UNESCO WORKSHOP ON

UNIVERSALIZING THE RIGHT TO EDUCATION OF GOOD QUALITY: A RIGHTS-BASED APPROACH TO ACHIEVING EDUCATION FOR ALL

Final Report

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CHAPTER 1
EXECUTIVE SUMMARY

1. BACKGROUND

The Dakar Framework for Action reaffirmed education as a fundamental human right, and provided the guiding principles for the actions of governments to comply with Education for All (EFA) obligations. However, there is a need to assess how the United Nations Member Countries that committed support for the Dakar Framework of Action have actually complied with the obligations stipulated in EFA programme. This Workshop convened representatives of key educational institutions in the Asia and Pacific region to exchange experiences, data, and reviews of national policies in the effort to map the progress of Member Countries in the goal to universalise education and eradicate illiteracy by the year 2015.

The Workshop's point of departure was the right to education and Education for All. The framework for analysing the United Nations Member Countries' development and implementation of EFA policies was the body of international treaties relating to human rights. The human rights framework was chosen because it embodies key issues and stimulates qualitative and quantitative analysis that is cross-cutting and globally comparable. But where international human rights standards have not yet been developed (such as for the quality of education), this Workshop aimed to fill these gaps.

2. CONCEPTUAL FRAMEWORK

This Workshop examined post-Dakar developments focusing on the process of operationalising EFA goals and policies at the national level, specifically by identifying the existing experiences, as well as common challenges, in designing and putting into practice rights-based approaches to education. The Workshop was geared to enhance harmonization of normative action -- namely constitutional and legal measures and government policies -- with the various aspects of the right to education as defined in international human rights instruments and there help to ensure the mainstreaming of human rights in the plans, policies, and processes for implementing EFA.

The international human rights instruments that guided this process included the following:

- Treaties that, with the Universal Declaration of Human Rights, were proclaimed by the United Nations to constitute the International Bill of Human Rights, namely
  - the International Covenant on Civil and Political Rights
  - the International Covenant on Economic, Social and Cultural Rights
• Key human rights treaties that reinforce the global EFA goals and priorities relating to the elimination of exclusion and discrimination
  - UNESCO Convention against Discrimination in Education
  - Convention on the Elimination of Racial Discrimination
  - Convention on the Elimination of All Forms of Discrimination against Women

• The Convention on the Rights of the Child, which both represents guidance for the whole world and outlines the rights of the child as these should apply in education

• Two treaties generated by the International Labour Organisation which forge the link between education and poverty eradication, especially the elimination of child labour
  - Convention on the Minimum Age for Employment
  - Convention on Intolerable Forms of Child Labour.

Not all states have ratified these treaties. Moreover, ratification has sometimes been accompanied by reservations (with the exception of ILO treaties which do not allow reservations) limiting the application of specific treaties in individual countries. The Workshop identified these states as well. Preparatory work was done by Workshop participants to map out the status of international obligations undertaken by their countries, and their work constituted input to the Workshop to crystallise similarities and differences in the approaches to rights-based education.

The Workshop focused on the rights of the child and gender equality. The starting points for the discussions of these issues were the Convention on the Rights of the Child for the former (and it is a particularly strong instrument as it generated the greatest level of commitment in the world -- with 192 ratifications as of May 2002), and the Dakar Framework of Action for the latter. The Dakar Framework of Action also committed countries to achieve compliance targets by certain dates; for example, attaining gender equality by year 2005.

3. OBJECTIVES OF THE WORKSHOP

The Workshop’s objectives were to:

• Review the extent to which national constitutions and laws, policies and practices have been harmonised with the core human rights obligations relevant to education

  By this, the Workshop examined gaps between the requirements of international human rights treaties and national laws (as well as gaps between legislation and their implementation), identified difficulties and obstacles to harmonization, and discussed how these could be best overcome.

