paper. The duty bearers who are obligated to operationalize the right to education are discussed in the next few sections.

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The National Government

Education does not only play a role in eradicating poverty, nurturing a civic and democratic society, and overcoming the middle-income trap, it is also an enabler of human development and a contributor to gender equality, culture of peace, cultural diversity, among others.61 These education outcomes make it imperative for education to be made a public good by the state and be one of the priority areas of public expenditure.62 The state has three levels of obligations as follows:

- **Respect the right to education** by ensuring that there is no government action that obstructs children’s access to education;
- **Protect the right to education** by eliminating obstacles to education caused by any person or group.
- **Fulfill the right to education** by making education available and ensuring that the children benefit from the education they avail.63

In Brunei Darussalam, the Government of His Majesty, through the Ministry of Education, is taking on the responsibility of providing the best of both material and non-material learning resources to its people. Moreover, the government is also ensuring the security and safety of all. Aside from the executive branch of government, members of the Legislative Council of Brunei Darussalam and heads of villages are key players in the provision of equal rights for all children.64

In Cambodia, the Law on Education 2007 obligates the State to:

- prepare a comprehensive and unique education system, which includes formal education, non-formal education, and informal education…
- support early childcare and childhood education from the age of zero to before kindergarten, generally provided at childcare centers in communities or at home…
- train educational personnel prior to and/or in service…
- promote the quality of education to satisfy the basic education and professional needs for the careers of the learners to better improve their capacity and to enable the learners to efficiently participate in the development of the country…
- determine a policy on provision of scholarships, subsidies and credits for learners and encourage natural or artificial person which provide scholarships and subsidies for the learners…and
- encourage and promote special education for disabled persons and outstanding learners who are gifted and/or talented.65

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62 Ibid.


64 Jumaat and Malek, “Country Paper on Rights-based Education in Brunei Darussalam.”

In Indonesia, the **Law on National Education System 2003** mandates government to provide “a single national education system and implement compulsory education, at least for basic education, free of cost.” In particular the government and local government have obligations to:

- guide, supervise, assist, and monitor the implementation of education in accordance with the regulations, which are in force;
- provide services and facilities, and ensure the implementation of quality education for every citizen without discrimination; and
- ensure the availability of funds for the implementation of education for every Indonesian citizen from aged seven to fifteen.

Moreover, Indonesian government and local government have responsibilities to finance education and mobilize educational resources, and supervise the development of education personnel in government education institutions.

In Lao PDR, the **Law on the Protection of the Rights and Interests of Children 2007** cites that the State shall “formulate policies on education and build the capacity of children to ensure that children are patriotic and love the nation; pay attention to establish sufficient formal and professional schools, and treatment facilities; promote children to participate in social activities; and create and improve measures to protect children from exploitation, neglect, torture and other abuses.”

For the promotion of education of children, the Lao PDR State should have “policies to promote and create conditions to ensure that children receive education by expanding formal education, professional training centres and skills training centres from both State and private sectors, and by providing sufficient teachers, textbooks and materials, aimed at developing children’s knowledge, abilities, attitudes and talents, in order that children become successors in the mission for the efficient protection and development of the nation.”

Moreover, the State should have “policies on free learning and providing necessary materials, assistance and exemptions of fees to support disadvantaged children, children in remote areas, and children from poor families.” In line with this, the State should promote and create the necessary conditions for the education of children with disabilities and HIV-affected children.

The **Education Act of 1996** of Malaysia states that the Ministry of Education has the duty to provide primary education in government and government-aided primary schools and to provide secondary education in government and government-aided secondary schools.
education in national secondary schools. Moreover, the Ministry of Education should also provide special education in Special Schools.\(^\text{72}\)

Under the **Child Law 1993** of Myanmar, the Ministry of Education has a duty to undertake the following:

- have an objective of implementing the system of free and compulsory primary education;
- carry out measures as may be necessary for regular attendance at schools and the reduction of untimely drop-out rates;
- make arrangements for literacy of children who are unable for various reasons to attend schools opened by the States.\(^\text{73}\)

In the Philippines, the **Governance of Basic Education Act of 2001** specifies the authority, accountability and responsibility of the government for the provision of basic education for all school-age children such as formulation of policies and plans and promulgation of standards as well as monitoring and assessment of learning outcomes.\(^\text{74}\)

In Thailand, the **National Education Act 1999** states that the Ministry of Education, Religion and Culture shall have the following powers and duties:

- overseeing all levels and types of education, religion, art and culture;
- formulation of education policies, plans and standards;
- mobilization of resources for education, religion, art and culture
- monitoring and evaluation of results in the field of education, religion, art, and culture.\(^\text{75}\)

In Timor-Leste, based on the **Education System Framework Law 2008**, the State is responsible in ensuring the “availability of teachers with the necessary training and other human resources, as well as the infrastructures and financial means necessary to guarantee a quality education”. Additionally, “it has a special responsibility to promote the democratization of instruction, guaranteeing the right to a fair and effective equality of opportunity in academic access and success.”\(^\text{76}\)

Moreover, the State of Timor-Leste is responsible for defining general guidelines for pre-school education, primary education, secondary education, specialized artistic education and continuing education. It is also responsible for promoting and supporting special education and promoting the social relevance of out-of-school education. Likewise included in the responsibilities of the State is the “setting up a network of offerings of education and teaching, ordered, in qualitative and quantitative terms, and carried out in the offering of a public service, which covers the needs of the entire population, assuring the existence

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of proper educative projects, developed in the context of autonomy of public, private and cooperative schools, and at the same time offers freedom of educational opportunity for families.\textsuperscript{77}

In Vietnam, the state is responsible for ensuring that children exercise their right to learn; completing the program of general education; and enabling them to study at a higher level. Moreover, the state is expected to ensure that preschool and secondary education institutions have the necessary teachers, facilities, and teaching equipment to deliver quality education.\textsuperscript{78}

Specifically, the Vietnam \textbf{Education Law 2005} stipulated several RBE-related mandates of the State to:

- enable ethnic minority people to learn their spoken and written languages in order to preserve and develop their ethnic cultural identity, helping pupils from ethnic minorities easily absorb knowledge when they study in schools and other educational institutions…

- undertake social equity in education and enable everyone to get access to education…

- give priority in enabling children of ethnic minorities, children of families in areas with special socio-economic difficulties, targeted groups of socially prioritised policies, disabled and handicapped persons and beneficiaries of other social policies to realise their learning rights and obligations…

- make decisions on plans of universal education; shall assure conditions to implement the universalization of education throughout the country…

- play the dominant role in developing the cause of education; carry out the diversification of schooling types and modes of education; encourage, promote and facilitate organisations and individuals to take part in the development of the cause of education…

- give priority to the investment for education, encourage and protect the legal rights and benefits of Vietnamese organisations and individuals, overseas Vietnamese, foreign organisations and individuals to invest in education…

- establish boarding general education schools, semi-boarding general education schools, and pre-university schools for ethnic minority children, and/or children of long-term resident families in areas with extreme socio-economic difficulties to help prepare human resources for these areas…

- give priority in allocating teachers, infrastructure, equipment and budget to specialised schools and schools for gifted students established by the State and give incentives to schools for gifted students established by individuals or organisations…

- establish and encourage organisations and individuals to establish schools and classes for disabled and handicapped people to enable them to restore their functions, to receive education and vocational training and to integrate into the communities…

- elaborate policies to rotate teachers and educational administrators working in areas with extreme socio-economic difficulties, encourage and provide preferential rewards to teachers and educational administrators working in more favourable areas to move into areas with extreme socio-economic difficulties; facilitate teachers in these areas to settle to their work, provide training of ethnic minority languages for teachers and educational administrators working in ethnic minority areas to improve teaching and learning quality…


\textsuperscript{78} Quynh, “Country Paper on Rights-based Education in Vietnam.”
• elaborate policies on granting academic scholarships to pupils with excellent scholastic achievements at specialised schools, schools for gifted students elaborate policies on subsidy and reduction/exemption of tuition for learners from social policy targeted groups, ethnic minorities in areas with extreme socio-economic difficulties, homeless orphans, disabled and handicapped people with economic difficulties, people who overcome their exceptional economic difficulties to gain excellent study results…

• encourage organisations and individuals to grant scholarships or allowances to learners as prescribed by laws…

• give first priority to the allocation of budget for education, ensuring that the increasing proportion of the State budget for education shall be higher than that of the whole State budget.79

**Teachers**

Teachers play an enormous role in realizing quality education for all children. As the duty bearers, they implement national policies on right to education such as making all children feel welcome and included in the learning process, accommodating the diverse needs of children, promoting a respectful environment, and teaching about rights and responsibilities.80

In Brunei Darussalam, teachers are expected to carry out their duties by giving guidance not only in the academic but also in non-academic activities that promote values and respect such as projects for anti-drugs (called A-Team), Young Scientist Award (PRYNSA), National Youth Service Program, Gifted Children, Counseling Programs, Qiadah Camp (during School Holiday), etc. The skills and knowledge learnt are enforced through parents’ guidance.81

In the Philippines, *Batas Pambansa 232 of 1982* specifies the obligations of teachers such as ensuring that the learning objectives are attained, providing reports of students’ performance, and acting as an agent of change in the school and community. Moreover, the education department’s mission states that teachers facilitate learning and constantly nurture every learner.82

In Timor-Leste, the *Education System Framework Law 2008* states that “all educators, teachers, non-teaching personnel of schools and other educational professionals have the right and the duty to continuous relevant instruction for carrying out their respective functions, along with the permanent and continued obligation to self-information and self-learning.83

In Vietnam, the *Education Law 2005* states that “teachers have a duty to:

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81 Jumaat and Malek, “Country Paper on Rights-based Education in Brunei Darussalam.”


• Educate and teach according to educational objectives, principles and curriculum.
• Be exemplary in the fulfilment of civic duties, regulations of law and school charters;
• Maintain moral quality, prestige and honour; respecting learners’ dignity; to treat learners equally; and protect legitimate rights and interests of learners;
• Study continuously to improve moral quality, ethics, professional qualification and being good example for learners;
• Perform other duties as regulated by laws.84

**Educational Institutions /Personnel**

Devolution of education authority from the national level down to the school level has been gaining ground throughout the region and providing positive impetus towards greater rights-based education achievement. In particular, school-based management is empowering school personnel, with support of various duty bearers, to plan and execute actions that address the educational needs of the learners in the locality.85

The education adaptability principle has been operationalized in Indonesia through its school autonomy policy, known as school-based management, which gives schools greater authority in managing the school.86 Thus, schools become more efficient in developing programs that better suit the needs and potential of learners, including the development of the school curriculum. As the curriculum was developed at the school level/educational unit, the students are provided with teaching materials that suit their learning needs.87

In Cambodia, the educational personnel have obligations “to respect the professional code of ethics; to fulfill other duties that are stipulated in valid laws such as Labor Law; and to undertake and develop their work with due high diligence and responsibility.”88 Moreover, schools are required to have a School Improvement Plan that advances the school information system and the school’s response to quality standard needs. In line with this, the country is implementing a program that aims to build the capacity of the members of the School Support Committee on the management of state asset and school administration.89

86 Wirda, “Country Paper on Rights-based Education in Indonesia.”
87 Ibid.
88 Ven, “Country Paper on Rights-based Education in Cambodia.”
89 Ibid.
In the Law on National Education System 2003 of Indonesia, educational personnel are mandated to “carry out administration, organization, development, monitoring, and technical service to support education processes in a unit of education, as well as to plan and implement learning processes, to assess education outcomes, to carry out counselling and training, and to conduct research and community service, especially for higher education institution personnel.” Moreover, educators and education personnel are responsible for the creation of an appropriate education environment, improvement of the quality education, and upholding of the institutional reputation.

In Lao PDR, the Law on the Protection of the Rights and Interests of Children 2007 states that schools and local administrative authorities are responsible for drawing up the plans for, and for arranging, places for children’s activities such as educational, socio-cultural, artistic, literary, sports and recreational.

In the Philippines, the Basic Education Act of 2001 defines the school head as “a person responsible for the administrative and instructional supervision of the school or cluster of schools” and mandates the authority, accountability and responsibility of a school head. Moreover, DepEd’s mission statement stipulates that school administrators and staff function as “stewards of the institution and ensure an enabling and supportive environment for effective learning to happen.”

In Thailand, the National Education Act 1999 specifies the roles of educational institutions and agencies in organizing the learning process as follows:

• provide substance and arrange activities in line with the learners’ interest and aptitudes, bearing in mind individual differences;

• provide training in thinking process, management, how to face various situations, and application of knowledge for obviating and solving problems;

• organize activities for learners, drawing from authentic experience; drill them with practical work for complete mastery; enable learners to think critically, acquire the reading habit, and promote continuous thirst for knowledge

• achieve, in all subjects, a balanced integration of subject matter, integrity, values, and desirable attributes;

• enable instructors to create the ambiance, environment, instructional media, and facilities for learners to learn and be all-round persons, able to benefit from research as part of the learning process.

• enable individuals to learn at all times and in all places. Cooperation with parents, guardians and all parties concerned in the community shall be sought to develop jointly the learners in accord with their potential.


91 Ibid.


94 Masapol, “Country Paper of the Philippines.”

In Vietnam, educational institutions, particularly schools, are mandated to implement a comprehensive education on ethics, intellectual, aesthetic, physical, and vocational education for children, as well as for building partnerships with the family and members of the society for the protection, care and education of children.96

**Learners**

Whereas children’s right to education should be protected and fulfilled by the government and other key sectors in society, children themselves are expected to act on the educational opportunities that are made available to them. As rights bearers, children have an obligation to enroll and stay in school or alternative learning programs, strive to enhance their knowledge and skills through active participation in learning activities, and show respect for teachers, staff and fellow students. Further, schools are encouraged to engage students as active partners in their own learning. Thus it is recommended that MOEs create participatory mechanisms, such as student councils, to engage children as stakeholders and contributors to education policy and program development and in monitoring and evaluating the education system.97

In Cambodia, specific provisions on the obligations of learners are cited as follows:

- Respect regulations of the educational institutions and the gender equity by exercising their rights with the spirit of responsibility and the respect for other persons’ rights; and
- Exert their best efforts to learn in order to develop their knowledge, skills, capacity, mentality and dignity.98

In Indonesia, the Law on National Education System 2003 states that learners have an obligation to abide by educational norms to ensure the process and success of education; take part in the implementation of education by paying prescribed fee, except for learners who are exempted from the said obligation in accordance with the regulations in force.99

In the Law on the Protection of the Rights and Interests of Children of Lao PDR 2007, learners have the responsibility “to study diligently and achieve at least primary education, and to strictly observe school rules.”100

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98 Ven, “Country Paper on Rights-based Education in Cambodia.”
The **Child Law of Myanmar 1993** cites the duties of a child in relation to one's education are to obey the instruction of teachers and pursue education peacefully; and to abide by the school discipline, work discipline and community discipline.\(^{101}\)

In the Philippines, **Batas Pambansa 232 of 1982** states the duties and responsibility of students “to develop his potentialities for service, particularly by undergoing an education suited to his abilities, in order that he may become an asset to his family and to society.”\(^{102}\)

In Vietnam, the **Education Law 2005** states that "learners have the duty to:

- perform learning and training tasks according to the educational programmes and plans of schools or other educational institutions;
- respect teachers, staff of the school and of other educational institutions; to maintain solidarity and mutual support in learning and training, to comply with State's laws and conform to school regulations and charters;
- participate in working and social activities, environmental protection activities appropriate to their age group, health and ability;
- preserve and protect properties of the school and of other educational institutions;
- contribute to building, protection and development of the tradition of the school and of other educational institutions."\(^{103}\)

**Parents and Guardians**

From acting as the initial teachers to their children, parents have a moral duty, and in some countries, a legal obligation, to ensure the education of their children by sending children to school and guiding them through the entire education cycle and process.

In the Philippines, parents have a duty to assist in the attainment of educational objectives, enable their children to obtain education, and cooperate with the school in the implementation of school programs.\(^{104}\) Moreover, through DepEd Order 54, s. 2009, the Parents-Teachers Associations (PTAs) are recognized as a support group and a valuable partner of the school in the implementation of education programs.\(^{105}\)

In Cambodia, parents or guardians of minor children, who are dependent, shall have the following obligations:

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• To take the children, whose age is six years or at least 70 months, to enroll in Grade 1 of the general education program at schools that have proper educational certificates;

• To try their best to support the studies of the learners, especially for their basic education; and

• To keep the relationship between school family and community to participate in vocational education and reform the educational environment.106

In Indonesia, Law on National Education System 2003 states that parents have an obligation to ensure that their children obtain basic education.107

In Brunei Darussalam, the requirement for every school to establish a Parent-Teacher Association (PTA) resulted in innovations in monitoring the progress of children and motivating children at home. To sustain and enrich the gains of the PTA, Parents-Teachers Meeting is conducted every end of school term.108

In Lao PDR, the Law on the Protection of the Rights and Interests of Children 2007 states that parents and guardians have the following responsibilities in relation to the education of their children:

• “To encourage, promote, create conditions and facilitate [their] children to complete at least primary education;

• To educate [their] children to be good members of the family and society and to be successors in undertaking the mission of the nation.”109

In the Education Act of Malaysia 1996, “every parent who is a Malaysian citizen residing in Malaysia shall ensure that if his child has attained the age of six years on the first day of January of the current school year, that child is enrolled as a pupil in a primary school in that year and remains a pupil in a primary school for the duration of the compulsory education.”110

In Myanmar, the Child Law 1993 states that parents, teachers and guardians shall give guidance to ensure that the children abide by ethics and discipline.111

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In Thailand, “parents or guardians shall arrange for their children or those under their care to receive compulsory education.”

In Vietnam, the Education Law 2005 cites that the parents or guardians shall be responsible for nurturing, caring and facilitating their children or persons under their guardianship in learning, training and participation in school activities, and all family members shall be responsible for creation of a cultural family and a favorable environment for comprehensively moral, intellectual, physical and aesthetic development of their children; adults are responsible for educating, setting examples, and working with schools to improve quality and efficiency of education.

