The right to education has been internationally recognized and nationally affirmed through constitutions, legislations and education sector policies; however, there remain 57 million out-of-school children worldwide (UNESCO 2013) whose right to education has evidently been denied.

The Southeast Asian Ministers of Education Organization Regional Center for Educational Innovation and Technology (SEAMEO INNOTECH) seeks to provide innovative solutions to address existing and anticipated educational needs and concerns of

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SEAMEO member countries. Accordingly, it has been undertaking educational researches that aim to support countries in the region in their bid to achieve their Education for All commitments and education components of national development plans. One such research undertaking is the promotion of 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 to educational access and quality improvement have varied across the SEAMEO member states.

The study, dubbed as Scoping Study into Human Rights-Based Approaches to Education in Southeast Asia, was funded under the SEAMEO INNOTECH Regional Education Program (SIREP). 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).

This study assessed the strategies that each SEAMEO member country has employed in implementing a rights-based approach to education. The study hoped to bring document the countries’ diverse experiences in implementing a rights-based approach to education using a common framework, in order to highlight effective practices, lessons learned and areas for further strengthening. Through this research, barriers for children and citizens to claim their right to education were identified.

The research was participated by nine Southeast Asian countries namely: Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Thailand, and Vietnam.

National experts on rights-based education or the education ministry officials involved in rights-based education, responded to a survey, presented a country paper, and provided inputs during a regional research workshop conducted from 27-29 August 2014 at SEAMEO INNOTECH, Quezon City, Philippines.

**Assertions of Rights to Education**

National constitutions, that embody the aspirations of a sovereign nation, state the fundamental rights of its citizens. Countries in the region have specific constitutional provisions on the citizens’ rights to education.

Gathering the statements of the right to education in the constitution and enacted laws of each country yielded the following:

- Education is recognized as one of the fundamental rights of a country’s citizens.
- Government is obliged to protect and promote the citizens’ right to education by making education compulsory and providing the necessary funds to provide free education to the citizens.
- Citizens have the responsibility to avail of basic education.

“Education is recognized as one of the fundamental rights of a country’s citizens”.
Rights-Based Education: Duty-Bearers

The main responsibility of the provision of the right to education falls upon the government. Specifically, responsible duty-bearers are:

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

Rights-Based Education: Programs and Projects

Rights-based approach to education research makes use of the 4As scheme (availability, accessibility, acceptability, adaptability) as the overarching conceptual framework in assessing rights-based education as cited in the Manual on Rights-Based Education: Global Human Rights Requirements Made Simple (Tomasevski 2004):

- **Available** education means that it should be free and compulsory for all children, at least at the primary level.\(^1\)
- **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 method of teachings.
- **Adaptable** education is ensuring that education responds to the best interest of the child.

\(^1\) As prescribed in international covenants such as International Covenant on Economic, Social and Cultural Rights

“All indicators for the 4As of rights-based education are either in the stage of being developed into policies and programs or in various forms and stages of implementation across the countries of Southeast Asia.”

The survey results revealed that all indicators for the 4As of rights-based education are either in the stage of being developed into policies and programs or in various stages of implementation across the countries of Southeast Asia. The implementation of RBE-related policies, programs and projects provide evidence of rights-based approaches to education being operationalized in SEAMEO-member states.

On **availability** of education, countries in the region have implemented their constitutional provisions and/or laws for the provision of free and compulsory education for their citizens. However, the period that covers free and compulsory education varies from primary level of five to six years to secondary level of ten to twelve years. In relation to availability of education, government and donors are building and opening schools.

Moreover, there are policies and programs that capacitate parents to send their children to a school of their choice. **Accessibility** of education is evident in almost universal participation rates at the primary level in countries in the region. Making education accessible is evident through efforts towards gender parity and access to education of children with special needs. Moreover, a wide range of programs are available such as provision of financial support, implementation of non-formal and alternative education programs, strategies that promote school attendance that make education accessible.
Education is made **acceptable** in the countries in the region through policies on language of instruction, inclusion of human rights in the curriculum, making the curriculum and learning environment learner-centered, training and protection of teachers, and participation of learners, parents, and community members in school decision-making and improvement planning.

To make education **adaptable**, countries in the region have made education flexible to suit the needs and circumstances of learners. In particular, there are education programs for children with disabilities, for indigenous people (IP) learners, and others such as over-aged children. Policies such as those that address child labor and child marriages have also contributed to making education adaptable.

**RBE-Related Interventions and Innovations**

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

Most notable are the Child-Friendly School (CFS) projects that have been institutionalized in schools in several countries in the region for the creation of child-centered learning environments and learning processes such as Cambodia’s CFS policy, Myanmar’s CFS Framework, Philippines’ CFS System, and Thailand’s CFS Project. Added to this are the efforts of several governments in the region to push for mother tongue-based learning such as in Cambodia, Philippines, and Thailand, and bilingual education such as in Brunei Darussalam and Vietnam.

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

Moreover, there are pioneering solutions to address access to education of marginalized and disadvantaged learners such as mobile schools in Myanmar or school 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.

**Addressing Barriers and Challenges on RBE**

The study identified ten issues and challenges that negatively impact on the right to education from being achieved as available, accessible, acceptable, and adaptable. Concomitant with the discussion on issues and challenges are recommended actions.

1. **Duty-bearers are not aware or sufficiently informed about the right to education**

**Recommendations:**

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 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; 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;
• Join campaigns that promote the right to education and advocate education for all;
• Avail of existing mechanisms that promote students’ participation in school planning, policy and program development, and monitoring and evaluation.

2. **Investment in education is either insufficient or improperly utilized to realize everyone’s right to education**

**Recommendations:**

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.

3. Stringent school admission policies

Recommendations:

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.

4. Insufficient number of qualified teachers

Recommendations:

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.
5. **Insufficient learning resources**

*Recommendations:*

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.

6. **Lack of infrastructure and facilities**

*Recommendations:*

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.

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**“Education is the right of everyone, and everyone has the responsibility to make it happen.”**

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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.

7. **Geographic distance**

*Recommendations:*

For Central Government:

- Establish a community center that lies among a cluster of remote villages to serve as the venue for availing/accessing basic services in education and health;

- 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.

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

Recommendations:

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.

9. Health and malnutrition problems

Recommendations:

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

10. Unsafe learning environment

Recommendations:

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.

The study resulted in the identification of the five types of learners who, based on their difficult circumstances, were the 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

Moving RBE forward in the Region

While much has been achieved in promoting RBE in the region, countries in the region need to strategically plan and move forward on the following areas to ensure a strengthened rights-based education in Southeast Asia:

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.

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 provided the 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

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.

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. 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.

*The full “Scoping Study into Human Rights-Based Approaches to Education in Southeast Asia” report will be available for electronic download from the SEAMEO INNOTECH at www.seameo-innotech.org in November 2016.