• Assess the extent that qualitative and quantitative data were available in individual countries to demonstrate progress in both fulfilling the core obligations emanating from the principal human rights treaties and
advancing the implementation of EFA, and to share experiences and best practices in generating necessary and internationally comparable data.

Focus was put on issues that were not sufficiently covered by the EFA assessment, such as gender equality, and the inclusion of vulnerable groups, such as persons with disabilities, disadvantaged ethnic minorities, migrant populations, etc.

- Discuss optimal processes and institutional frameworks through which the identified gaps between goals and realities could be filled in the future, including possible sub-regional and regional cooperation.

4. KEY SUBSTANTIVE ISSUES AND PROPOSED INPUTS

Common regional challenges and strategies were identified, as well as recent, ongoing (and forthcoming) normative action in the area of rights-based education. The approach applied key international human rights treaties and a review of national constitutions, national laws, policies and practices that would translate treaty commitments into practice. Preparations for the Workshop identified, on the basis of comparing national and regional post-Dakar experiences, four substantive issues for special focus:

- Overcoming exclusion
- Universalising access to free and compulsory education
- Improving the quality of education and access to work-related skills
- Achieving gender equality

The expounding of these substantive issues is articulated in Chapter 2 of this Report.

5. Workshop Participation

The Workshop was attended by 57 participants from eight countries. The countries represented were:

- Cambodia
- Timor Leste
- Indonesia
- Lao PDR
- Malaysia
- Myanmar
- the Philippines
- Thailand

6. Workshop Proceedings

a. Day One

- Opening Ceremonies

The Workshop was opened by UNESCO National Commission of the Philippines Secretary-General Dr. Preciosa S. Soliven, who recalled the developments of
the 1990 World Conference on Education for All in Jomtien, Thailand and the 2000 World Education Forum in Dakar, Senegal. She cited the numerous challenges facing education. Culture, heritage and historical legacies distinguish one country from its neighbours, and the solutions cannot be standard, but must be tailored to be sensitive to the particular circumstances of the individual country. Cultural nuances do not complicate the development of educational solutions, but provide starting points for the solutions.

Dr. Ester Garcia, UNESCO National Commission Chairperson for the Education Committee and Chairperson of the Commission on Higher Education, addressed the plenary assembly to rise to the challenge of overcoming the complex and myriad problems of education in the region.

Mr. Sheldon Shaeffer, Director of the UNESCO Regional Bureau for Education in Asia and the Pacific, presented the Workshop's grounding on the Dakar Framework of Action as the underlying principles for the attainment of Education for All. The presentation included the highlights of the World Education Forum of April 2002 in Dakar Senegal and the goals of the said framework of action. Mr. Shaeffer's points are summarized in Chapter 2: The Dakar Framework of Action.

- Plenary Session 1

The overview and statement of purpose of the Workshop was presented by Dr. Erlinda C. Pefianco, who is co-Chair of the Education Committee of the UNESCO National Commission of the Philippines, and director of SEAMEO INNOTECH. Dr. Pefianco outlined the Workshop's background, conceptual framework, guiding international treaties and agreements, workshop objectives, special concerns, and key substantive issues.

The guidelines for the conduct of the country-level discussions of the four substantive issues (i.e., overcoming exclusion, universalising access to free and compulsory education, improving the quality of education and access to work-related skills, and achieving gender equality) were outlined by Mr. Shaeffer. The points for discussion were guided by two documents:

- The Workshop Background Paper prepared by UNHRC Special Rapporteur on the Right to Education Katarina Tomasevski

The details of these guidelines are detailed in Chapter 3 of this Report.

It was explained that the discussion of these issues would be conducted through parallel sessions on Day Two of the Workshop. Following the presentation of the discussion guidelines, an open forum was held.