Local NGOs and Private Entities

Non-Governmental Organizations (NGOs) as well as the private sector have enormous contributions towards the realization of children’s right to education, one as an education service provider and the other as advocates that promote RBE.

NGOs and private entities in Brunei Darussalam play an important role in developing partnerships and working with MOE and local groups to help support schools and communities for the effective implementation of education policies and programs. For instance, private organizations such as the Liquefied National Gas Ltd Co allocate a certain amount of fund annually for Social Responsibility Committee. Other organizations such as the Bank Islamic of Brunei Darussalam (BIBD), in partnership with the Ministry of Education, implemented the BIBD-Advocating Life-Long Learning for An Aspiring Future (BIBD-ALAF) Program that provides opportunities to underprivileged students, enabling them to have a better education through a systematic sponsorship program scheme benefiting 65 pre-university, secondary, primary and religious schools in 2013.

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114 UNESCO and UNICEF, A Human Rights-Based Approach to Education, p. 97
115 Jumaat and Malek, “Country Paper of Brunei Darussalam.”
116 Ibid.
In Cambodia, the NGOs and civil societies empower citizens to claim their rights, and to advocate for enhanced delivery through the implementation of programs and projects responding to educational challenges that have no or little intervention. For instance, Kampuchean for Action in Primary Education (KAPE), the largest local NGO serving the education sector is implementing the Beacon School initiative (BSI) project that aims to create new generation schools out of selected state schools.\textsuperscript{117,118}

In Indonesia, individuals, groups, families, professional associations, private companies, and community organizations should be involved in community initiatives to implement and provide quality control to educational services.\textsuperscript{119}

In the Philippines, partnership between the private sector and the education sector is contained in the Republic Act 8525 or the \textbf{Adopt-A-School Act of 1998}. The law encourages the private sector to provide support to education in such areas as the construction of classrooms, provisions of learning and technology support, and reading and health/nutrition programs, among others. In return, the private sector becomes entitled to tax incentives and can improve their image.\textsuperscript{120}

Moreover, the Philippine education sector is not only the business of the government, but also of civil society organizations, as may be gleaned from the composition of the National EFA Committee. The Committee is chaired by the DepEd and co-chaired by the Philippine Education Network or E-Net, a network of 150 civil society organizations in the Philippines working towards effecting positive changes in education.\textsuperscript{121}

\textbf{Local Government}

In the study on the \textit{Decentralization of Educational Management in Southeast Asia}, there is evidence that national governments are increasingly transferring administrative tasks and financial regulation from central level to local level of government (SEAMEO INNOTECH 2012).\textsuperscript{122} Indonesia, for instance, has given

\begin{itemize}
\item \textsuperscript{117} Ven, “Country Paper on Rights-based Education in Cambodia.”
\item \textsuperscript{118} Kampuchean Action for Primary Education (KAPE), “What We Do,” http://kapekhh.org/?p=whatwedo&id=4&l=English#shash.hUpYXyVj.dpuf
\item \textsuperscript{120} Philippine Department of Education, “Adopt-a-School Program Kit,” https://issuu.com/deped.philippines/docs/adopt-a-school_program_kit.
\end{itemize}
its local government more authority over the implementation of educational programs to make them more responsive to the needs of the learners in the locality.\textsuperscript{123}

On the other hand, in the Philippines, school-based management was institutionalized and local government’s participation in school improvement planning and implementation is enjoined.\textsuperscript{124} Moreover, the Philippines’ Republic Act 5447 created the Special Education Fund (SEF) for local government. The SEF can be used for the construction of school buildings, payment of teachers’ salaries, purchase of teaching and learning resources, and scholarship grants to poor but deserving students. According to a study conducted by World Bank in 2013, 6 percent of education financing was sourced from local government support to education.\textsuperscript{125}

Members of the Community

In communities where the members are involved in the education of the children, an environment that is facilitative to rights-based education is being created.\textsuperscript{126}

In Indonesia, the community is obliged to provide support by supplying resources needed in the implementation of education.\textsuperscript{127}

In the Philippines, parents and community are encouraged to engage and share the responsibility of developing lifelong learners as stated in the DepEd mission statement.\textsuperscript{128} This kind of community involvement is demonstrated during the annual \textit{Brigada Eskwela}, which mobilizes teachers, parents, and community members, along with private institutions and individuals and even LGUs to prepare public schools for the school opening.\textsuperscript{129} Moreover, in the Philippines, members of the community form part of the bottom-up budgeting through Local Poverty Reduction Action Planning (LPRAT) in every municipality in the country, as an effort to ensure that local needs of every school are addressed.

According to the Education Law of Vietnam, the State and the community must work towards increasing the poor’s access to education and the development of the gifted.\textsuperscript{130}

\begin{itemize}
\item \textsuperscript{123} Ibid.
\item \textsuperscript{124} Masapol, “Country Paper on Rights-based Education in the Philippines.”
\item \textsuperscript{126} UNESCO and UNICEF, \textit{A Human Rights-Based Approach to Education}. p. 91.
\item \textsuperscript{128} Masapol, “Country Paper on Rights-based Education in the Philippines.”
\item \textsuperscript{129} National Education for All Committee, \textit{Philippine Education for All 2015 Plan of Action: An Assessment of Progress Made in Achieving the EFA Goals}.
\end{itemize}
International Development Agencies and Partner Organizations

In the developing countries, the international community is expected to play a role in the realization of the right to education, specifically in supporting individual and organizational capacity-building programs.131

In Cambodia, several development partners have been providing financial and technical assistance for the development of the education sector. For instance, the Global Partnership for Education (GPE) provides assistance in developing programs; Swedish International Development Agency (Sida) provides school improvement grant to every school; European Union (EU) provides funds to increase the school operating budget; the World Food Program (WFP) continues to support school feeding program; and a multi-donor cooperation implements the Capacity Development Partnership Funds that build capacity at all levels.132

In Myanmar, the government works with UNESCO on projects that reflect the importance of education. Currently, UNESCO and the government of Myanmar, in collaboration with donors and implementing partners, have plans to implement a variety of peace education programmes in Myanmar.133

In the Philippines, several international organizations have been actively providing support to the education sector through implementation of projects and programs such as the Australian government’s Basic Education Sector Transformation (BEST) and Basic Education Assistance for Mindanao (BEAM) ARMM projects, the USAID-Mindanao Youth for Development (MYDev) project, and the Asian Development Bank’s Senior High School Support Program. In addition, the World Bank has been providing assistance through Learning Equity, Accountability Program Support which includes, as one of its components, the improvement of programs targeting disadvantaged groups. UNICEF is also playing a significant role in the education, particularly in promoting and modeling Child-Friendly School approaches, supporting education in emergencies, and strengthening Kindergarten Program in public schools and in conflict-affected Muslim areas of the country.

International development organizations are active in other countries as well, e.g., ADB in Lao PDR, and World Bank and USAID in Timor-Leste.

133 Bu, “Country Paper on Rights-based Education in Myanmar.”
Mobilization of Duty Bearers

Mobilization of the members of the community and other education stakeholders in the Philippines takes place during the Brigada-Eskwela, a nationwide schools-maintenance program that engages the stakeholders to contribute their time, effort and resources in ensuring that all public schools are physically ready for the school opening. It is a week-long event where communities, parents, alumni, civic groups, local businesses, non-government organizations and private individuals, including teacher and student volunteers, devote their time and skills to do repairs and maintenance work in public schools.

Vietnam supports education allies and networks at all levels (local to international) to develop alternative models of promoting rights in schools (PRS), teacher-training, and curriculum development as well as to improve financing for education, so that education contributes to wider social, economic and ecological justice.

Vietnam establishes linkages among local, national, and international movements of school management; teachers; parents; and community to reform policies and practices to realize the potential of education to promote a more equal and sustainable world.

SYNTHESIS

Several countries in the region have laws that specify the duties and obligations of various duty bearers such as Cambodia’s Education Law, Indonesia’s Law on National Education System, and Philippine’s Education Act of 1982.

Other countries identify the roles that various duty bearers play in the education sector. For instance, Brunei Darussalam laws mandate government to provide necessary education resources, and enjoin teachers to provide academic and extra-curricular services, and private organizations and NGOs to actively engage in the education of marginalized learners.

Generally, duty bearers are either mandated to work towards the provision of educational services directly and indirectly, or play significant roles in the education of the population or of specific marginalized groups. The duties common to duty bearers across region are consolidated below:

- National Government
  - Establish the system of regulation
  - Set regulations and standards in the provision of education

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134 Masapol, “Country Paper of the Philippines.”
135 Quynh, “Country Paper of Vietnam.”
○ Formulate policies for the education of all, and for serving the educational needs of disadvantaged learners

○ Provide educational and training programs for, as well as, supervision of teachers and educational personnel

○ Provide financial, technical, and human resources to support basic education service provision

• Teachers

○ Facilitate the learning process

○ Nurture and guide the learners

○ Continuously improve themselves

○ Serve as model for learners and the members of the community

• Educational institution/personnel

○ Uphold professional and institutional standards

○ Plan and implement school improvement with other duty bearers

○ Ensure that teachers and duty bearers are capacitated and supervised in the performance of their duties.

• Learners

○ Attend school regularly

○ Abide by school rules and regulations

○ Strive to learn and develop oneself

• Parents and guardians

○ Enroll the children in school at the appropriate age level

○ Support the education of their children to ensure the completion of their education

○ Coordinate/work with the school for the provision of education services and/or implementation of educational policies and programs

• Local NGOs and private groups

○ Provide support to schools

• Local Government

○ Implement local educational programs

○ Provide additional resources and support to schools
- Provide scholarships and other financial support to poor and marginalized students
  - Members of the community
    - Participate in and support school activities
  - International development agencies and partner organizations
    - Provide assistance/support to government in the development/implementaton of educational programs
In determining the extent to which the right to education is being implemented in SEAMEO member-countries, the framework developed by Tomasevski (2004) was used. The following are the four domains of this framework:

- **Available** education means ensuring free and compulsory education for all children.
- **Accessibility** means prioritizing the elimination of discrimination as international human rights law mandates.
- **Acceptability** refers to the current focus on the quality of education, which is addressed by summarizing those human rights standards which should apply to the processes of teaching and learning.
- **Adaptability** emphasizes the key principle of child rights, namely that education should respond and adapt to the best interests of each child.

In addition to providing country report of rights-based education, country delegates responded to a survey (in Annex B) on the 4A framework (availability, accessibility, acceptability, and adaptability) that looked into how each country’s government is progressing in terms of rights-based education. The following scale was used to rate progress in each indicator:

- 5—legislations/policies and programs and projects are fully in place and are successfully implemented; indicates a well implemented policy or program;
- 4—legislations/policies and programs and projects are fully developed but have not been fully implemented; indicates that a policy or program is in place but has yet to be fully implemented;
- 3—legislations/policies and programs and projects are in the process of being developed; indicates that a policy or program is being formulated;
To assess how countries fared in each indicator, the scores provided by the respondents from the nine countries were averaged/computed. It is worth noting that none of the items received a mean score below 3, indicating progress of RBE in the region.

In terms of making education available, surveyed countries are doing well in terms of guaranteeing free (4.4) and compulsory (4.2) education and least on ensuring that education budget is pegged on the ideal amount (3.9).

In making education accessible, governments have been successful in terms of adhering to international treaties on human rights (4.7) as well as promoting gender parity on access to education (4.7); however, very little has been done on creating a monitoring system (4.0) or on disaggregating data (3.9) that will ensure evidence-based policy-formulation, education planning and budgeting.

The acceptability of education is also a priority, based on the high ratings countries received in the areas of alignment of the curriculum with human rights requirements (4.6), establishing child-friendly schools (4.4), and including parents in the education of the children (4.4). Countries, however, obtained relatively low scores in terms of, making policy-making participatory to children (3.4), teacher-training on human rights (3.6), and ensuring the protection of the teachers, e.g., appropriate compensation (3.9), training and professional development (4.1), and welfare (4.0).

In terms of working on the adaptability of education, countries scored well in gender mainstreaming (4.7), education programs to address gender disparities (4.6), CWDs mainstreaming (4.6), and education programs for CWDs (4.5). On the other hand, there is a room for improvement in the area of providing flexible learning options for children in special circumstances (4.0) and in providing policies to combat child labor (4.1) and child marriage (4.1).

Note that while education budget and monitoring mechanism cut across 4As, they are treated here as indicators of one of the 4As. For instance, budget is one of the indicators under availability of education because it is crucial in ensuring provision of free and compulsory education. Monitoring mechanism falls under accessibility because it is critical in identifying disadvantaged and marginalized children in education and ensuring their access to educational services.
availability of education

Making education available refers to the government’s obligation to ensure that education is free and compulsory for all children in the country within a determined age range, up to at least the minimum age of employment. It also means that parents have parental freedom to choose education for their children, observing the principle of the best interests of the child.136

Free and Compulsory Education

The most evident sign that the government is fulfilling its obligation to provide education is the policy to make basic education free and compulsory, at least at elementary and fundamental stages.137 Under the 2014 Global Education for All Meeting (GEM) Final Statement in May 2014 or the Muscat Agreement, the proposed length is nine years of free and compulsory education for all (completion with relevant learning outcomes) by 2030.138

According to the survey of nine of the Southeast Asian countries, the constitutional guarantee on free and compulsory education is fully in place and being implemented in Cambodia, Lao PDR, Malaysia, Philippines, and Thailand. Primary education is free in all Southeast Asian countries while secondary education is free in Brunei Darussalam, Cambodia, Indonesia, Malaysia, Philippines, and Thailand. Note, however, that the length of free basic education varies. In Timor-Leste, for example, free primary education lasts for nine years.139 In Indonesia, free basic education ranges from primary to lower secondary level only.140 In Lao PDR, secondary education is legally free of charge but schools are allowed to collect fees.141

All countries in the region have a provision on compulsory education but the length of time that citizens are compelled to attend school varies. Currently, all countries comply with the ideal that education at elementary level is compulsory. As part of the K to 12 reform program, the Philippines has specified that the length of compulsory basic education is 12 years (plus one year of kindergarten), the longest in the region. Four other countries, namely Brunei Darussalam, Indonesia, Thailand, and Vietnam are already compliant with the proposed 9-year compulsory education under the Muscat Agreement 2014.

The Muscat Agreement recommends one year of free and compulsory pre-primary education. There are countries in the region where basic education starts at preschool. Brunei Darussalam includes preschool in its 12-Year Education Policy. The Philippines, when it enacted the Kindergarten Act of 2012,


137 Ibid.


institutionalized one year of kindergarten as part of basic education. Moreover, the Act made preschool for five-year-old Filipinos mandatory and a precondition for entrance to Grade 1. In Vietnam, the Education Law requires the integration of early childhood education in the National Education System aimed at nurturing, caring, and educating children from three months to six years of age.

**Availability and Accessibility of Pre-School Development Program**

Dr. Jose Rizal Elementary School (DJRES) is a model of best practice in promoting availability and access to preschool education in the Philippines.

The door leading to *Silid-Pangarap* (Dream Room) bears a welcome sign that symbolizes DJRES’ commitment to providing access to kindergarten for all preschool-age children in the community.

The school found a partner in its bid to provide all five-year-old children the right to education: the AGAPP Foundation. AGAPP stands for *Aklat, Gagay, Aruga, tungo sa Pag-angat at Pag-Asa* (Books, Guidance, Care towards Development and Hope). With the aim of supporting the literacy development and providing early childhood care and development (ECCD) services for children aged five, AGAPP Foundation built the school’s *Silid-Pangarap* that serves as a library-cum-preschool classroom. With everything being provided, from a well-furnished reading corner, to wash area, to educational toys and school supplies, this *Silid-Pangarap* is considered a model kindergarten room.

Inside the *Silid-Pangarap*, Kindergarten teacher Ms. Cecil Cabiles conducts developmentally appropriate activities for 26 preschoolers—they create art, sing, dance, recite, play, wash hands, and eat snacks. Among the children are the poorest of the poor and children with special needs. They were provided with ECCD services through the support of the AGAPP Foundation and through the endeavor of DJRES to fulfill their shared mission of providing basic educational services that are accessible to all.

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Education Budget

The Muscat Agreement as well as the Asia-Pacific Regional Education Conference (APREC 2014) recommend an education budget that is around 4-6 percent of GDP. Among the countries in the region surveyed, only Malaysia, Thailand, and Vietnam reached the desired public spending for education. Having sufficient budget for education allows the government to provide free education and compel its citizens to avail of education.

The Constitution mandates the Indonesian government to allocate 20 percent of the state budget to education. In the Philippines, the Constitution mandates the State to apportion the highest budgetary allocation to education. In Vietnam, Education Law 2005 demands that education get priority investment from the State.

In an effort to make education available in Myanmar, the education budget has tripled since 2010. With the budget increase, teachers’ salaries increased and more than five million primary students were provided with free text books and exercise books and some funding for stationery. Aside from these expenses, students were given stipend and schools were given grants that enable schools to deliver appropriate inputs, to address equity issues, and support a decentralization agenda.144

Providing universal access to education has always been a fundamental objective of Brunei Darussalam’s education policy. For instance, through Compulsory Education Order 2007, Brunei Darussalam offers

144 Bu, “Country Paper on Rights-based Education in Myanmar.”
free education for its citizens in all levels of education in government schools while non-citizens only pay very minimal fees per year. Aside from free education, the government ensures all resources like textbooks, computers, science instruments, and equipment for sports, extra-curricular activities, etc. are readily available for use of students in the government schools.145

**Figure 3: GDP Portion of the Education budget, per Country, in Percentage**

Countries that fail to raise their education budget to the ideal level run the risk of failing to fulfill their obligation of ensuring the availability of education through free education.

In addition to having sufficient budget to operationalize the right to education for all, it is necessary to institute a financial management program that will capacitate education officials and personnel in the areas of budgeting, spending, and auditing, thereby contributing to RBE goals of the country.