- Plenary Session 2

This session focused on the executive and legislative dimension of actualising Dakar Framework obligations. The Philippine condition was discussed as the case study. Two Philippine legislators who chair legislative committees on
education and the Secretary of the Department of Education held a panel discussion with the Workshop participants. They are:

- Hon. Edilberto de Jesus, Secretary of the Department of Education (Philippines)
- Hon. Edmundo O. Reyes Jr., Congressman, Chairman of the House of Representatives Committee on Basic Education and Culture (Philippines)
- Hon. Renato L. Cayetano, Senator, Chairman of the Senate Committee on Education, Arts and Culture (Philippines)

Congressman Edmundo Reyes Jr. explained the role of the Philippine Congress in crafting legislative framework to attain Quality Education for All. The House of Representatives’ Committee on Basic Education follows a guiding vision to strengthen the basic education system that promotes both universalising access and lifelong learning. The guiding principles for formulating education-related legislation are four-fold:

1. Ensure access to basic education by all
2. Improve quality of basic education and increase the competency and life survival skills of students
3. Increase the efficiency, effectiveness, and economy of schools
4. Foster deeper appreciation of values

The Philippine Congress implements legislative solutions to problems in education, through the creation of laws that infuse funding to cover the resource shortfalls, mandate construction of new schools and classrooms, purchase of desks and books, hire teachers, etc. However, in many cases, the implementation of education-related legislation is set back by situational impediments, which Congressman Reyes identified as 'key problem areas'. The key problem areas are six in number:

1. **Unfavourable economic conditions** wrought by two perennial trends of the national economy: deficit spending by the government and slow gross domestic product growth over the rate of population growth. The limited budget allocations for education (although the Philippine constitution mandates that Education receives the largest item in the annual national budget) only allows small, if any, fundings for education programmes, including national obligations to international treaties.

2. **Underinvestment in education.** The Philippines' investment in education (about 2.2% of GDP) lags behind the rates of neighbouring countries. This severely limits the outlay available for capital expenditures for education.

3. **High population growth rate.** The annual increase in the number of children entering the school always outpaces the expansion of school facilities and equipment inventories.

4. **Over-centralisation of educational management.** Past policies had mandated centralised management of education, which tied finances and decisions under the tight control of the Secretary of
Education. This situation had hindered adaptation and change in the educational system. Only recently was the governance of basic education started to be decentralised, and decision-making and budget-planning powers devolved to principals and field authorities.

5. Congestion of the standardised national curriculum. Many past mandates crammed the basic education curriculum with too many subjects. The imposed standard national curriculum was not sensitive to the localised needs of people and communities. While the curriculum supports bilingualism (Filipino and English), it is not enough to contend with the diversity of languages spoken as the mother tongue throughout the country (there are eight major languages in the Philippines). However, the basic education curriculum was modified in 2002 to correct these problems, by lessening the number of subjects of the curriculum and allowing the use of the lingua franca of each region).

6. Few incentives and entitlements offered to teachers. The welfare of teachers is not adequately addressed: teachers are underpaid and are given few benefits and entitlements.

Congressman Reyes presented a Cause-and-Effect Diagram that visualised the complex interactions of these six problem areas and the results that come into being. See Annex 2 Cause and Effect Diagram.

Senator Renato L. Cayetano presented the legislative perspective of addressing the need to increase access and provide quality basic education for all. He touched on the educational budget, teacher competitiveness, and updating the curriculum.

1. The Education Budget. Section 5 Article XIV of the 1987 Constitution mandates that the Philippine government "shall assign the highest budgetary allocation to education". In the proposed 2003 National Budget of PHP 804 billion, Education would get PHP 104.4 billion. Following the Philippine EFA programme, the education sector's share of the national budget had been increasing in the decade of the 1990s, from 13 percent in 1991 to 21 percent in 1998.

2. Teacher Competitiveness. There is a current law, Republic Act 4670, or the “Magna Carta Act for Public School Teachers”, which looks after the improvement of teachers' working and living conditions, welfare, and training. The Senate has pending bills that would establish measures to strengthen mathematics and science teaching, to boost the training of teachers through teacher academies, to create a national accrediting agency for teacher education institutions, and to provide scholarships and benefits for teachers. Among the pending teacher-related Senate bills is a proposal to increase the entry-level salary for teachers, from PHP 10,000 (about USD 200) to PHP 15,000 (about USD 300).