For instance, Cambodia is implementing the Educational Financial Management and Financing Reform Program that builds and strengthens the capacity of the education personnel involved in the budgeting and financing process. Through this program, a strong linkage between education resource and results is expected.146

The Philippines is pursuing a Public Expenditure Management Improvement initiative which builds on ongoing reforms in budgeting systems and processes, especially on three important expenditure outcomes: maintaining fiscal discipline; facilitating strategic prioritization at the oversight level; and enhancing the implementation efficiency of line agencies. In addition, the World Bank and the Australian

146 Ven, “Country Paper on Rights-based Education in Cambodia.”
Government supported the conduct of a Public Expenditure Review to assist the Department of Education (DepEd) in setting policy priorities and in making decisions on resource allocation, utilization, and management.

**Parental Freedom of Choice of Education for their Children**

Part of making education available entails giving parents the freedom to choose the school and the type of education for their children.

Although Brunei Darussalam has no existing policies yet on providing freedom of choice regarding the education of their children, a variety of options are available to parents such as private education institutions or schools with certain monthly fees.\(^{147}\) The MOE ensures that private education institutions and other educational institutions are viable options by ensuring that they follow MOE’s standardized curriculum and employ quality teachers.\(^{148}\) In addition, government civil servants receive financial assistance as a form of education allowance for their children.\(^{149}\)

The government of Myanmar demonstrates its respect for parental freedom to choose the education by enacting the private school registration law and by developing rules and regulations in coordination with concerned departments.\(^{150}\)

In a few countries, there are programs that aim to empower the parents so that they can facilitate their children’s access to education. For instance, in Cambodia, mothers of children in home-based early childhood education programs are being provided with training, equipment, and other support.\(^{151}\)

In the Philippines, financial assistance is provided by the government to elementary public school graduates who pursue their junior high school in a private school through an education service contracting scheme.\(^{152}\) Moreover, the government provides assistance through a voucher system, which provides students with full or partial tuition subsidy that allows them to enroll in eligible private educational institutions or non-DepEd public schools of their choice.\(^{153}\)

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147 Jumaat and Malek, “Country Paper on Rights-based Education in Brunei Darussalam.”

148 Ibid.

149 Ibid.

150 Bu, “Country Paper on Rights-based Education in Myanmar.”

151 Ven, “Country Paper on Rights-based Education in Cambodia.”

152 Philippine DepEd Order No. 6, s. 2015, “Policies and Guidelines on the Implementation of the Government Assistance to Students and Teachers in Private Education (GASTPE) Program Effective School Year (SY) 2015-2016.”

Construction and Opening of Schools

Availability of school facilities is the most visible sign of availability of education. Programs that aim to construct school buildings and classrooms make education available to children.

In Cambodia, there is a large infrastructure development program that facilitated the construction of complete primary schools as well as the construction of new lower and upper secondary schools.\textsuperscript{154} School building construction projects in Cambodia were implemented with the support of various NGOs and development organization such as World Bank and the Asian Development Bank.

Lao PDR’s Community-Based Contracting for School Construction (CBC) provides funding support to villages that are responsible for the overall management of the construction of a village-school.\textsuperscript{155} Through this project, “funding (USD 21.5 million: 12.1 FTI-CF; 9.4 million AusAID) was made available for 56 target districts that fall under the following classifications: a) school is an incomplete school; b) school offers all grades but is in precarious condition and needs replacement; c) school needs an additional preschool classroom; d) school needs rehabilitation; e) does not require the school building to be replaced or rehabilitated but requires sanitation facilities to be constructed or rehabilitated and water supply provided.”\textsuperscript{156}

In the Philippines, the School Building Program constructs, rehabilitates, replaces, completes, and repairs kindergarten, elementary and secondary school buildings, as well as constructs water and sanitation facilities, and acquires school desks, furniture, fixtures and equipment for instructional purposes.\textsuperscript{157} From 2010 to February 2014, 66,813 classrooms were constructed as part of the government’s effort to eliminate backlogs in education.\textsuperscript{158} Local governments in the Philippines likewise contribute in the repair and construction of school buildings through the Special Education Fund, from one percent of real estate tax collection.\textsuperscript{159}

There are also school construction programs that target the underserved areas.

In Brunei Darussalam, \textit{Education Order 2003} and \textit{Education Act 2011}, as well as the National Education Policy give all school-age children the opportunity to attend and complete primary and secondary
Apart from this, Brunei Darussalam opened more government-subsidized adult education centers to present more options to those wanting to pursue their academic and life-skills.\footnote{Jumaat and Malek, “Country Paper on Rights-based Education in Brunei Darussalam.”}

In Myanmar, more schools were opened in remote, border and mountainous areas. Since 1989, the number of basic education schools in border areas has been increasing annually. Other types of schools are made available as well, such as monastic schools and mobile schools, especially in remote areas; and voluntary night schools.\footnote{Ibid.}

In Vietnam, the \textit{Education Law (2005)} identified types of schools that should be established. One is boarding schools for ethnic minority and for those in difficult economic situation; specialized schools; schools for persons with disabilities; and re-education school for the juvenile offenders.\footnote{Bu, “Country Paper on Rights-based Education in Myanmar.”}
ACCESSIBILITY OF EDUCATION

Making education accessible refers to government’s obligation to remove discrimination on account of race, color, sex, language, religion, opinion, origin, economic status, birth, social status, minority or indigenous status, disability.\(^{163}\)

The first step towards the realization of the universal right to education as well as fulfilling the obligation to provide education to all children is to prohibit the denial of education to a child.\(^ {164}\) Several international human rights treaties provide key provisions on non-discrimination of education.\(^ {165}\) All SEAMEO member-countries are States Parties to two of these international treaties, the Discrimination against Women and Convention on the Rights of the Child.\(^ {166}\)

Figure 4: Net Enrollment (Participation) Rate per Country, 2012, in Percentage

Source: Scoping Study into Southeast Asian Rights-Based Education Survey, 2014 and Statistical Yearbook for Asia and the Pacific, 2014 (specifically for Thailand and Vietnam)

Note: Brunei Darussalam’s primary enrollment data is for 2011 and Thailand’s primary enrollment data is for 2009. Lao PDR’s secondary level enrollment data is for lower secondary; its enrollment rate for upper secondary is 34.7 percent.

\(^{163}\) Tomasevski, Manual on Rights-Based Education: Global Human Rights Requirements Made Simple.

\(^{164}\) Ibid.

\(^{165}\) Ibid.

An indicator of the accessibility of education is the universalization of primary school, as represented by the Net Enrollment Rate (NER) or Participation Rate. At least at the primary level, SEA countries are fulfilling their citizens’ right to education, as indicated by their NER. The pursuit of EFA and MDG goals on universal primary education has helped increase the participation rate among elementary pupils in the region.

**Gender Parity in Education**

Goal 5 of Education for All 2015 seeks the elimination of gender disparities in primary and secondary education by 2005, and achievement of gender equality in education by 2015. UNESCO and UNICEF reports that significant progress has been achieved in the area of gender parity, particularly in primary education. Girls, however, remained at a disadvantage in transition rates from primary to secondary education and enrollment rates in secondary education in Lao PDR; and enrollment in secondary education in Cambodia. On the other hand, boys are at a disadvantage in pre-primary enrollment in Cambodia, Lao PDR, Malaysia and Timor-Leste, in secondary enrollment in Malaysia, Philippines and Thailand, and in the transition from primary to secondary in Singapore and Thailand.

Ideally, boy- and girl-students should have equal educational opportunities. This is the case in Brunei Darussalam where there is gender parity in the gross enrollment rates of boys and girls in pre-primary, primary, and secondary education. In its higher education, the proportion of female tertiary education graduates is higher than that of male, with the exception of engineering population.

Vietnam is working on the establishment of non-discriminatory learning environment where the rights of girls and boys are equally respected and where the values of equality and justice are cultivated.

Cambodia has included in its vision the removal of gender disparity in primary and secondary education. In its bid to improve its response to gender discrimination, it is implementing a number of programs such as gender mainstreaming training, scholarship program for girls, and promotion of the participation of female students in education and women in decision-making process.

The Philippines is implementing the Gender and Development (GAD) program in all government agencies, including the Department of Education. In relation to this, a joint memorandum circular was issued by the Philippine Commission on Women, the Department of the Interior and Local Government and the National Economic and Development Authority to mainstream gender perspectives in local

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167 NER is the ratio of the enrollment for the age group corresponding to the official school age in the elementary/secondary level to the population of the same age group in a given year.


171 Ven, “Country Paper on Rights-based Education in Cambodia.”

planning, programming and budgeting. The DepEd, in particular, issued DepEd Order 27 s. 2013 that set up a GAD Focal Point System that serves as an institutional mechanism to ensure gender mainstreaming from the Central Office to the division offices and school levels.

**Access to Education of Children with Special Needs**

Children with disabilities are among the groups that often face discrimination in education. Several countries have established special schools and special education programs to address this.

The Brunei Darussalam’s Ministry of Education has embarked on the Building of Improvement of School and Infrastructure (BISAI) project that aims to upgrade, improve and modernize the design of government schools to make the environment more conducive to teaching and learning and to improve their accessibility to students with special education needs. Non-government organizations also contribute in serving the needs of special and disabled children and adults, i.e., the Society for the Management of Autistic Related Issues in Training, Education and Resources (SMARTER); Pusat Ehsan, a non-government and non-profit organization committed to provide quality education and rehabilitation services for physically and intellectually challenged individuals; and KACA Brunei (Brunei Association of KACA or the Centre for Children with Special Needs), among others.

In Lao PDR, government is mandated to build schools for those with serious disabilities and offer them scholarships. The state is likewise accountable for mobilizing and encouraging the private sectors and CSOs to invest in special education schools.

Malaysia offers Special Educational Needs (SEN) programs for children with special needs through the 1) Special Education School (SES) for students with hearing or visual disabilities; 2) Special Education Integrated Program (SEIP) with special classes dedicated to SEN in regular schools; and 3) Inclusive Education Programs (IEP) where SEN students are integrated into mainstream classes.

Through Thailand’s Special Education Program, learners who are physically, mentally, psychologically, and emotionally impaired are provided with appropriate learning opportunities. There are 46 specific disability schools and 77 disability special education province centers.

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174 Ibid.

175 Jumaat and Malek, “Country Paper on Rights-based Education in Brunei Darussalam.”

176 Ibid.

177 Sibounheuang, “Country Paper on Rights-based Education in Lao PDR.”


Myanmar implements the Inclusive Education Program enabling the following to complete basic education:

- children with mental/physical handicap,
- children who are deficient in sight and hearing,
- children who have difficulty attending school; and are members of socially excluded families, and
- children who dropped out before completion of primary education.

These children are accepted in Basic Education Schools or learning circles under the Non-formal Education Program.180

In the Philippines, the special education (SPED) program was institutionalized through DepEd Order 26, s. 1997. The policy facilitated the establishment of SPED Centers that cater to children with special needs. It likewise adopted the inclusive education concept to the different types of SPED programs that suit the specific needs of the learners.

Access to Education by Children with Special Needs181

Education is a right of all, including children with disabilities. This is the perspective with which Dr. Jose Rizal Elementary School (DJRES) views its mission as education service provider in the Philippines.

As part of its support for pupils with special needs, the school has a SPED Center that provides free physical therapy, occupational therapy, and speech therapy, and prepares and supports the child towards mainstreaming into regular classes.

The school adheres to the principle of inclusive education; that is, accepting children with special needs into regular class, and making adjustments in the curricular organization and the teaching and learning process to make sure that education caters to the learning needs of differently-abled pupils.

Teachers play a significant role in the inclusion of children with disabilities. They view each child as capable of learning and realize that children with special needs must be given special treatment without making them feel less normal. To serve these children, teachers make an effort to get to know the child, particularly


the areas where they most need assistance. Then, teachers learn how to adapt their teaching styles to suit the learners with special needs. They use a variety of teaching materials and technologies. Dedicated teachers conduct after class conferences with any child who needs remediation and with the parent who needs to be updated on the progress of his/her child. Moreover, teachers cater not only to the academic needs of the children but also to their emotional needs, providing them with needed attention and affection.

Parents of special needs children who are enrolled in DJRES have expressed their satisfaction with the way their children have progressed. They particularly commended the school for its role in helping make their children become friendlier and more socially active. On the other hand, regular pupils who study alongside children with special needs learn how to treat others with respect, resulting in elimination of bullying in the school. Moreover, regular pupils become inspired by children with special needs particularly with how they manage and cope well with their school work.

Aside from establishing special schools to accommodate learners with special needs, many countries in the region have interventions to mainstream children with disabilities.

The implementation of Inclusive Education in 1997 in Brunei Darussalam has enabled children with diverse needs to learn together with their peers in the regular classrooms. To support children with special learning needs, special daily one-on-one tutorials were also instituted.182

In Lao PDR, the government is responsible for facilitating the enrollment of children with light disabilities in local schools.183

Inclusive education in Myanmar is one of the rights-based approaches to education and it means that all students, including those with disabilities and other special needs, can be educated in regular classrooms with their age peers in community schools.184

The Philippines offers education programs for children with special needs by placing them in a regular class under a regular teacher with/or a SPED-trained teacher.185

The Thailand Ministry of Education has a policy to provide equipment and technical assistance to special schools or classes for the blind, hard of hearing, and those whose disabilities do not allow them to be enrolled in a regular school.186

183 Sibounheuang, “Country Paper on Rights-based Education in Lao PDR.”
184 Bu, “Country Paper on Rights-based Education in Myanmar.”
Three forms of education for Children with Disabilities (CWDs) are currently practiced in Vietnam: 1) education in specialized schools that mostly cater to the hearing and visually impaired, 2) integrated education that consists of community-based day classes, volunteer groups, ethnic classes, charity classes, and 3) inclusive education where CWDs attend regular school.187

**Unconventional School/Classes to Reach the Other Unreached Children**

Guaranteeing education access for all requires some innovative strategies such as establishing unconventional schools and programs as exemplified by Malaysia, Myanmar, Cambodia and the Philippines.

**Malaysia’s Innovative Programs for Marginalized Children**188

One of Malaysia’s innovative programs for reaching marginalized children is the **School in Hospital (SIH)** program for children with health conditions. In line with the principle of Education for All, the MoE, Ministry of Health (MoH) and Nurul Yaqeen Foundation (YNY) collaborate to provide educational services for all school-going students who are hospitalised or receiving treatment for more than three days. SIH enables students to continue their education through fun, engaging and flexible delivery of modified National Curriculum facilitated by trained teachers from MoE and volunteers from non-governmental organisations co-ordinated by YNY.

Another unconventional education program being implemented in Malaysia is the **Integrity Schools (IS) and Henry Gurney Schools (HGS)** which cater to children in conflict with the law. The government, through MoE in collaboration with the Prison Department of Malaysia (PDM), set up IS and HGS to provide young prisoners and juvenile offenders access to education that has the same standard as regular schools and that will prepare them for central public examinations. MOE is responsible for the provision of trained teachers, textbooks and teaching aids. There are counsellors that provide the IS and HGS learners with motivational support and a career development program.

Catering to the educational needs of the street and abandoned children aged 5 to 18 in Malaysia is the aim of the program locally known as **Sekolah Bimbingan Jalinan Kasih (SBJK)**. Through collaboration among the MoE, Social Welfare Department, National Security Council and NGOs such as Nur Salam Foundation and Chow Kit Foundation, SBJK opened in the Chow Kit area in Kuala Lumpur in August 2013, providing basic skills training such as reading, writing and mathematics. The school offers a modified National Curriculum blended with vocational elements, and is run by trained teachers, supported by counsellors who provide guidance and counselling sessions. SBJK serves children who are constrained from accessing education due to poverty, unhealthy social life, family issues, and lack of legal identification document. Children without legal identification can be admitted if they provide a letter from their village heads confirming their citizenship.


188 Khairullah, “Country Paper on Rights-based Education in Malaysia.”
In Myanmar, local authorities and social organizations established mobile schools that offer the same curriculum as the formal education system. Mobile schools serve children whose parents migrate to a new place for their employment. In 2011-12 AY, there were 27 mobile schools with 1287 students in Bago, Sagaing, Ayeyarwaddy, Magway Regions and Rakhine and Mon States. A similar program is available in the Philippines for both formal and non-formal education (see box story on Education on Wheels in the Philippines).

In line with Myanmar’s Thirty-Year Long-Term Basic Education Development Plan that aims to raise the transition rate from primary to middle school, the government is implementing the **Post-Primary School Program**. This program gives students a chance to complete at least middle school education by upgrading primary schools with a potential number of middle-school-level attendees in to post-primary schools.

Malaysia established **K9 Comprehensive Model Schools** comprising six years of primary schooling and three years of lower secondary education in the same school within indigenous people communities. In addition to the availability of lower secondary schools for IP children, hostels are set up to overcome the distance barrier which prevents IP children from attending school. The K9 schools specifically target the reduction of the drop-out rate amongst the Orang Asli and Penan students and increase the participation and enrollment rates of the indigenous children in the formal education system. Five K9 schools are currently in operation and plans are on underway to set up two more K9 schools.

For children in Cambodian rural communities with low population density to have access to education, the MOEYS establishes **multigrade classes** which combine two or more classes from different grade levels. For example, one multi-grade has 25 students, of which 14 are in grade 4 and 11 are in grade 5 (2-grade class); another class has 10 students in grade 4, 8 in grade 5, and 7 in grade 6 (3-grade class).

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**Education on Wheels in the Philippines**

An innovative approach to making education accessible in the Philippines is the **Dunong Gulong**, a partnership program of DepEd with a private media organization, UNTV, which fields two buses equipped with state-of-the-art learning tools. These buses travel around the provinces of Quezon and Masbate to bring education to out-of-school youths and adult learners.

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190 Ibid.


These Dunong-Gulong buses are equipped with learning tools, generator for power supply, folding chairs and tables, a toilet and sleeping quarters. Since 2010, the two Hyundai buses have served as mobile classrooms to bring alternative mode of learning to illiterates, school drop-outs, indigenous people and those with physical disabilities. These buses also carry programs for adolescents, Muslim migrants, parents and disadvantaged children.

The Philippines likewise has a **Multigrade Program** that democratizes access to and improves the quality of elementary education in sparsely populated, isolated, and hard-to-reach areas. It is also one of the Department’s strategies in the realization of the EFA 2015 plan of action.194

The Philippine government also offers alternative delivery of formal education to ensure that school-age children in challenging circumstances have access to education. These alternative education schemes are discussed in detail in the section on adaptability of education.

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### Pushcart Education in the Philippines

**Kariton Klasrum**, a program initiated by a local NGO, the Dynamic Teen Company (DTC), was recently adopted by DepEd in recognition of its potential as a viable alternative mode of learning for out-of-school youth.

It is called the K4 program—**Kariton** (pushcart), **Klasrum** (class room), **Klinik** (clinic), **Kantin** (canteen)—which makes use of “kariton” (pushcarts) filled with learning materials to engage street children in learning activities, health care and feeding sessions. It is a program that aspires to bring learning opportunities to those who cannot afford to go to formal classes by providing simple alternative hands-on exercises. It also provides health care services and carries out a feeding program. The purpose of the Kariton Klasrum is to encourage/motivate street children who left school because of poverty or have no interest in continuing their education to go back to formal schooling. It is not meant to replace formal education.

The rollout of the Kariton Klasrum Program in the streets has had a positive impact on learners’ knowledge/skills, attitude towards learning, values, and behavior. Moreover, the Kariton Klasrum program also benefit volunteers, by **improving their leadership, communication and social skills and providing opportunities to study**. The Kariton Klasrum has been recognized by UNESCO Bangkok as a promising practice in achieving education for all.

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195 Ibid.
Financial Assistance and Other Support

The assistance/support for disadvantaged children to attend school is available in many countries in the region.

Brunei Darussalam offers several financial support for the education of the poor. One of the programs is Miftahun Najah (translated as “key to success”) program, which was launched in 2011 to assist children from low-income families. Through the program, students were provided with tuition and school uniforms. Another program is the BIBD-Advocating Lifelong Learning an Aspiring Future (BIBD-ALAF), a program in cooperation with a local bank which provides school supplies to students from underprivileged families or families with single mothers.196

The government of His Majesty Sultan and Yang DiPertuan Negara Brunei Darussalam has made available education loans to encourage Brunei citizens to educate themselves. Specifically, those who are pursuing higher education locally or overseas may be granted an education loan to help finance their education. There are likewise education scholarship programs made available for students in higher education and for students in technical and vocational education.197

Scholarships in the form of cash and food are being provided to poor students in primary and secondary levels in Cambodia. Students from poor families who are at primary level (from Grade 4 to 6) and secondary level may receive fund assistance equivalent to 60 USD per student per year. Girls who are considered a priority beneficiary group are provided twice the regular amount. Scholarship is also provided in the form of food. School feeding programs for primary schools are provided in the morning.198

In Indonesia, the School Operational Assistance (BOS) program is being implemented for students in basic education. Records show that in 2008, the BOS program benefitted 70 percent of students of primary school and junior high school. In 2009, the BOS unit cost significantly increased and benefitted all public school students and junior high schools. The unit cost of education per student under the BOS program further rose in 2010 and 2011.199

In Malaysia, the MoE has been breaking the socio-economic barriers to education through a range of financial support programs such as textbook loan schemes, school nutrition programs, poor students’ trust funds (KWAPM) and scholarships. In 2013, KWAPM benefitted around 800,000 primary and secondary school students through financial assistance amounting to Malaysian Ringgit (RM) 200 million.200

197 Ibid.
198 Ven, “Country Paper on Rights-based Education in Cambodia.”
199 Wirda, “Country Paper on Rights-based Education in Indonesia.”
In the Philippines, **Republic Act 8545 of 1998** (amended R.A. 6728) mandates the provision of assistance to students and teachers in private schools. Also known as **Government Assistance to Students and Teachers in Private Education (GASTPE)**, the law provides financial support to deserving elementary school graduates who wish to pursue their secondary education in private schools through the Education Service Contracting (ESC) scheme.\(^{201}\) According to DepEd Order 26, 2014, this financial support is expected to improve access to quality secondary schools and decongest public high schools and improve their learning environment.\(^{202}\)

Likewise, in the Philippines, government assistance benefits students from poor households through the **Conditional Cash Transfer (CCT)** program. Considered a form of investment in the education of poor children, the program aims to break the cycle of poverty by making school attendance a requirement for the release of the financial assistance to poor families.\(^{203}\) A 2012 evaluation study on CCT in the Philippines reported a “strong and statistically significant impact of the CCT program on improving school enrollment among younger cohort of children aged 9 to 12.”\(^{204}\)

Thailand is implementing its **15-Year Free Education** that aims to provide support to all students, particularly the poor and the disadvantaged, by setting budget per head to be spent for tuition, school uniforms, textbooks, material and media for learning, and activities that enrich learning.\(^{205}\)

Lao PDR has a **Community Grant** scheme that provides lump sum grant to communities through the Village Education Development Committee (VEDC) to enable poor students in disadvantaged communities to buy goods, clothes and food, or to provide schools with operating expenses such as cleaning and replacement of fixtures.\(^{206}\) Parallel to the Community Grants are **School Block Grants (SBG)** provided by the government to all schools in Lao PDR in the amount of 20,000 Lao Kip per student per year so that they can meet recurring non-wage expenditures at the school level.\(^{207}\)

In Brunei Darussalam, students whose residence is more than eight kilometers from the school are granted assistance in the form of school bus or boat service or travelling allowance and hotel accommodation.\(^{208}\)

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\(^{201}\) Masapol, “Country Paper on Rights-based Education in the Philippines.”


\(^{203}\) Masapol, “Country Paper on Rights-based Education in the Philippines.”


\(^{205}\) Nitiprechanon, “Country Paper on Rights-based Education in Thailand.”

\(^{206}\) Sibounheuang, “Country Paper on Rights-based Education in Lao PDR.”

\(^{207}\) Ibid.

\(^{208}\) Jumaat and Malek, “Country Paper on Rights-based Education in Brunei Darussalam.”
Moreover, the Ministry of Education annually allocates budget for housing and travelling allowance for teachers serving in remote areas.209

Cambodia’s Cash Scholarship Program210

Since SY 2011-2012, the MOEYS and the World Food Program (WFP) are implementing a cash scholarship program for primary school students from Grades 4 to 6. The program particularly benefits students from poor families who are forced to go to work in order to survive, thus resulting in high rates of school absenteeism and poor study results.

This program provides 50 USD in cash to each student. They are paid in three phases each school year through the bank in their local area.

Children receiving the scholarship went to school regularly and did well academically compared with other students. The community, teachers, and students’ parents were very satisfied with this program because it helped reduce the expenses of the families, especially poor families, and encouraged the children to go to school regularly and do well at school.

Non-Formal Education/Alternative Learning Programs

Countries in the region offer non-formal education program or a form of alternative education that suits the educational needs of disadvantaged children.

Malaysia offers Alternative Education Programs (AEP) for children living in plantation areas and children of non-citizens. They are implemented as non-formal education systems that emphasize the fundamental aspects of 3R (reading, writing and mathematics). AEP programs include:

- **Educare Centre** which is the first national curriculum-based learning centre for children who cannot access formal education in public or private institutions due to lack of legal status.

- The **Humana Child Aid Society (HCAS)** which is a non-profit organization that provides basic primary education for children of Indonesian migrants in palm-oil plantations in Sabah.

- **Children of non-citizens in Malaysia** attend either education projects run by NGOs or the communities themselves with some support from the public. Non-citizen communities are allowed


210 Ven, “Country Paper on Rights-based Education in Cambodia.”
by the Malaysian government to establish community-based learning centres to access education under the purview of existing legislatives and policies of the country.\textsuperscript{211}

The Philippines has a program for out-of-school youth and adults called the \textbf{Alternative Learning System (ALS)} which is implemented alongside the formal basic education. It is a parallel learning system encompassing both the nonformal and informal sources of knowledge and skills targeting disadvantaged groups.\textsuperscript{212} ALS employs \textbf{Mobile Teachers} who serve the disadvantaged groups, by providing them with basic and functional literacy services and non-formal education equivalency programs. The reach of such services is expanded by engaging NGOs and private entities through a service contracting scheme. In some areas, local governments have local Literacy Coordinating Councils that are active in the provision of ALS in their localities. The ALS has been conferred with the 2000 UNESCO NOMA Literacy Award for its innovation in providing education for OSY and adults.

In Cambodia unreached learners are served through mobile teacher or called barefoot teacher.

In the Philippines, the \textbf{Abot-Alam Program} is being implemented. It is a national strategy for organizing and helping OSYs, which consists of the following: (1) Barangay Targeting System (BTS) to develop a comprehensive database of the OSYs; (2) Community Reintegration Program for OSYs designed to provide education, career, and employment programs and services with assistance from DepEd, the Technical Education and Skills Development Authority (TESDA), and other partner agencies.\textsuperscript{213}

Thailand’s MOE, through its Bureau of Non-Formal Education, established a non-formal education program to provide opportunities to individuals who missed out on formal education, plans to continue education or pursue vocational education, and/or avail of informal education services. Aside from the Ministry of Education’s programs, there are other non-formal education services being carried out by government departments and ministries. Private agencies and foundations have also been involved in the delivery of non-formal education, e.g., industrial factories that offer short courses of career curriculum to their employees.\textsuperscript{214}

Myanmar is implementing a \textbf{Non-Formal Primary Education (NFPE)} program, through the initiative of the Department of Myanmar Education Research, the Department of Myanmar Educational Planning and Training, and Yangon Institute of Education under the Ministry of Education in collaboration with UNESCO and UNDP. The NFPE targets children who remained unserved or were unable to complete primary education in formal school. Programs such as the Basic Literacy Program, Post Literacy, Income Generating Program, and Quality of Life Improvement Program are also available to out-of-school youth and adults, aimed at developing knowledge and skills needed to help them participate in national development initiatives.\textsuperscript{215}

\textsuperscript{211} Khairullah, “Country Paper on Rights-based Education in Malaysia.”

\textsuperscript{212} Masapol, “Country Paper of Malaysia.”

\textsuperscript{213} Ibid.

\textsuperscript{214} Nitiprechanon, “Country Paper on Rights-based Education in Thailand.”

The Vietnamese government advances its alternative program by working with stakeholders, i.e., children, youth, parents, and school teachers, in fulfilling their duty to operationalize the right to education of all children.\textsuperscript{216} In particular, one of its non-formal education programs offers a compact curriculum for out-of-school youth residing in remote islands. As the majority of the students are working as fisherfolk and net makers, classes are held in the evening.\textsuperscript{217}

Lao PDR’s \textbf{Mobile Teachers and Teaching Assistants} program offers an innovative measure to address barriers to education, especially targeting children aged 6 to 14 and those living in remote and sparsely populated communities through the deployment of mobile teachers.\textsuperscript{218} Moreover, Lao PDR offers a \textbf{Community-Based School Readiness Program (CBSRP)} which aims to support school efforts to prepare five-year-old children prior to their admission to Grade 1 in the EFA-FTI targeted communities where there are incomplete primary schools.\textsuperscript{219}

\textbf{Strategies that Promote School Attendance}

Countries in Southeast Asia implement various strategies to bring children to school and/or keep them in school. One successful endeavor in this regard is the provision of meals and health programs to children.

\begin{quote}
\textbf{Brunei Darussalam’s School Feeding Program\textsuperscript{220}}

The government of Brunei Darussalam allocates funds for projects that seek to boost the quality education. Quite a number of the projects implemented adopt best-practice models and international standards, among which are Model Schools and School Leaders Program. The school feeding scheme/program in the remote areas is another notable program that has improved children’s nutrition status and their school performance. With financial support from the government and donors, the parents and the schools were able to save money. However, the methods for carrying out school feeding and the availability of resources vary, making these programs’ impacts uneven/inconsistent.
\end{quote}

\begin{enumerate}
\item Quynh, “Country Paper on Rights-based Education in Vietnam.”
\item Sibounheuang, “Country Paper on Rights-based Education in Lao PDR.”
\item Ibid.
\item Jumaat and Malek, “Country Paper on Rights-based Education in Brunei Darussalam.”
\end{enumerate}
Generally, school feeding programs are meant to stave off hunger so that children can absorb and retain what they learn in school. However, feeding programs also present an excellent opportunity to teach children about various aspects of food and nutrition, and about a broad variety of related issues. Likewise, the programs can be used to help build skills in food production and preparation, serve as the locus for delivery of a variety of health services, and be used to help students gain an appreciation of the meaning of rights.

The Malaysian **Supplementary Food Programme** has been providing meals to almost 550,000 children. Poor students also benefitted from a host of support programmes listed under the general aid category, e.g., Malaysian Milk Programme which provided milk to over 1,400,000 students in 2013.\(^{221}\)

**Philippine School Health & Nutrition Programs (SHNPs)** envision healthier students with improved learning capacity through a feeding program, nutritious food production, and health services for students and school personnel, implemented through the active participation of parents and other community stakeholders who are oriented on health and nutrition and their roles in poverty alleviation.\(^{222}\) Part of SHNPs is the **School-Based Feeding Program (SBFP)** (previously called Breakfast Feeding Program), which aims to improve the nutritional status of at least 70 percent of the beneficiaries at the end of 100 to 120 feeding days, and to improve their school attendance to 85 percent to 100 percent.\(^{223}\) Some local governments provide support to the school feeding programs. Another health-related program is the **WASH (Water, Sanitation and Hygiene) in Schools (WinS) program** which prevents hygiene-related diseases, increases attendance and learning achievement, and contributes to dignity and gender equality.\(^{224}\)

In Cambodia, the rights of learners and educational personnel extend to health services. Some health programs in Cambodia include:

- Health Services: health check-up, provision of vaccination, preventative medicine, de-worming two times per year and food with macro-elements to children and education staff,
- Sanitation and Environment Education Program: improving school safety and health education, and provision of sanitation facilities.
- Water, Sanitation, Hygiene (WASH) Service: clean water supply, toilet, cleaning facilities, first aid kits, waste management and maintenance.\(^{225}\)

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221 Khairullah, “Country Paper on Rights-based Education in Malaysia.”


224 Ibid.

225 Ven, “Country Paper on Rights-based Education in Cambodia.”
Aside from this, Cambodia also offers a School Meal program (see related story).²²⁶

**Cambodia's School Meal Program**²²⁷

The Ministry of Education, Youth and Sports of Cambodia, in cooperation with the World Food Program and stakeholders in the community, provides school meals to pupils at Samraong Primary School in Samraong Kang Rei Village, Kompong Leng District, Kompong Chhnang Province.

The school has been implementing the breakfast program since year 2007-2008. The program provides breakfast to students according to the nutritional standards of the World Food Program. The provisions include rice, canned fish, vegetable cooking oil with added Vitamin A, bean nutrient and iodized salt. The local community also helped with the construction of the kitchen and provides the kitchenware, firewood, coal, vegetables, and other ingredients to keep the program going.

From 2007-2008 academic year to date, Samraong Primary School has achieved the following: enrollment of 95.24 percent of 6-year-old children; 1.95 percent absentee rate; 3.50 percent dropout rate; and class promotion rate of 90.05 percent. The community, teachers, and children in the local area were quite happy with the program since it has helped children attend school regularly, and perform well in school, while reducing the expenses of the poor families. As one pupil said, “school meals help me think well and learn quickly in class.”

Lao PDR has a **National School Meals Program (NSMP)** that provides school lunches to around 8,000 pre-primary school and 150,000 primary school children to promote school attendance as well as to ensure healthy and performing learners.²²⁸ NSMP is an adaptation of the feeding program of the World Food Program (WFP) that promotes the use of locally available products, mobilizes community, and merges interventions, i.e., food production, food processing, personal hygiene, and environmental sanitation.²²⁹

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²²⁶ Ven, “Country Paper on Rights-based Education in Cambodia.”

²²⁷ Ibid.

²²⁸ Sibounheuang, “Country Paper on Rights-based Education in Lao PDR.”

²²⁹ Ibid.
Myanmar is providing schools with adequate health and sanitation facilities including clean water, latrines, as well as a program to promote the habit hand washing. WASH is implemented to improve the school environment and increase children's access to safe drinking and hygiene facilities. One of the components of the program is the provision of training and support to schools and to communities to enable them to improve and monitor behavior change.

Aside from nutrition and health programs, there are other strategies to promote school attendance and reduce dropout.

Strategies to boost school attendance in Cambodia include allocating adequate funds for teaching and learning materials, repairs, electricity, and office equipment at pre-primary level; and establishing school operational budget, and school plan implementation at primary and secondary levels.

In Myanmar, the Ministry of Education, together with UNICEF, implemented the All school-age Children in School (ACIS) Project in 1994 which mobilized education personnel, civil society organizations, NGOs and INGOs, businessmen, local communities, and other education supporters to contribute towards improving school participation of all school-age children. The massive nationwide enrollment campaign and related activities resulted in increased intake rates of students aged five and above in Grade 1 from 91 percent in 1999 to 98.47 percent in 2012. Moreover, Myanmar is offering 10,000 disadvantaged out-of-school children a second chance at education. These children include HIV/AIDS-infected and affected children who were accepted without discrimination in basic education schools and monastic schools.

In the Philippines, Early Registration is conducted annually, usually in January, to help schools prepare the logistics needed in time for school opening in June as well as to campaign for the enrollment of all five-year old children in kindergarten and out-of-school children in school.

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231 Ibid.


234 Ibid.


Monitoring Mechanism

Countries in the region implement monitoring mechanisms designed to provide relevant data for education policymakers for informed decision-making. However, it has not been a consistent practice to disaggregate data to aid education planning, budgeting, and assessment of performance against standards.

In Cambodia, one of the priority areas under the Education Strategic Plan 2014-2018 is the Results-Based Management System Development Program that capacitates MoEYS personnel and improves the culture of work towards an evidence-based and outcome-oriented planning, budgeting, and monitoring system both at the national and sub-national levels.238

In the Philippines, the DepEd has the Enhance Basic Education Information System (EBEIS), a database of all Filipino learners enrolled in formal and non-formal educational institutions, which has enabled the central office of DepEd to upload school data they receive on a government website, allowing easy access and sharing.239 Another development is the Unique Learner Reference Number (LRN) that facilitates the tracking of the performance of all public school pupils and students, and Alternative Learning System learners.240 Moreover, an information system was developed through the Abot Alam program in order to identify and profile OSYS and determine the educational services needed.