3. Updating the Curriculum. The enactment of Republic Act 9155, "The Governance of Basic Education Act", is now setting into motion the
organizational changes within the Department of Education that would improve the management of public schools.

**Education Secretary Edilberto de Jesus** touched on the challenges in implementing education improvement programmes in the light of budget constraints and limited funds. Limited resources force executive decision-makers to prioritise some learning sectors over others: this is unfortunate but unavoidable.

There must be trade-offs in delivering education services when resources are scarce. For example, the Philippine Constitution of 1987 guarantees free tertiary education. Facing resource constraints, spending for tertiary education may be proving regressive, as there is so much to do to improve the quality of basic education. The Department of Education is forced to reduce allocations to State Universities and Colleges in order to look after basic education.

In the situation of having limited resources, one cannot pursue both the provision of quality education and the provision of high access to education. The government's pursuit of high access to education may be detrimental to the achievement of quality in the educational system. Perhaps the education system is sacrificing quality of education for achieving high access. In pursuing access, more students must be crammed into limited classrooms, books must be shared by more pupils, and the pupil-to-teacher ratio must go up. That is a specific trade-off, or compromise, that the Department of Education is forced to accommodate.

On the other hand, quality of education cannot be improved by restricting access. However, until the Department of Education achieves the large resources that would allow it to simultaneously address quality and access, it would have to pursue compromises.

The Department of Education is now seeking ways to encourage private sector support of public schools. In 2001, it implemented an Adopt-A-School programme, which involves private companies in sponsoring the capital, operational, and maintenance costs of individual public schools. This programme was expanded two weeks prior to this Workshop.

The Department of Education is rigorously pursuing its responsibility to attain quality EFA at least for the basic education system, and it is seeking the ways and means to generate additional resources that would increase both the quality and delivery of basic education in the country.

The panel discussion yielded the following questions from the Workshop participants and responses from the resource speakers.
Q: (Savitri Suwansathit, Deputy Permanent Secretary for Education, Ministry of Education, Thailand) What is the structure and mechanism for implementing this ‘voucher system’? Would there be a list of preferred schools for the programme?

A: Sec. De Jesus: A law, Republic Act Number 1955, was recently passed and it gave the Department of Education a mandate to concentrate mainly on basic education. Likewise, the law meant greater devolution, which means that principals now have greater decision-making powers in school management.

The plans [for the voucher programme] are to provide private schools an increased subsidy so that they could absorb a greater number of pupils coming from lower socio-economic groups. Increasing the subsidy to provide schools and contracting the educational services of private schools may be more cost-effective than constructing additional school buildings and hiring additional personnel and teachers for the public education system.

Right now, the [voucher] programme will have an annual allocation of PHP 800 million. Instead of constructing more buildings, we are now exploring the solution of contracting the education service. The cost of constructing schools is rising, and there is no new available land for additional schools.

Q: (Dr. Jahja Umar, Chief of Center for Examination, Research and Development of Education, Ministry of National Education, Indonesia): Education systems must grapple against political control. Is the Philippines considering the examination system?

A: Cong. Reyes: The Philippines used to have a performance achievement test.

Sec. De Jesus: Before, an end-of-cycle examination was administered for Grade 6 [elementary school] and Fourth Year [secondary school] students. But there are moves to administer the evaluation examination at the start-of-the-cycle, the rationale being, so that the results could be used as the basis for improving the system during the students’ cycle.

Q: (Ms. Norlia Goolamally, Assistant Director, Education Planning and Research Division, Ministry of Education, Malaysia): We have a ten-year education development plan for 2001-2010. One of its goals is to increase the quality of teachers: that is, to have 100 percent of primary level teachers complete graduate studies by 2010, and also 100 percent of secondary level teachers complete graduate studies by 2010. Does the Philippines have a similar system of training for teachers?