Thailand’s CFS includes school’s assessment of its performance with regard to how it is responding to children’s right to education (see box story).241

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238 Ven, “Country Paper on Rights-based Education in Cambodia.”
239 National Education for All Committee, Philippine Education for All 2015 Review Report.
242 Ibid.

School Self-Assessment in Thailand243

In Thailand, the School Self-Assessment (SSA) process is one of the main activities of a Child-Friendly School (CFS), which promotes and develops children on the concept of the Convention on the Rights of the Child. The school self-assessment requires the participation of school committee, parents, community representatives, administrators, teachers and students, to promote the characteristics of school, using external criteria and local criteria generated by each individual Lab School. The results are used in planning for school improvement.
The self-assessment process is a high-level participatory operation covering a long line of activities, namely participation in thinking, analyzing, self-assessing, development planning, and implementation with pride. The data and guidelines obtained from self-assessment are data that had already undergone the analysis and review from all concerned. They are very useful for school development and for making schools a model for learning such as the Lab Schools or one model school in each district to provide quality education.

Objectives of the SSA Process are: 1) To develop awareness and support to promote the four basic principles; i.e. survival, protection, development and participation of children according to the Convention on the Rights of the Child (CRC) among school personnel and concerned persons; and 2) To encourage participation of the community in school development using the self-assessment process such as in creating linkages among all concerned and working together to find solutions to problems and set priorities.

Going through the SSA process has enabled stakeholders to better understand the school in general and what constitutes a child-friendly school in particular. Moreover, it has improved communication among stakeholders and increased the community members’ interest to be involved in the development of the school.

Access to Technical-Vocational and Higher Education

“The progressive realization of the right to education is also evident in the gradual lengthening of compulsory education schooling and evolving guarantees for post compulsory education.”

In Brunei Darussalam, in order to ensure that all are given the opportunities to access to education at all levels, technical and higher education are made more dynamic with the introduction programs that allow students to pursue their education according to their capabilities while ensuring that they obtain internationally recognized qualifications.


244 Jumaat and Malek, “Country Paper on Rights-based Education in Brunei Darussalam.”
4As in Higher Education in the Philippines

In the Philippines, higher education is offered through the more than 1,800 public and private HEIs as well as state universities and colleges (SUCs) that are financially subsidized by the government.

While Philippine laws do not mandate free access to higher education, there are financial assistance and scholarships that are available for college students. The legislature passed the Republic Act No. 10687 or the Unified Student Financial Assistance System for Tertiary Education (UniFAST) Act, which aims to harmonize and rationalize all forms of financial assistance to students who are economically challenged or whose families are going through financial problems, but perform well in academics, sports and arts.

Another law, the Scholar ng Bayan (State Scholars) Act or RA 10648 is expected to benefit the top 10 graduates of all public high schools, currently numbering 74,000. At present, only half of the 1.4 million graduates proceed to college. The law will help address this issue.

Acceptability of education in HEI means ensuring that Filipinos receive high quality education, whether it is free or paid for. House Bill 3393, otherwise known as Higher Education Quality Assurance Systems Act, seeks to ensure that graduates are fully equipped with knowledge and necessary skills that would give them an advantage over other foreign counterparts. It is in line with the goals of the 2015 ASEAN integration.

To make HEIs adaptable, a bill on open and distance learning has been proposed which aims to democratize education. The bill especially targets those who do not have physical access to HEIs.

Indonesia makes tertiary education available through free entrance to university; allocating 20 percent of university slots for poor students in the university; scholarships; School Operational Assistance (BOS) at the university level; and incentives for education outside the country.

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246 Wirda, “Country Paper on Rights-based Education in Indonesia.”
ACCEPTABILITY OF EDUCATION

Making education acceptable involves setting minimum standards for education—including the medium of instruction, contents and methods of teaching—and ensuring their observance in all educational institutions. It covers the conformity of the entire education system to all human rights.247

Human Rights Education

A few countries have ensured the inclusion of human rights competencies/content in the curriculum.

In Myanmar, the Ministry of Education introduced Human Rights Education in the basic education curriculum beginning academic year 2004-2005 to make students aware of their rights as well as their age-appropriate responsibilities. Pupils at the primary level learn the concept of human rights through its integration in subjects such as Moral and Civics, Myanmar Language, and Social Studies. MOE has also developed and made available Human Rights Education Teacher’s Manuals for Lower and Upper Secondary Levels.248

Human Rights Education in Myanmar249

Children in Myanmar learn the following lessons related to human rights:

- **Knowledge about Rights** is based on the Convention on the Rights of the Child, the Universal Declaration on Human Rights, the Child Law, the Convention on the Elimination of all forms of Discrimination against Women and the International Covenant on Economic, Social and Cultural Rights;
- **Values and Attitudes for Individual Development for Respect to Rights** is based on accepting the diversity, the ethics of teacher, students, parents and children as well as the valuable interpersonal relation in the society;
- **Civic Responsibilities** is based on patriotism, civic responsibilities, good citizenship as well as strength of unity;
- **Legal Framework** is based on rights protected by law, and includes organizations from which children can ask help, various law systems and levels of courts in Myanmar, seven roadmap and peaceful living under the law; and
- **Peace Education** is based on the fact that cooperation brings good results, and emphasizes the importance of taking individual responsibility and making collective and right decisions, peaceful happiness by helping each other, definition of peace, forgiveness and patience, way for solving disputes, and creating peaceful society.

249 Bu, “Country Paper on Rights-based Education in Myanmar.”
In Cambodia and Indonesia, while the inclusion of human rights content in the curriculum is not specifically stated in policies, the curriculum does contain lessons on human rights. In Lao PDR and Malaysia, human rights topics are integrated in some subjects at the primary level. Further in Malaysia, there are best-human-rights-practices programs.

The Philippine K to 12 curriculum ensures that rights of children are taught in all learning areas where specific competencies in children’s rights are identified. The curriculum also shows the specific topics on children’s rights per learning area.

Thailand: Rights-Based Learning in LAB Schools

The Lab Schools Project, also known as District School Initiative involves the development of one school in each of the 921 districts in Thailand. Its ultimate goal is to “revolutionize educational systems and alleviate the poverty cycle by creating opportunities for Thai students.”

Lab schools, short for Laboratory Schools or also termed as Perfect Schools, refer to schools which have fully-functional laboratories necessary for each subject. These laboratories are meant to render quality support for teachers in providing instruction. The Lab Schools Project is envisioned to create a good quality school close to students’ homes. The implementation of the Lab Schools Project is based on the Convention on the Rights of the Child. The four fundamental rights of children (4Rs) are integrated in the lab school educational strategies.

The mission of the lab school is to provide learning opportunities to Thai students that will enable them to pursue lifelong self-learning, engage in critical thinking, acquire competency in technology, become persons of high morality, conserve Thai culture, and possess self-sufficiency. The goal of the Lab Schools Project is to provide opportunities and provide quality education to all students.

The Lab Schools Project is a good example of an effort to raise the educational standards of Thai schools by mobilizing existing resources, funds, modern technologies, and involvement of the various sectors of society to expedite changes in education. The project aims to tap stakeholders’ concerted efforts to upgrade 2,500 schools across the country.

250 Ven, “Country Paper on Rights-based Education in Cambodia.”
251 Wirda, “Country Paper on Rights-based Education in Indonesia.”
252 Sibounheuang, “Country Paper on Rights-based Education in Lao PDR.”
Language of Instruction

A majority of countries in the region have a policy on the use of mother tongue as the medium of instruction.

Cambodia has multilingual education services which allow ethnic minority groups to learn in both their mother tongue and Khmer language, from grade 1 to grade 3 or higher, depending on their progress in Khmer language.256

The **1984 Bilingual Education Policy** of Brunei Darussalam, which declares Malay as the official medium of instruction in lower years and English in higher years, ensures that all students attain a high level of proficiency in both Malay and English.257 English became the main medium of instruction in all schools, except for Arabic schools.258

In the Philippines, DepEd Order 16, s. 2012 institutionalized Mother Tongue-Based Multilingual Education (MTB-MLE) that mandates the inclusion and use of the vernacular or mother-tongue language in the early years of schooling. The policy was aimed at developing well-rounded and lifelong learners under the K to 12 basic education reform program. Specifically, MTB-MLE seeks to produce better and faster learners who can easily adapt and to learn a second (Filipino) and third (English) languages.259

In Indonesia, local language is used for the lower grade levels (grade I and II) and Bahasa Indonesia for other levels,260 while in Malaysia, the policy is to use Bahasa Melayu (Malay), English, and Mandarin or Tamil for National-Type Schools.261

In Thailand, every school is duty-bound to provide education in the mother tongue,262 while Vietnam implements policies as bilingual approach263 to remove the language barrier for children.

A few countries require the use of mother tongue as medium of instruction for specific groups of students such as children with disabilities in Cambodia and ethnic students in Lao PDR.264

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256 Ven, “Country Paper on Rights-based Education in Cambodia.”


258 Ibid.


261 Ibid.

262 Ibid.


264 Ibid.
Learner-Centered Curriculum and Outcomes

There are countries that have made their curriculum learner-centered and there are those that have adjusted the learning outcomes according to the diverse abilities of learners.

In order to keep abreast with the far-reaching impact of globalization, Brunei Darussalam introduced the National Education System for the 21st century or SPN21 that provides multiple pathways to accommodate the diverse learning needs.265

In Cambodia, **Policy for Curriculum Development** (2005-2009) specified that the delivery of the national curriculum in each school must be student-centered, involving students in both theoretical and practical learning.266 In Indonesia, one of the principles guiding its curriculum development is the focus on the potential, development, needs and interests of the learners. 267

In Malaysia, a new modular-based primary curriculum was introduced. Called *Kurikulum Standard Sekolah Rendah* (KSSR), the curriculum is more responsive to students’ learning needs and includes assessments that seek to build competencies.268 Primary education is expected to lay a strong foundation so that students gain mastery of basic skills (reading, writing and mathematics), develop Higher Order Thinking Skills (HOTS), and become holistic individuals.269

The Philippine **Enhanced Basic Education Act of 2013 (RA 10533)** or the K to 12 law mandates the government to “create a functional basic education system that will develop productive and responsible citizens equipped with the essential competencies, skills and values for both life-long learning and employment.” The K to 12 curriculum seeks to be relevant and responsive as it centers on the Filipino learner’s optimum development.270 Moreover, the K to 12 curriculum is being contextualized and offers different pathways in senior high school.271

In Thailand, 30 percent of the curriculum is localized to ensure that education is relevant to the learners. Moreover, to make Thailand education even more relevant to learners, it makes students aware of local environment and their Thai-ness under the “sufficiency economy” philosophy which is linked to the ASEAN Community.272


269 Ibid.


271 Ibid.

In Vietnam, the curriculum is customized according to each region and type of learner (gifted school, school for handicapped). 273

**Child-Friendly Schools and Child Protection**

According to the survey, many countries implement child-friendly school programs/policies.

In Brunei Darussalam, the government is ensuring the protection of children from exploitation and bullying in the school premises or home settings. Moreover, education reforms in the country are promoting learner-centered approaches with teachers playing the role of facilitators. 274

Similarly, in Indonesia, the 2013 curriculum incorporates the use of a scientific approach that is child-centered and makes teachers the facilitators of learning. 275 In Lao PDR, teachers are also trained to perform as facilitators. 276

Malaysia has made learning methods increasingly interactive and activities collaborative. 277

In Cambodia, most primary schools adhere to the Child-Friendly School policy initially developed and promoted by UNICEF. For instance, classrooms are equipped with child-friendly facilities and operate by following the child-friendly community and environment guidelines. 278

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**Myanmar: Child-Friendly Schools towards Rights-Based Education** 279

The concept of child-friendly schools (CFS) that UNICEF developed was designed to ensure access to education of all children while at the same time guarantee the quality learning in an environment that is protective of children's rights. Moreover, “the CFS framework is a means of translating the Convention on the Rights of the Child into school management and classroom practice, and ensuring the right of all children to have access to quality basic education.”

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274 Jumaat & Malek, “Country Paper of Brunei Darussalam.”

275 Wirda, “Country Paper on Rights-based Education in Indonesia.”

276 Sibounheuang, “Country Paper on Rights-based Education in Lao PDR.”

277 Khairullah, “Country Paper on Rights-based Education in Malaysia.”

278 Ven, “Country Paper on Rights-based Education in Cambodia.”

279 Bu, “Country Paper on Rights-based Education in Myanmar.”
In Myanmar, the CFS approach has been beneficial in that it promotes inclusive school participation and effective teaching and learning, improves environment conducive for healthy living and learning, considers gender sensitivity and responsiveness in education service delivery, and involves parents and communities in the education of their children. There are child-friendly schools in 96 townships in Myanmar.

According to a 2009 review of the CFS approach, many schools demonstrated quality processes and outcomes in the three years of its implementation, e.g., increase from 24 percent to 59 percent in learning achievement in Myanmar language. Unfortunately, despite the promising contribution of CFS to rights-based education, it has not yet been fully mainstreamed.

The **Philippine Child-Friendly School System (CFSS)** targets the promotion and protection of children’s rights among elementary and secondary schools and their communities so that every school-age child can be encouraged to attend school, stay there, and learn.\(^{280}\)

Moreover, the Philippines has a DepEd policy on child protection and has legislated Republic Act 1062 or the **Anti-Bullying Act** that mandates DepEd to provide special protection to children from threats and harm that affect their normal development, and to provide assistance to the concerned agencies in the rehabilitation of children.\(^{281}\)

**Thailand: Rights-Based Education through the Child-Friendly School Project\(^{282}\)**

The **Child-Friendly School Project** is an education innovation which promotes children’s rights.

The project has resulted in improved equality of access. For example, in the South of Thailand, the child-friendly schools instruct children without discrimination. Instruction is free and responsive to the students’ differences and needs. Quality instruction is equally provided regardless of differences in gender, physical appearances, intellectual ability, ethnic group, languages, and others.

One specific case addresses the education of a poor, orphaned, and HIV-afflicted girl. A child-friendly school ensured that she is not discriminated and is treated the same way as the other students. More than that, she received love and care by the students and the teachers. The school likewise provided her assistance through a scholarship.

Child-friendly schools likewise address the special needs of children. This is evident in the construction of special toilets for children with disability.

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\(^{281}\) Ibid.

\(^{282}\) Nitiprechanon, “Country Paper on Rights-based Education in Thailand.”
Teacher-Training on Human Rights Education

While all countries have various teacher-training programs, only a few have trained teachers on human rights education.

Most trainings that are related to human rights are on teaching approaches that are child-friendly and on responding to specific types of learners in need of special attention. In Myanmar, trainings for child-centered approach were conducted.  

Brunei Darussalam’s MOE has a training and study program on special education, i.e., training of Special Educational Needs Assistance teachers to make education responsive to the learning needs of children with special needs.

In Cambodia, pre-school and primary school teachers are given training on inclusive education, gender mainstreaming, and bilingual education.


Special schools in Thailand, in cooperation with private foundations and state hospitals, regularly conduct personnel in-service training on the use of teachers’ manuals and teaching materials while Rajabhat Institutes offer special education as a major subject. Moreover, in Thailand, there is teacher training for Lab School Project, rights-based education, and child-friendly schools.

Protection of Teachers’ Rights

In terms of protecting the rights of teachers, several countries actively protect teachers’ right to appropriate compensation, right to training and professional development, and teachers’ welfare.

The new teachers’ salary scheme incentive in Brunei Darussalam, known as the Teachers Service Scheme (locally known as Skim Perkhidmatan Guru or SPG), aims to improve the performance of teachers, retain

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288 Ibid.
those who are performing well, make teachers feel appreciated, and promote teaching as a prestigious profession.\textsuperscript{289}

Indonesia is improving the quality of teachers and lecturers through professional development and promotion programs designed to assist teachers earn an enhanced certification, diploma or degree within the next 10 years.\textsuperscript{290} Upgrading teachers’ qualifications is expected to benefit teachers by increasing their salary levels depending on the certification or degree they earned.

The Philippines has the Magna Carta for Public School Teachers that mandates the “promotion and improvement of the social and economic status of public school teachers, their living and working conditions, their terms of employment and career prospects in order that they may compare favorably with existing opportunities in other walks of life, attract and retain in the teaching profession more people with the proper qualifications.”

\textbf{Students’ Participation}

To make education truly relevant for children, it is crucial to engage them in the process of developing education policies. Unfortunately, only Lao PDR, among the nine countries in the survey, indicated that it actively promotes the participation of students in education policy development.

In the Philippines, DO 117, s. 2011 recognizes the importance of children’s insights in the running of an organization such as the Parent-Teacher Association (PTA); thus officers of student organizations are made part of PTA Board of Directors as observers, and given deliberative power but without the right to vote.\textsuperscript{291} Moreover, there is a student representative in the team of people involved in the development of the School Improvement Plan. Additional evidence of DepEd’s recognition of students’ significant role and contribution is DepEd Order 47, s. 2014 containing the Constitutions and By-Laws of Supreme Pupil Government in Elementary Schools and Supreme Student Government in Secondary Schools.

In Thailand, children’s participation is encouraged through the support of various stakeholders.

Aside from engaging children in decision-making process in the school, it is also empowering for students to be actively involved in the teaching-learning process.

\textbf{Parents/Community Members; Participation}

Countries included in the survey implement measures to encourage the participation of parents and the members of the community in the education of the children.

\textsuperscript{289} Jumaat and Malek, “Country Paper on Rights-based Education in Brunei Darussalam.”

\textsuperscript{290} Ibid.

In Lao PDR, the community members play a valuable role in the education of children through their membership in the Village Education Development Committee which is involved in school improvement planning and implementation.

Another example of engagement of parent/community members as duty bearers may be found in Vietnam where parents are actively involved in the school management and monitoring of the school.292

In the Philippines, parents are involved through their membership in school-based Parent-Teacher Association. Moreover, with the institutionalization of school-based management where various stakeholders are empowered to actively participate in the management of the schools, parents’ role has become more clearly defined. In particular, parents are enjoined to be part of the development and implementation of the School Improvement Plan (SIP).

In Singapore, there are schools that organize Parent Support Groups (PSGs) that serve as a venue for parents to 1) collaborate with the school personnel on the implementation of school activities; 2) communicate with other parents and with the school; and 3) have an opportunity to volunteer their time and services.293

In Thailand, parents and community members are part of the School Self-Assessment, particularly in the development of criteria and evaluation (see box story).

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ADAPTABILITY OF EDUCATION

Making education adaptable means ensuring that the best interest of the child is at the core of educational programs and services. Examples include providing education to children who cannot attend formal schooling (e.g., internally displaced children), and adapting education according to the needs of children with disabilities and minority or indigenous children. Pursuing adaptability also entails observing indivisibility of human rights, i.e., the right to education should be pursued with the same vigor as the other rights such as the right to marry and raise a family, or the right to freedom from forced and child labor.294

Flexible Learning

Flexible learning options for children in difficult circumstances are offered in some countries in the region. Students who are affected by natural calamities or armed conflict are also given opportunities to continue their education through the alternative learning options.

In Brunei Darussalam, children who are prohibited from attending normal school due to unavoidable circumstances, offenses or misconduct are provided with other means to study while the learning needs of the disadvantaged such as those with disabilities are addressed through alternative educational options.295 296

Cambodia: Organizing Classes during Flood296

Chbar Ampov Primary School is located near the Mekong River which frequently floods at the beginning of the school year. This is a concern for the Royal Government of Cambodia, especially the MOEYS. The government is seeking partners to provide resources and technical support to enable schools to stay open and provide services like other primary schools in the Kingdom of Cambodia.

In SY 2007-2008, the MOEYS, in cooperation with UNICEF, developed a minimum study program course for use during emergency situations or chronic crises. The learning resources developed for the emergency study program were distributed to education officials at all levels and to relevant partners for them to review, understand and implement the minimum study program during emergency, such as in the event of massive flooding. This ensures that the crisis does not disrupt the learning process and affected children keep up with those in regular schools. After participating in an orientation session about this emergency education program, schools located near the river identifies safe places for the students to study temporarily while waiting for the water to recede and can resume their regular classes.


296 Ven, “Country Paper on Rights-based Education in Cambodia.”
Likewise in the Philippines, there are several Alternative Delivery Modes (ADMs) which deliver effective education within the formal system for marginalized students and those at risk of dropping out:

- **The Dropout Reduction Program (DORP)** aims to reduce dropout rate and increase participation rate among high school students through flexible learning options or other school-initiated interventions;

- **Effective Alternative Secondary Education (EASE)** (incorporated as a component of the Open High School Program) provides an alternative learning intervention for secondary school students who cannot go to school for short-term period due to justifiable reasons through the use of self-instructional materials;

- **Instructional Management by Parents, Community and Teachers (IMPACT)** is a learning system that taps parents, community members, and the pupils themselves in managing teaching and learning, supported by purposely designed instructional materials that allow programmed instruction, peer learning, self-instruction, and individual remediation;

- **Modified In-School Off-School Approach (MISOSA)** allows pupils to learn at home or in their communities by combining formal and non-formal learning activities to address the lack of classrooms, learning materials, and teachers. It is implemented by grouping students into two—group 1 goes to class for a certain period, while group 2 learns at home or at a community learning center using modules or performing assigned tasks. At a set date, group 1 spends time learning outside school while the group 2 attends formal classes.

Another form of flexible learning is **home-based schooling** which is available in Cambodia, Indonesia, Philippines, and Thailand.

Since 2000, Cambodia has been implementing a Home-Based Education program targeting families with children aged zero to six. Priority is given to those living in disadvantaged areas where available early childhood education (ECE) services are not enough to serve the high number of children. The Ministry of Education, Youth and Sport is responsible for the provision of a refresher course and training on home-based education of core parents/parent leaders who in turn cascade the training to mothers and other parents who will serve as their children’s teachers, instruct their children about daily life.

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299 Ven, “Country Paper on Rights-based Education in Cambodia.”

300 Wirda, “Country Paper on Rights-based Education in Indonesia.”


303 Ven, “Country Paper on Rights-based Education in Cambodia.”
activities, periodic activities, and special events, and create an environment that is safe and conducive for children’s development.304

In Thailand, the Ministry of Education modeled its home schooling program to those abroad. Managed by the Office of Basic Education Commission (OBEC), the Home School Program follows the regular curriculum but uses different modes of delivery to accommodate various types of learners.305 Home Schooling programs are available for a diverse group of learners such as 1) Education for Life Group, 2) Religious Group, 3) Disadvantaged Group, 4) Ever-Moving Group, and 5) Special Needs Group.306 With support from the Educational Service Areas Offices (ESEOs), parents’ role as teachers is realized, especially in the delivery of education to their children, management of the learning process, and maintenance of the education standards set by the Ministry.307

Heading the implementation of national policy on universal general education, the Department of Education and Training (DOET) of Vietnam, instituted Alternative Delivery Modes (ADMs) to provide education opportunities to out-of-school youth, including those in the workforce, through flexible delivery of a condensed version of half of the 14 compulsory learning areas in formal education.308

**Indonesia: Home-based schooling as an alternative model of education**309

Homeschooling is part of informal education, as stated in Law No. 20 year 2003 on National Education System in Indonesia, Article No. 27 (10): “The activity of informal education is conducted by family and society wherein learners work independently.”

*Home-based schooling or homeschooling or home education* is an alternative model of education in Indonesia where a family takes responsibility for their children’s education in the confines of their home.

Homeschooling offers a variety of options. For instance, although homeschoolers follow the curriculum of the formal education system, the parents have the flexibility to decide what and how the children learn and what materials to use. Although termed as homeschooling, the learning process may take place outside the home, i.e., children may take on an internship program or courses in a learning institution. Parents may opt to be the teacher for their children, or parents may invite qualified teachers to teach their children at home.

304 Ibid.


306 Ibid.

307 Ibid.


Homeschooling does not necessarily follow formal education standards, but it is still very much possible to attain quality education for homeschooled learners.

Homeschoolers who want to continue their education to the next level of formal education have to take an equivalency examination. For them to continue their education, they have to take national examination equal to Primary School (Package A), or equal to Junior Secondary School (Package B), or equal to High School (Package C). Those who want to continue their education abroad have to take an international exam (Cambridge) at Cambridge’s representative office in Indonesia.

Educational Programs for Children with Disabilities/Special Needs

Countries in the region have a range of educational programs catering to children with disabilities/special needs.

In Brunei Darussalam, there are two schemes to support students with special needs: Individualized Education Plan (IEP) that involves changes in the curriculum and in the teaching and learning strategies to respond to the students' needs and the Remedial Education Plan (REP) that specifically responds to the needs of students with learning difficulties in reading, writing and mathematics.310

The Philippine Special Education (SPED) Program caters to students with special needs through the 385 elementary SPED centers and 190 secondary schools with SPED classes across the country. It serves learners with various vulnerabilities such as those with: behavior problems, chronic illness, developmental handicap, hearing impairment, learning disability, mental retardation, multiple handicap, orthopedic handicap, speech defect, and visual impairment. In addition, this program addresses the learning needs of children who are gifted and talented.311

Cambodia has a special education program in the form of accelerated classes and support for children with disabilities. It includes training courses for teachers on how to test children with hearing and sight problems, and the provision of glasses and hearing aids.312

Educational Programs for IPs/Ethnic groups

Children from ethnic minorities or those belonging to an indigenous people’s group face challenges in accessing education. Malaysia, Philippines, and Thailand have education programs purposely designed to address the learning needs of IP children.

310 Jumaat and Malek, “Country Paper on Rights-based Education in Brunei Darussalam.”


312 Ven, “Country Paper on Rights-based Education in Cambodia.”
In Malaysia, MoE supports indigenous people in remote areas who face difficulty in attending school by providing hostels and boarding facilities within the vicinity of the schools.  

To better serve the IP learners, K9 integrated schools were established. Moreover, strategies were developed and implemented to address the learning needs of Orang Asli and the Penan. They include:

- **The design of a special curriculum for Orang Asli and Penan (KAP)** that considers the indigenous environment and culture as context and incorporates the needs of the children in indigenous communities and isolated rural areas, and

- **Training of indigenous teachers** who are better positioned to serve the learners since they have personal knowledge of the needs and challenges of the learners and the community.

Thailand MOE promotes education in the highland and border areas through the provision of protection and support to disadvantaged students and the improvement of the quality of education catering specifically to a variety of ethnic and multicultural groups.

The Philippine DepEd developed an IP education policy framework that went through a consultative development and validation process to ensure IP community ownership. The result was a National Indigenous Peoples Education Policy Framework which has a stronger policy on IP education. The framework enjoins DepEd to “maintain an education system that will recognize, protect, and promote the rights and welfare of ICCs/IPs, as well as equip them with the knowledge and skills needed to face various social realities and challenges.”

Moreover, the policy framework served as basis for the development and implementation of DepEd’s Indigenous Peoples Education (IPEd) Program which seeks a more appropriate and responsive curriculum, learning resources and environment; capacitated education managers, personnel and teachers; and strong policy environment, thereby ensuring the right to education of the indigenous people.

### Special Programs for Targeted Learners

The Philippine Madrasah Education Program (MEP) provides quality basic education to Filipino Muslim school children, out-of-school Muslim children (OOSC), and Muslim OSY in government-run Arabic Language and Islamic Values Education (ALIVE) schools and private madaris. In line with this, DepEd formulated a standard curriculum for Madrasah Education.

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313 Khairullah, “Country Paper on Rights-based Education in Malaysia.”

314 Ibid.

315 Nitiprechanon, “Country Paper of Malaysia.”


318 Ibid.

319 Ibid.
In Cambodia, there is a **Special Program for Over-Aged Children** in primary classes. It is also known as an accelerated curriculum as its takes only three years to complete.\(^{320}\) It is organized by two grade levels learning per year that focus on Khmer language and Mathematics.\(^{321}\)

Likewise in Myanmar, a **Special Program for Over-Aged Children** in primary classes is being offered since 2003-2004 AY to ensure the education of all school-going-age children. It is an accelerated program which allows children ages 7+ to 8+ to complete primary education in three years and nine-year old and older children to complete primary education in two years.\(^{322}\)

**Policies/legislations to Address Child Labor**

Malaysia, Philippines, and Thailand have legislated a minimum age requirement for employment and child labor prohibitions.

There are likewise education programs for child laborers such as non-formal education programs in Cambodia, Lao PDR, Indonesia and Myanmar.\(^{323} \)\(^{324} \)\(^{325} \)\(^{326} \) In the Philippines, the Department of Labor and Employment implements the Philippine Program Against Child Labor Strategic Framework, 2007-2015, which includes as one component, the provision of quality and integrated services, i.e., educational support to child laborers and livelihood programs for parents of child laborers.\(^{327}\)

In Brunei Darussalam, even though child labor is not an issue in the country, the Compulsory Education Order serves as deterrent to child labor by penalizing parents and guardians who fail to send their children to schools.\(^{328}\)

Cambodia has recently undertaken efforts to improve its response to child labor issues. These efforts to address child labor are guided by the document on Worst Forms of Child Labour Convention, 1999 (No. 182).\(^{329}\)

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\(^{320}\) Ven, “Country Paper on Rights-based Education in Cambodia.”

\(^{321}\) Ibid.


\(^{323}\) Ven, “Country Paper on Rights-based Education in Cambodia.”

\(^{324}\) Sibounheuang, “Country Paper on Rights-based Education in Lao PDR.”

\(^{325}\) Wirda, “Country Paper on Rights-based Education in Indonesia.”

\(^{326}\) Bu, “Country Paper on Rights-based Education in Myanmar.”


\(^{328}\) Jumaat and Malek, “Country Paper on Rights-based Education in Brunei Darussalam.”

\(^{329}\) Ven, “Country Paper on Rights-based Education in Cambodia.”
Policies to Address Child Marriage

Research shows that child marriage and early pregnancies are two factors that discourage/prevent girls from completing their education.

Some SEAMEO countries, such as the Philippines, Malaysia and Thailand, have set a minimum age requirement for marriage (18 years) to address the negative impact of child marriage on education access. In Malaysia, it is noted that early marriage did not prevent girls from completing their education. The Philippines has used alternative delivery modes such as the open high school program to enable pregnant adolescent girls to complete their education.

SYNTHESIS

According to the survey, all indicators for the 4As of rights-based education are either in the stage of being developed into policies and programs or in the stage of being implemented. The implementation of RBE-related policies, programs and projects reflects commitment to rights-based approaches to education.

On availability of education, countries in the region are implementing their constitutional provisions and/or laws mandating free and compulsory education. The length of free and compulsory education ranges from primary level of five to six years to secondary level of ten to twelve years. To expand availability of education, government and donors continue to build schools. Moreover, countries are pursuing policies and programs that capacitate parents to send children to the school of their choice.

Countries’ efforts to increase accessibility of education are paying off with the almost universal participation rate at the primary level in countries in the region, major strides to attain gender parity, and successful programs that promote education access of children with special needs. Moreover, countries have developed multitude programs that make education accessible to students such as provision of financial support, implementation of non-formal and alternative education programs, and strategies that promote school attendance.

Education is made acceptable in the countries in the region through the following policies: setting the languages of instruction; inclusion of human rights in the curriculum; learner-centered curriculum and learning environment; training and protection of teachers; and participation of learners, parents, and community members in decision-making and school improvement activities.

To make education adaptable, countries in the region have developed programs that are flexible and suit the needs and circumstances of learners. In particular, there are education programs for out-of-school youth, children with disabilities, IP learners, and others e.g., overage children. Policies such as those that address child labor and child marriages also contribute to making education adaptable.
Education experts from nine countries in the region worked together to identify common RBE areas that need to be further developed and strengthened.

Ten major issues and challenges that make the right to education less available, accessible, acceptable and adaptable are identified by the study. In addition to these, the study discusses five types of learners who, based on their difficult circumstances, are least likely to claim their right to education.

In Section 3, the report discusses the constitutions and laws of SEAMEO member-countries that detail the role of government in realizing the right to education of citizens. In this chapter, the discussion focuses on the responsibility of government especially the ministry or agency in charge of the education sector as the primary duty bearer to address RBE issues. The chapter also identifies other duty bearers as key players in RBE issues, and emphasizes that RBE requires a collaborative approach.
### Table 3: Matrix of Issues and Challenges on RBE, Corresponding 4As and Duty Bearers Involved

<table>
<thead>
<tr>
<th>Issues and Challenges</th>
<th>4As Concerned</th>
<th>Duty Bearers who Need to Respond</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of knowledge and awareness on RBE</td>
<td>Availability, Accessibility</td>
<td>Central government, local government education sector, parents, community members, students</td>
</tr>
<tr>
<td></td>
<td>Acceptability, Adaptability</td>
<td></td>
</tr>
<tr>
<td>Inadequacy in funding and financial management</td>
<td>Availability, Accessibility</td>
<td>Central government, local government units, MOE, private sector, donor agencies (INGOs), and community</td>
</tr>
<tr>
<td></td>
<td>Acceptability, Adaptability</td>
<td></td>
</tr>
<tr>
<td>Stringent admission policies</td>
<td>Accessibility</td>
<td>Central government, local government,</td>
</tr>
<tr>
<td>Lack of qualified teachers</td>
<td>Availability, Acceptability,</td>
<td>MOE, teachers</td>
</tr>
<tr>
<td></td>
<td>Acceptability</td>
<td></td>
</tr>
<tr>
<td>Insufficient learning resources</td>
<td>Acceptability</td>
<td>MOE, school administrators</td>
</tr>
<tr>
<td>Lack of infrastructure facilities</td>
<td>Availability and Accessibility</td>
<td>Central government, local government, private sector, development organizations</td>
</tr>
<tr>
<td>Geographic distance</td>
<td>Accessibility</td>
<td>Central government, MOE</td>
</tr>
<tr>
<td>Poverty</td>
<td>Accessibility</td>
<td>Government agencies, MOE</td>
</tr>
<tr>
<td>Health and nutrition problems</td>
<td>Accessibility and Acceptability</td>
<td>Ministry of Health, MOE</td>
</tr>
<tr>
<td>Unsafe Learning Environment</td>
<td>Acceptability</td>
<td>Central government, MOE, schools</td>
</tr>
</tbody>
</table>

**Special Cases**

- **Children with disabilities**
  - Accessibility and Adaptability
  - MOE, Various government agencies

- **Undocumented Children/Migrant Workers’ Children**
  - Accessibility and Adaptability
  - Central government, MOE

- **Indigenous Peoples’ Children**
  - Accessibility and Adaptability
  - MOE, Private Sector

- **Children in Conflict with the Law**
  - Accessibility and Adaptability
  - MOE with other agencies and NGOs

- **Children who are victims of disasters**
  - Accessibility and Adaptability
  - MOE
ISSUE 1: DUTY BEARERS ARE NOT AWARE NOR ARE THEY SUFFICIENTLY INFORMED ABOUT THE RIGHT TO EDUCATION.

While the *Universal Declaration of Human Rights* declaring the right to education was in 1945 and other human rights conventions were similarly signed and adopted by various states decades ago, knowledge about these rights has not been fully grasped or absorbed by people who are involved in allocating government resources for education or those who are making decisions that affect the lives of children.

The following are recommended to raise awareness on RBE and advocate for wide support:

**For Central government:**

- Revisit government organizational structures to be able to identify a unit or agency that will be given the mandate and corresponding authority to promote RBE;

- Strengthen inter-government collaboration for the promotion of RBE as exemplified by the Compulsory Education Board in Brunei Darussalam; and

- Conduct programs that will empower parents such as reproductive health education programs, and parental education programs, as well as livelihood programs that will increase their capacity to provide for the education of their children.

**For Local Government:**

- Develop a system of recognition for child-friendly local government units/seal of good housekeeping, e.g., Philippines' Seal of Good Local Governance that aims to improve the quality of service of LGU, including that of educational services; and

- Act as RBE advocates by, among others, actively seeking and identifying out-of-school youth in the community and working with national agencies and other education stakeholders to address their basic education needs.