A: Dr. Ester Garcia (Commission on Higher Education): Our elementary school teachers finish a BS Elementary Education program, and secondary school teachers a BS Secondary Education program. The expansion of their competencies is addressed through the provision of in-service training. We are looking at ways to provide specialisation programmes for elementary teachers. Also, many sectors and agencies provide training for teachers.
Atty Lilia Garcia (Philippine Normal University): [discussed the PNU system of training teachers]

Q: (Dr. Indriyanto Bambang, Head of Policy, Ministry of National Education, Indonesia) Putting education in the broader sense of public policy – Indonesia is now facing difficult political circumstances, as we are now going into decentralised mode. Now, with the local authorities gaining more autonomy and power, they are asserting a stronger presence than the central government. Does not that make education vulnerable to political intervention and influence?

A: Cong. Reyes: The problem with the Philippines, is that policies change with the President, and Ten-Year Plans change with the frequency of our President. The political system in the Philippines brings about new local governments every three years. Politicians are elected every three years, and are pressured by constituents to bring about concrete change in such a short time. They follow short-term agendas. Short-term solutions may be bad for long-term goals.

Sec. de Jesus: One reason why our curriculum became so congested was due to the politicians who mandated the introduction of additional subjects. Educational goals and political goals are sometimes contradictory. That cannot be helped.

Q: (Dr. Chiam Heng Keng, Chair, Human Rights Commission of Malaysia): I want to touch on equalising opportunity to education. You mentioned the preschool law. Have you thought of bringing down the ten-year programme to even lower [younger age groups]. Early childhood education is going to help equalise opportunity because there are inequalities because students of different social conditions do not get equal opportunities in the later years.

A: Cong. Reyes: We have the law, but the problem is getting the funding source. There is an advantage of early childhood education, because it is easier to correct negative behaviour at age five or six than later.

Sec. de Jesus: I agree with Cong Reyes to go easy on pushing mandatory preschool. The problem would be to fund it. Resource constraints prioritise correcting the problems of the basic education first, as in improving the quality of the stream of primary school students entering the secondary level. Maybe a baccalaureate year to improve students before going into secondary school.

Q: (Cambodia) I have two questions; first referring to quality education – how could you involve stakeholders in improving the delivery of quality education? Second, how do you ensure accountability for financial matters in schools?

A: Sec. de Jesus: Education is such a prized value that the community is always ready to improve education -- that is our experience. It is always the interest of private companies and businesses to contribute to the educations of youth because it would mean they would lessen costs of training. Regarding accountability, we have built-in measures to trace accountability.
Q: (Enrique Torres, Education Network) Is there a way for Congress to inhibit the president from appointing politicians to the leadership of the Department of Education?

A: Cong. Reyes: it always difficult to put a handcuff on the appointive powers of the President. Not in our present constitution.

Q: (Philippine Commission on Human Rights) Are there legislations that would push the implementation of human rights education? Is functional human rights literacy included in Department of Education's priorities?

A: Sec. de Jesus: I feel that we should move away from legislative courses of action. The Department must work with very limited resources and it must address so many concerns. Unfortunately, we must prioritise some over others. My priority at this time is the promotion of basic literacy. We still have millions of people who cannot read and write, and given the resource limitations, we have to address this pressing concern.

- Plenary Session 3

UNESCO Bangkok Associate Expert for Quality of Primary Education Hildegunn Olsen outlined the problems inherent in the mass-delivery of basic education. In mass education, certain communities and groups are bound to be marginalised and to experience exclusion. But the Dakar Framework of Action changes the perspectives on delivering education and sensitises governments and policy-makers on the need to eliminate all forms of exclusion in education.

This paradigm of delivering education is called Inclusive Education, and Ms. Olsen's points are expounded in Chapter 4 of this Report.