**For the Education Sector:**

- Conduct a comprehensive RBE audit of all dimensions of the education system, such as curriculum, textbooks, management information system, teacher training, etc., to create an overall picture of the education system's compliance with RBE standards. Such information should be disseminated to direct the course of action of education rights duty bearers;

- Review existing policies and guidelines using the RBE lens and monitor the effectiveness of operationalization at the school level. The review may cover guidelines for Local School Boards and Parent-Teacher Associations to ensure that local government units, parents and community-level partners are sensitized to RBE principles;
• Orient parents, community members and other stakeholders on the value of education and their roles as RBE duty bearers; and

• Enhance the RBE orientation and training programs for teachers and other education employees that will deepen their understanding of the child and enhance their sensitivity to the needs of children especially those at risk;

For Parents:

• Act as partners of the government in the education of their children;

• Be actively involved in the school management by strengthening the Parent-Teacher Association; and

• Comply with legislation on compulsory education by keeping their children in school and ensuring that they complete their education.

For Community Members:

• Explore options to replicate/adopt the Lao PDR’s Village Education Development Council (VEDC) model, which is composed of principals, teachers, women, village leaders and mandated to promote RBE at the community level;

• Support the education sector in the passing of local ordinances on and implementation of anti-truancy policies; and

• Expand the role of community members as partners of the school in providing education to marginalized groups and students who are at risk of dropping out of school.

For Students:

• Recognize their rights and responsibilities as students and take necessary steps to fully realize these rights and fulfill their responsibilities;

• Join campaigns that promote the right to education and advocate education for all; and

• Avail of existing mechanisms that promote students’ participation in school planning, policy and program development, and monitoring and evaluation.
ISSUE 2: INVESTMENT IN EDUCATION IS EITHER INSUFFICIENT OR IMPROPERLY UTILIZED TO REALIZE EVERYONE’S RIGHT TO EDUCATION

Socio-political reasons—that education is crucial to human development and consequently to national development—compel governments to invest in education. Meanwhile, the notion that education is an enabler of rights, i.e., an individual can claim his/her other rights through education, imposes a humanistic demand for governments to invest in education.

Unfortunately, some governments within the region have not made sufficient investment in education. As the survey shows, only three out of nine countries have met the ideal annual education budget of 4-6 percent share of the GDP. Specifically, non-formal education programs and alternative learning programs that aim to reach the unserved sectors are not adequately funded.

On the other hand, in some countries, the education budget is not always properly utilized. In some cases, education budget is misaligned or spent not on the education expenses to which it was originally allotted.

To address the education budget constraints and other budget issues, the following are being recommended:

**For Central Government:**

- Take necessary measures to increase the national education budget to reach the globally acceptable level of 4-6 percent of the GDP;

- Support a sustained public expenditure management system which will promote more rigorous fiscal discipline, allocation efficiency, and operational efficiency at the national and local levels;

- Facilitate convergence and cooperation among government agencies (health, budget, education, etc.) to pool resources together towards joint implementation of programs and projects with shared goals; and

- Use evidence-based information for education budget planning and spending.

**For Local Government:**

- Continue to support education priorities, guided by RBE and public expenditure management principles; and

- Partner with Ministries of Education and other education stakeholders to mobilize local resources to promote RBE and complement national government financing for education.
For MOEs:

- Enhance their absorptive capacity through various research and development activities. For example, a review of a public expenditure on education may be conducted on strategic periods to ensure that education spending is properly directed to where it will make the most impact. Such evidence-based information will improve planning and spending. It will also help align donor priority and ensure sustainability of projects. On the basis of this review, the MOE may be able to recommend an educational financial management reform program, such as in the case of Cambodia, where it led to education officials’ improved capacity for budget formulation and execution, auditing, procurement, and decentralized budget allocation;

- Conduct cost-benefit and impact assessment studies and other evaluation of successful programs on providing education to marginalized communities to determine where to prioritize limited resources; and

- Allocate sufficient funding to non-formal education programs and other alternative delivery schemes to reach their objective of serving the educational needs of individuals who cannot avail of formal education modalities.

For Private Sector/Business, Donor Agencies (iNGOs) and Community:

- Augment the inadequate education budget by contributing financially or providing educational resources to schools or other institutions that serve marginalized children’s right to education i.e., channeling their support to RBE-related programs and projects; and

- Work together with organizations that implement similar RBE programs or target the same marginalized and underserved learners. Aside from having collective resources, this will prevent duplication and wastage, and ensure complementation of efforts.
ISSUE 3: STRINGENT SCHOOL ADMISSION POLICIES

In some countries, education for children is mandatory but stringent school admission policies prevent children especially those without proper documentation or those unable to comply with school requirements from being enrolled.

One such school policy is the submission of certain documents prior to admittance/acceptance in school. One of these is the birth registration. This is a continuing issue for some ethnic groups that do not practice or believe in such documentation upon birth. Some schools require undocumented children to present other evidence of their identity, but some families cannot comply with this.

There are also schools that require contribution, uniform, and ID photo during registration. Unfortunately, not all children can supply these requirements. Some schools likewise implement a localization policy that does not allow refuses admission of students from other areas.

Some schools, particularly the privately-run or religious schools, have a policy of not admitting students without the marriage contract of parents as well as pregnant students.

For these issues on admission that hinder the education of children, the following are recommended:

For Central Government:

- Conduct inter-government agency discussions and cooperate on issues related to the lack of birth registration and identification documents;

- Issue policies enjoining schools to waive identity documents or accept alternative evidence of identity as requirements for school admission;

- Pursue inter-agency collaboration between and among the MOE, the national statistics office and local government units to enable poor households or ethnic groups to comply with birth certificate requirement, i.e., issue birth certificates on school premises or nearby locations during enrollment and set up makeshift centers for this purpose during the period immediately before school opening; and

- Offer alternative learning programs for pregnant students and other children that are unable to attend school regularly.

For Local Government:

- Issue a letter endorsing the acceptance of children without legal identification or issue a certificate of residence confirming the identity of the child in the absence of birth certificate.
ISSUE 4: INSUFFICIENT NUMBER OF QUALIFIED TEACHERS

The ratio of teachers to the number of students matters in making education available and acceptable. Although there may be sufficient number of teachers, the lack of concern and competence of teachers to handle the diverse needs of students or inability of teachers to facilitate the learning process may push students out of school.

To address the insufficiency of qualified teachers, the following are recommended:

For the MOE:

- Improve the minimum standards on qualifications and competencies of teachers. These qualifications should adhere to human rights standards;
- Develop competency standards related to RBE for principals/school heads;
- Partner with teacher education institutions and training centers, to conduct strategic training programs for teachers on rights-based education, child-friendly schools, learner-centered pedagogy and assessment;
- Support improvement of living conditions and welfare of teachers. Special incentive/compensation packages should be available to competent teachers who are serving the unreached and the underserved such as those with special needs, those in remote places, and those belonging to ethnic groups; and
- Review the centralized/decentralized policies on the recruitment, performance management, and dismissal of teachers and principals.

For Teachers:

- Adhere to the national teaching standards and professional ethics.
ISSUE 5: INSUFFICIENT LEARNING RESOURCES

The uneven distribution of learning resources in underserved areas affects the proper provision of quality education services. For this shortcoming, the study recommends:

For MOE:

- Conduct of an inventory of learning resources to identify priority gaps and supply the necessary learning materials from central government;

- Promote the use of technology and Open Educational Resources (OER) as a tool to facilitate access, generation and distribution of learning resources;

- Train teachers to develop their own local/indigenous learning resources particularly those that address RBE issues; and

- Provide learning resources and set up alternative delivery schemes for children who have difficulty staying in traditional classrooms or coping with the regular school calendar.

For School Administrators:

- Encourage teachers to develop and share local and indigenous learning materials; and

- Collaborate with private sector and civil society partners as potential sources of learning resources.
ISSUE 6: LACK OF INFRASTRUCTURE AND FACILITIES

Lack of school buildings, roads, and bridges will render schools inaccessible to children, thus violating their right to education. Often, this lack of infrastructure is experienced by children in archipelagic or mountainous terrains that are common in the region.

To overcome these challenges, these are recommended:

For Central Government:

- Provide sufficient investments for the construction of school buildings and other learning facilities;
- Invest in and build transportation-road systems that will facilitate the students’ access to schools;
- Invest in community learning centers to support delivery of non-formal education programs in remote communities; and
- Introduce and/or strengthen innovations and strategies that have been proven effective, such as alternative learning modes, multigrade instruction, small schools/integrated schools, and mobile teachers/schools that bring education to the learners.

For Local Government and/or MOE:

- Hire mobile teachers who can facilitate/conduct non-formal learning sessions in community learning centers, catering to children in unreached and underserved areas; and
- Provide free/subsidized transportation services or transportation allowance for students who have difficulty physically accessing the school.

For Private Sector and Development Organizations:

- Channel a portion of corporate social responsibility funds and donor funds towards school building construction. One example of such initiative is the Philippine Adopt-A-School program that provides tax incentives to corporations that provide support to schools. Another example is Lao PDR’s community-based construction approach.
ISSUE 7: GEOGRAPHIC DISTANCE

Related to the challenge on the lack of infrastructure is the geographic distance of learners to a learning institution. Learners in remote and underserved areas are sometimes unable to access quality education. For this, the recommendation include the following:

For Central Government:

- Construct lodging facilities for male and female teachers and boarding schools for students so that they will not have to take daily long distance trips from their homes to schools. For instance in Cambodia, teachers who are deployed in disadvantaged and remote areas are provided with accommodations;

- Provide for land/water transportation such as free/subsidized boat ride or bus services. One example is the Philippine Abot-Alam’s Pedals and Paddles initiative providing bicycles and boats to students. Students can also be provided with transportation support/subsidy;

- Establish multigrade or K9 integrated schools in remote areas; and

- Offer alternative delivery modes that allow flexible arrangements, especially for students who have difficulty traveling long distances to reach their school.

For the MOE:

- Establish small schools/multigrade schools in remote rural areas where two or more grade levels are combined in one class, enabling the provision of educational services with less resource requirements;

- Provide integrated school/K9 in areas where secondary education is not available within the area; and

- Strengthen and expand the reach of alternative delivery modes.
ISSUE 8: POVERTY

Even with the availability of education, some children, particularly in developing countries, are prevented from availing of such free services because of extreme poverty, i.e., they do not have enough money for transportation, meals, school supplies, school projects, etc. In some cases, children work instead of studying to augment family income.

To address poverty as an obstacle to children’s right to education, the following are recommended:

For Government Agencies:

- Implement/expand Conditional Cash Transfer Programs with specific conditions that will boost the school attendance of children of extremely poor families;
- Provide livelihood programs and other empowering activities for parents/guardians. Moreover, micro-financing facilities for poor areas targeting poor parents as beneficiaries should be established; and
- Offer scholarships, money grants or financial assistance to poverty-stricken students.

For MOE:

- Ensure that basic education, at least at the compulsory level, is free through policies such as fee-free and zero-tuition collection.
ISSUE 9: HEALTH AND MALNUTRITION PROBLEMS

The lack of nutritious meals and poor health condition incapacitate children from availing the education they deserve. Poor health prevents them from going to school and/or absorbing what they learn. In most cases, it is the poor in underserved areas who are hungry, malnourished and ill. Thus, some recommendations to address poverty are also relevant in addressing this issue.

The lack of adequate washing facilities and toilets in schools is another serious issue faced by some countries in the region. This dearth of sanitation facilities has proven to be detrimental to children’s health.

For the Ministry of Health:

• Strengthen multisectoral coordination and linkages with the education sector to facilitate the conduct of health programs to address health-related barriers to children’s access to and continuing attendance in school.

For MOE:

• In close collaboration with health ministry, implement a comprehensive health and nutrition education program covering the feeding, hygiene and sanitation, deworming, and dental hygiene of school children;

• Establish schools in hospitals for students who are sick and cannot attend regular classes; and

• Implement sustainable Water, Sanitation and Hygiene (WASH) in school programs with support from NGOs, private entities, local communities, and development organizations.
ISSUE 10: UNSAFE LEARNING ENVIRONMENT

Schools should be a place for children to feel safe and free from harm. Unfortunately, bullying is a real concern for many schools and has caused children to drop out of school. Cyber-based or virtual threats also exist and endanger children’s safety and well-being. All these safety risks should be addressed both at the national and local levels.

For Central Government:

• Issue/strengthen child protection policies that will be implemented through an inter-government mechanism of protection that includes the education, health, social welfare, and justice departments as well as child-focused organizations.

For MOE:

• Issue/strengthen guidelines promoting safe, responsible and ethical use of ICT to address child safety concerns and foster the development of effective digital citizenship for both students and teachers.

For School Administrators:

• Establish a child protection committee that will take the lead in pursuing measures against child abuse and bullying in schools and take action on violations of child protection policies and child rights;

• Promote the safe, ethical and effective use of ICT by students and teachers in the school; and

• Partner with parents in promoting safe, responsible, and ethical use of ICT to address child safety concerns in the home.
REMAINING UNREACHED AND UNDERSERVED MARGINALIZED AND VULNERABLE GROUPS

There are marginalized sectors of society that need assistance and support to enable them to avail of their right to education. The following is the list of these sectors and the recommended educational programs and policies that will benefit them.

For Children with Disabilities (CWDs):

- Through the MOE, institutionalize an inclusive education policy for children with special needs. With this, children with disabilities and gifted can be mainstreamed into regular classes or provided with special education classes. One-stop shop schools can be established to serve the CWDs through various program offerings (SPED, gifted program, non-formal or alternative learning system, mainstreaming support).

- Through government agencies such as public works, social welfare, health and education, along with development groups and disability self-help groups, ensure the accessibility of schools and the provision of facilities and assistive devices for CWDs.

For Undocumented Children and Migrant Workers’ Children:

- Through states involved, conduct an inter-country dialogue and collaboration e.g., Indonesia-Malaysia-Philippines, to address specific education issues on undocumented and migrant workers.

- Through the MOE, provide non-formal or alternative learning system programs in a community learning center.

- Through the MOE, implement multilingual education programs for children of other nationality.

For indigenous peoples:

- Through the MOE, implement mother tongue-based multilingual education (MTB MLE).

- Through the combined efforts of the private sector, LGUs and MOEs, provide for the needs of IP learners such as contextualized curriculum and training and certification of local IP teachers.
For Children in conflict with the law:

- Through the MOE in collaboration with other agencies and NGOs, establish schools/alternative learning programs in prisons similar to the integrity school or HGS of Malaysia for prisoners with less serious crimes (correctional schools).

For Children who are victims of disasters

- Through the MOE, institutionalize an Education in Emergencies (EiE) program that will be implemented when a locality is affected by a natural disaster or besieged by an armed conflict to ensure continuity of learning opportunities.
A review of the constitutional provisions, laws/legislations, policies as well as programs and projects, yielded the following conclusions:

RIGHTS-BASED EDUCATION DEFINITION FOR THE REGION

Education is a right that should be enjoyed by everyone, including those incapacitated by their circumstances (children with disabilities, victims of disasters, extremely poor, residence of remote/underserved areas), those confined by their situation (ill, in prison), the undocumented/unregistered, and the marginalized (girl/boy, IPs). The government is enjoined to protect and promote RBE through the establishment of a system of free and compulsory quality education that is accessible and adaptable to all.

EVIDENCE OF RIGHTS-BASED APPROACHES

Recognition of the Right to Education

In policy and legal documents, countries in the region clearly recognize the right to education which needs to be fulfilled and protected. They are States Parties to international human rights conventions, adopted these conventions into national laws, guaranteed this right in their respective constitutions, and passed laws that outline how the government and various agencies can fulfill and protect this right.
The survey notes that recognition of such rights shows most promise in the area of gender parity and consideration towards children with disabilities. Countries implement programs that promote equal services to both genders and specifically cater to marginalized sectors such as CWDs.

**Humanistic Right to Education Approach in EFA**

Investing in education that is anchored on the humanistic principle of Education for All (EFA) ensures that marginalized groups are given access to quality education. In the case of Southeast Asia, several countries in the region use EFA as the blueprint of their countries' education framework. EFA efforts also contribute to RBE's goal to increase access of the disadvantaged gender and marginalized sectors of the country.

Moreover, RBE should be placed at the center of education plans from the upper down to the school level so that it becomes a guiding principle in school planning. For instance, local School Improvement Plans were made more child-centered through the Philippine Department of Education’s adoption of new guidelines for School Improvement Planning. The new guidelines incorporate elements and principles of the Child-Friendly Schools and encourage the participation of children, parents and community members.

**Constitutional Guaranty on RBE**

The specific provision on the right to education entitles everyone to education and enjoins the government to protect and promote such rights by making education available and accessible.

Aside from the constitutional guarantee on the right to education, there are RBE-related laws/policies that ensure that everyone’s right to education will be served, as in the case of compulsory education in Brunei Darussalam, Lao PDR, and Malaysia.

Through constitutions and legislations, countries in the region have provisions for free and compulsory education; however, country’s length of free and compulsory education varies. For instance, not all countries include pre-primary and secondary education in the provision of free and compulsory education. Thus, there are countries where compulsory education is only for five years, others for six years only, and others for nine years.

**Activated RBE Duty Bearers**

The decentralization of education governance, commonly known as school-based management, empowers the school personnel to act on the specific needs of the learners and enjoins the involvement of school-community members. In this sense, it is boosting the acceptability and adaptability of education.
Since education is affected by factors beyond the school’s or community’s power to intervene such as peace and security, climate, economics, and infrastructure, the best option is to adopt the whole government approach and/or public-private partnership, which makes education the responsibility of various government agencies and sectors, not just the ministry of education. Several countries implement inter-government or GO-NGO collaborative projects, although only a few have institutionalized the collaborative approach towards serving RBE for all.

**INSTITUTED RBE-RELATED INITIATIVES AND INNOVATIONS**

Several programs, initiatives, and pioneering solutions have been implemented to ensure the delivery of educational services.

One of the strengths of the countries in the region in terms of making education accessible, acceptable, and adaptable is the implementation of Child-Friendly Schools policy and/or project. The Child-Friendly Schools System encompasses the removal of all forms of discrimination, learner-centered instruction, child protection from offensive treatment of school personnel and bullying, and intervention during disasters.

Another effective motivation for children to go to school, stay there, and learn are school feeding programs. The main focus of these programs are poor and malnourished children who are provided with nutritious meals at least once a day. These programs are usually accomplished through the support of the parents, community, local government, private entities, and civil society organizations.

To remove barriers to learning, countries have established a language policy that promotes the use of the child’s mother tongue in the early grades of primary education. Institutionalizing the use of mother tongue not only removes learning barriers and prevents children from dropping out of school, but also facilitates the preservation of the child’s culture.

In areas where children cannot attend school because of geographic and economic barriers, the strategy is to bring the school closer to children. This is the aim of mobile schools that are operating in some countries in the region which include itinerant teacher services, non-formal school on wheels, pushcart education, and alternative learning delivery modes. Moreover, there are homeschooling programs available in Cambodia, Indonesia, Philippines, and Thailand.

Some learners cannot go to school because of their medical conditions or because they are in prison. They are given an opportunity to learn through schools for children with health condition and schools that serve the children in conflict with the law such as those operating in Malaysia.
ISSUES AND CHALLENGES

Missing RBE Principles in Development Plans

While countries may not have shortcomings in terms of legislation and policy-formulation advancing the right to education, they do not explicitly express or articulate this right in national development plans and national education strategies. For instance, investing in education is seen as a strategy to develop highly educated and highly skilled citizens and economic progress instead of serving human right to education.

While economically this offers a sound strategy, from a humanistic perspective, the countries’ immediate and long-term plans and actions may be detrimental to a few sectors whose right to education may be neglected. For one, the issues on making education accessible may not be fully addressed when education of the unregistered citizens such as IPs and undocumented learners do not fit in within such economic-centered education goals. For another, education strategies that are anchored on economic goals may disregard the adaptability of education for certain sectors of society, such as those who are deemed to be uneducable as a result of a cost-effective analysis of government investments.

Thus, there is the need to reframe the national strategies in order to align them with the RBE principles and framework. This includes incorporating RBE principles in the post-2015 education development agenda and national strategic plans for operationalizing the new 2030 education-related sustainable development goals.

Prevalent but Neglected RBE Issues

The survey and regional conference on RBE surfaced some issues related to the 4As indicators. These issues have often been extensively discussed but not fully addressed. One of them is financial support for education. Educational resource constraints, which ultimately affect education availability and access to quality education, are usually pinpointed as the result of the insufficient budget allocation for the education sector.

Another recurring issue in education pertains to the number of qualified teachers that are strategically deployed to boost the quality of education particularly in underserved areas. The quality of teachers can be improved with strategic teacher training, particularly on human rights and child protection policies and practices. Aside from building their capacities, instituting and implementing programs that will boost teachers’ welfare should also be made possible.

Governments in the region should also start revisiting the scope of the free and compulsory education they are providing, particularly in the light of growing evidence of the significance of early childhood education. Although a year of preschool is considered part of the basic education system, it is not usually free and compulsory.
There are also some issues that may not be receiving the attention they warrant. Two of those issues are child labor and child marriage which can be obstacles to the adaptability of education. According to the survey, not all countries have policies that set the legal age for employment or for marriage. Furthermore, policies that make it illegal for those below 18 years of age to work or marry do not necessarily guarantee that there will be no more child labor or child marriage. Alternative learning programs also need to be developed that respond to the learning needs and context of pregnant and married students so that they can complete their basic education.

Another issue is the lack of educational programs that will truly respond to those that have been neglected in countries in the region such as those with permanent and temporary health conditions, those in conflict with the law, those who are in conflict areas, those in emergency situations, and the undocumented and unregistered learners.

To better serve the disadvantaged and marginalized children, there should be a student identification, tracking, and monitoring system in place that will systematically collect and disaggregate data that will be fed to education authorities towards policy and program development and implementation.
Aside from the issue-based recommendations in the previous chapter, the following actions are recommended to realize RBE.

**RBE COMMUNICATION AND ADVOCACY**

Countries in the region are obliged by international agreements and global covenants such as the Universal Declaration of Human Rights, Convention on the Rights of the Child, International Conventions on the Elimination of All Forms of Racial Discrimination, Conventions on the Elimination of All Forms of Discrimination against Women to promote and protect their citizens’ rights including the right to education. However, government officials and personnel who play a key role in realizing the rights to education of the citizens are not always sufficiently active in advocating for this right. This gap may be addressed by formulating communication and advocacy plans that promote RBE and ensures that RBE is integrated in the practices of key actors in RBE, specifically government officials at various levels of government, and school heads and teachers in government schools.

All education duty bearers should collaborate in developing a RBE communication and advocacy plan that will enhance the knowledge, attitude, and practices of government policymakers, education ministry, local government unit, community leaders, school personnel, including teachers, parents, private sector, and civil society organizations.

RBE communication and advocacy plans may include the use of social media/tri-media to promote RBE and strategies such as campaigning for RBE in churches, mosques, temples, and village community gatherings.
RBE communication and advocacy plans should aim to:

- Raise awareness/popularize RBE among the public;
- Educate duty bearers on their roles and responsibilities in realizing RBE;
- Instil in the hearts of government officials from national down to the local levels, the principles of rights-based approach to education so that these will be the core of the nation’s short- and long-term goals and the education sectors’ plans and strategies;
- Advocate to increase the education budget to meet international benchmarks; and
- Disseminate good practices and innovative solutions to RBE through awards/recognition.

Specifically, plans should take note of the SEAMEO Council’s seven post-2015 education development priorities for the next 20 years (2015-2030). Two of the priority areas are directly related to RBE communication and advocacy as follows: 1) achieving universal pre-primary education by 2030, with particular target on the disadvantaged such as poor children; rural communities; marginalized ethnic and linguistic communities; and children with disabilities, and 2) addressing barriers to inclusion and access to basic learning opportunities for all learners through innovations in education delivery and management to provide for the previously inaccessible and vulnerable groups.

**RBE CAPACITY BUILDING**

This research reveals that various duty bearers have not been neglectful in making education available, accessible, acceptable and adaptable. However, it remains to be seen how much of their efforts are due to the need to act on their official obligations and how much are due to their genuine knowledge and appreciation of human rights-based education.

At the national level, officials involved in crafting programs and projects should be well-versed on human rights not only to ensure that everyone is being served their right to education, but also to preserve the indivisibility of all fundamental human rights in the implementation of the programs.

At the school level, teachers and education personnel should be trained on human rights to act as guardians and promoters of children’s human rights. Moreover, they should be trained on becoming inclusive and child-friendly in their approaches to education so as to prevent discrimination and exclusion of marginalized learners.

Overall, all duty bearers should be trained on how to be the promoter and protector of the right to education that will lead to the realization that education is the right of everyone and everyone is obligated to fulfill this right.
RESEARCH, MONITORING AND EVALUATION FOR RBE

More research is needed to identify and determine profiles of those whose right to education remains unclaimed, and to formulate plans and program actions and interventions for them.

To develop adequately a strong RBE monitoring and evaluation system, there should be a system-wide audit of the curriculum, learning materials, policies, learning assessment, teacher training, etc., to determine status and level of compliance with RBE and identify gaps. The result of the audit shall be the baseline data for action planning, monitoring, and evaluation.

MOEs are also enjoined to institutionalize a monitoring and evaluation system that collects and examines quantitative data (e.g., geographic/demographic profile of unreached and underserved children and youth) and qualitative data (e.g., to substantiate the data on RBE towards the formulation of RBE-oriented policy, planning, and budgeting).

The RBE monitoring and evaluation should come with a reporting/dissemination plan targeting key duty bearers in RBE so that proper authorities and concerned sectors will be informed and be guided on the proper courses of action.

REGIONAL, NATIONAL AND LOCAL COLLABORATION

This study on RBE in Southeast Asia highlights that countries in the region have common aspirations and concerns in RBE. This commonality will allow the countries in the region to work together, share experiences and technical know-how, and identify effective practices and innovative solutions to serve the educational needs of all learners. This regional collaboration should be extended towards combating issues besieging the countries in the region and in particular, capacitating countries that have weaknesses in terms of making education available, accessible, acceptable, and adaptable.

The remaining gaps on RBE can be overcome through inter-government, GO-NGO, public-private collaboration and support mechanisms at various levels such as school-based management and international development cooperation. Such collaboration and support system involving multisectoral alliances have been known to make RBE-oriented programs and projects successful, i.e., child-friendly schools, locally-financed classroom construction, and school feeding programs.

Lastly, frontline service providers in education should engage everyone’s full support so that each child will be able to claim his/her right to education.
The onset of the digital age raises new possibilities and challenges in making education more accessible. Digital technologies have the potential to extend citizens’ right to education through a myriad of new learning pathways and access to learning resources. For instance, online learning now makes it possible for learners in physically remote places to enroll in study courses, access quality learning resources, and be mentored by qualified teachers.

While 21st century’s technological developments bring in an enormous potential to serve the right of children to education such as those cited in *Children's Rights in the Digital Age: A Download from Children Around the World*, the rise of digital age brings concerns about digital divide that may further widen existing disparities (rich-poor, rural-urban), and lead to prevalence of cybercrimes that victimize vulnerable children.

Thus, while it is crucial for duty bearers to take advantage of the potential of digital technologies to bridge gaps in education and move education forward, it is equally important to put in place safeguards so that their widespread utilization will not cause discrimination against those without access to these technologies or will result in misuse and abuse.

In addition, such technologies bring with them associated risks that threaten RBE such as issues of exclusion related to cyber safety and cyber pollution, and threats to indigenous knowledge and culture.

Thus, even as countries in the region are increasingly using digital technology in education and harnessing their potential to support RBE, it is crucial that measures are taken to ensure inclusiveness, child safety, and cultural sensitivity of ICT-based programs/projects.

The communication and advocacy plan; capacity building initiatives; research and M&E; collaboration at various levels; and adaptation to the 21st Century all redound to the benefit and well-being of children. Through these efforts, their rights will be served and their lives will change for the better, resulting in the attainment of progress and human development.

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REFERENCES


140 Scoping Study into Human Rights-Based Approaches to Education in Southeast Asia


Singapore Const. available at http://statutes.agc.gov.sg/aol/search/display/vieww3p;query=Status%3Acurinforce%20Type%3Aact,sl%20Content%3A%22singapore%22%20Content%3A%22constitution%22;rec=1;resUrl=http%3A%2F%2Fstatutes.agc.gov.sg%2Fao%2Fsearch%2Fsummary%2Fresults.w3p%3Bquery%3Dstatus%253Acurinforce%2520type%253Aact,sl%2520content%2522;whole=yes>


ANNEX A
BRIEF INFORMATION ON RBE PARTICIPANTS

1. Brunei Darussalam

MS. HAJAH SITI MARIAM BINTI HJ JUMAAT is a senior education officer of the International Affairs Unit of the Ministry of Education of Brunei Darussalam. She was involved in the 2nd Cycle Report 2014 Universal Periodic Review, Geneva and the ASEAN Intergovernmental Commission on Human Rights (AICHR) Meeting.

MS. MAL HAFIDA HAJI ALIT is a senior education officer of the International Affairs Unit of the Ministry of Education of Brunei Darussalam.

2. Cambodia

Mr. VEN THOL is the Deputy Chief of Primary Education Department, Ministry of Education, Youth and Sport of the Kingdom of Cambodia.

3. Indonesia

MS. YENDRI WIRDA is the Head of the Research for Early Childhood, Elementary, Non-Formal and Informal Education Division of the Ministry of Education and Culture of Indonesia.

4. Lao PDR

Mr. BALO SIBOUNHEUANG is the Deputy Head of Evaluation Division at the Research Institute of Educational Sciences of the Ministry of Education and Sports of Lao People’s Democratic Republic.

5. Myanmar

Daw JA SAING BU is a senior teacher at the Basic Education High School of Myitkyina Township, Department of Basic Education II of Myanmar.

6. Malaysia

Ms. NOOR SALWANA KHAIRULLAH is a senior assistant director of the Educational Planning and Policy Research Division of the Ministry of Education of Malaysia.

7. Philippines

Mr. ROGER MASAPOL is Chief of Policy Research and Development Division and OIC, Planning and Programming Division Office of the Planning Service of the Philippine Department of Education.
8. Thailand

Ms. WIPAPORN NITIPRECHANON is a senior expert in education research at the Bureau of Educational Innovation Development, Office of the Basic Education Commission, Ministry of Education of Thailand.

9. Vietnam

MS. NGUYEN BOI QUYNH is the Vice Principal of Viet Duc High School in Vietnam.
## ANNEX B
### RESULTS OF THE SURVEY QUESTIONNAIRE

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<thead>
<tr>
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<tr>
<td>What is the legal length of compulsory education (in years)?</td>
<td>9</td>
<td>6</td>
<td>9</td>
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<td>6</td>
<td>5</td>
<td>12</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>What is the current GDP portion of the education budget in your country (based on 2014 survey)?</td>
<td>3.3%</td>
<td>1.8%</td>
<td>4.06%</td>
<td>2.3%</td>
<td>5.1%</td>
<td>1.46%</td>
<td>2.4%</td>
<td>6.51%</td>
<td>5%</td>
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</table>

The participants encircled the appropriate number corresponding to the level of development of the various indicators of 4A framework. The following are the meaning of the numbers:

- 5 for legislations/policies and programs and projects that are fully in place and are successfully implemented;
- 4 for those that are fully developed but have not been fully implemented;
- 3 for those that are in the process of being developed as laws/policies or programs/projects;
- 2 for those that are just starting or in the conceptualization period; and
- 1 for indicators to which nothing has been done or are not in place.
- If it is not applicable, encircle N/A.

### Making Education Available

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<tr>
<td>1.1. The constitution guarantees the right to free education.</td>
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<td>1.2. There are strategies or programs to eliminate financial obstacles against free education (e.g., abolition of school fees).</td>
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<td>1.3. The constitution guarantees the right to compulsory education.</td>
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### Making Education Accessible

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<tr>
<td>1.4. There are measures to ensure that parents' freedom to choose the school to send their children is respected.</td>
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<td>1.5. An ideal proportion of budget is allocated for the education sector (i.e., 6% of GDP for education expenditure)</td>
<td>5</td>
<td>4</td>
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<tbody>
<tr>
<td>2.1. There are policies that adhere to the international treaties (e.g., Convention on the Rights of the Child) that prohibit discrimination and exclusion.</td>
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<td>2.2. There are legislations/national policies that specifically prohibit forms of discrimination in education.</td>
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<td>2.3. The government acts to remove barriers on access to education.</td>
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<td>3</td>
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<td>1.5. An ideal proportion of budget is allocated for the education sector (i.e., 6% of GDP for education expenditure)</td>
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<td>2.4. There are measures to promote equal access to education of the marginalized and vulnerable children:</td>
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<td>2.4.1. Indigenous peoples</td>
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<td>2.4.2. Children with disabilities</td>
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<td>2.4.3. Extremely poor</td>
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<td>2.4.4. Victims of disasters</td>
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<td>2.4.5. Girls or boys</td>
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<td>2.5. There are policies regarding financial assistance to those in need (e.g., stipend, cash transfer).</td>
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<td>2.6. There are strategies and programs to promote school attendance or to reduce dropout.</td>
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<td>2.7. There are non-formal education programs that facilitate access to education.</td>
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<td>2.8. There are advocacy campaigns to eliminate any form of discrimination in education.</td>
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<td>2.9. There is a monitoring mechanism or information system that will provide policy-makers reliable information for policy making and programming on access to education.</td>
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<td>2.10. There is available disaggregated data (according to socio-economic status, gender, disability, ethnic group, geographic location, etc) for planning, budgeting, monitoring and assessment of performance against standards.</td>
<td>3</td>
<td>n/a</td>
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## Making Education Acceptable

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<tr>
<td>3.1. The curriculum is aligned with human rights requirements (e.g., free from gender, racial/ethnicity, religious and other bias).</td>
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<td>3.2. Human rights competencies are included in the curriculum.</td>
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<td>3.3. The government acts to ensure that teaching and learning methods comply with human rights standards (e.g., rights of the child).</td>
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<td>4</td>
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<td>3.4. There are measures to ensure that the learning outcomes are adjusted to the diverse abilities of learners.</td>
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<td>3.5. The education is learner-centered (e.g., hands-on learning) that actively engages students in the learning process.</td>
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<td>3.6. Schools are child-friendly, guaranteeing the protection of children.</td>
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<td>3.7. There are policies to ensure that textbooks and other learning materials are aligned with human rights standards.</td>
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<td>3.8. Assessment for learning is designed to respect the dignity of the child.</td>
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<td>3.9. Teachers are trained on human rights education.</td>
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<td>3.10. Teacher rights are protected such as access to:</td>
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<td>3.10.1. Appropriate compensation</td>
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<td>3.10.2. Training and profession development</td>
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<td>3.10.3. Welfare</td>
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<td>3.11. There are actions to align education with employment-creating measures.</td>
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<td>3.12. There is a national policy on the use of mother tongue as medium of instruction.</td>
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</table>
3.13. There is a national prohibition on the practice of corporal punishment in schools.

3.14. There is promotion of student participation in policy development.

3.15. There are measures to include parents and the members of the community in the education of the children.

### Making Education Adaptable

<table>
<thead>
<tr>
<th>4.1. There are actions to mainstream marginalized learners:</th>
<th>Brunei Darussalam</th>
<th>Cambodia</th>
<th>Indonesia</th>
<th>Lao PDR</th>
<th>Malaysia</th>
<th>Myanmar</th>
<th>Philippines</th>
<th>Thailand</th>
<th>Vietnam</th>
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<tbody>
<tr>
<td>4.1.1. Minority/Indigenous children</td>
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<td>4.1.2. Children with Disabilities</td>
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<td>4.1.3. Girls or Boys</td>
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<td>4.2. There are flexible learning options such as self-learning modules to accommodate learners in difficult circumstances.</td>
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<td>4.3. There are educational programs for children with disabilities.</td>
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<td>4.4. There are educational programs for indigenous/cultural minority/ethnic children.</td>
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<td>4.5 There are educational programs to address gender disparity.</td>
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<td>4.6. There are policies that address child labor.</td>
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<td>4.7. There are legislations regarding minimum age requirement for employment.</td>
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<td>4.8. There are policies that address child marriage.</td>
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</table>
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