Mr. Shaeffer went through the questions that guided the parallel sessions of Day 2 of the Workshop. These questions are listed in Chapter 4 of this Report.

b. Day Two

The Workshop participants were grouped into three parallel discussion groups. The represented countries were distributed as follows:

- Workshop 1: Cambodia, Timor Leste, Indonesia, Malaysia, Myanmar, Thailand, Philippines
- Workshop 2: Cambodia, Timor Leste, Indonesia, Lao PDR, Malaysia, Thailand, Philippines
- Workshop 3: the Philippines
c. Day Three

The participants convened in plenum to present their output. The outcomes of these parallel group discussions are summarised in Chapter 4 of this Report.

The country representatives gathered in plenum to discuss the points, challenges and priority action areas in promoting the universalization of good quality education for all in their respective countries. The outcome of this session is summarised in Chapter 5 of this Report.

The closing ceremony of the Workshop was held at Ristorante Dolce Fontana, in Greenhills, Mandaluyong City.
CHAPTER 2
DAKAR FRAMEWORK OF ACTION

On 26 to 28 April 2000, the World Education Forum (WEF) in Dakar, Senegal was convened by UNESCO, the United Nation Children’s Fund (UNICEF), the United Nations Development Programme (UNDP), the United Nations Fund for Population Activities (UNFPA), and the World Bank. The WEF was organised as a follow-up assembly to the World Conference on Education for All held in Jomtien, Thailand held ten years before. The Dakar Forum was attended by 1,500 participants representing 181 countries and 150 non-government organisations, civil society organisations, bilateral and multilateral agencies and development banks.

The Dakar Forum was held to assess the progress of the EFA movement and the progress of governments in their obligation to achieve EFA goals in basic education after ten years. The important outcome of the Dakar World Education Forum was the Dakar Framework of Action, which was adopted by the country representatives.

The Dakar Framework of Action, which was developed through wide consultation and in the context of ongoing sector-wide reforms, called for new or revised national plans of action and poverty reduction strategies.

The Dakar Framework recalled the Universal Declaration of Human Rights and the Convention on the Rights of the Child, affirming that

Education is a fundamental human right

and

All children, young people and adults have the human right to benefit from an education that will meet their basic learning needs in the best and fullest sense of the term, an education that includes learning to know, to do, to live together, and to be.

The Dakar Framework has six goals:

1. Expand and improve comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged,

2. Ensure that by year 2015, all children, with a special emphasis on girls and children in difficult circumstances, have complete access to free and compulsory primary education of good quality,

3. Ensure that the learning needs of all young people and adults are met through equitable access to appropriate learning and life skills programmes,
4. Achieve a 50 percent improvement in levels of adult literacy by year 2015, especially for women, and equitable access to basic and continuing education for all adults,

5. Eliminate gender disparities in primary and secondary education by year 2005 and achieve gender quality in education by year 2015, with a focus on ensuring that girls have full and equal access to and achievement in basic education of good quality,

6. Improve all aspects of the quality to education and ensure excellence for all, so that recognised and measurable learning outcomes are achieved at all, especially in literacy, numeracy, and essential life skills.

Quality education is defined as:

One which satisfies basic learning needs and enriches the lives of learners and their overall experience of living.

And the underlying tone of the Dakar was that:

Governments and all other Education for All partners must work together to ensure basic education of quality for all, regardless of gender, wealth, location, language, or ethnic origin.

The Dakar Framework also defined benchmarks for national basic education systems, which would then have to provide the following for all children:

- Healthy, well-nourished and motivated students
- Well-trained teachers and active learning techniques
- Adequate facilities and learning materials
- A relevant curriculum that can be taught and learned in a local language and builds upon the knowledge and experience of the teachers and learners
- An environment that not only encourages learning but is welcoming, gender-sensitive, healthy, and safe
- A clear definition and accurate assessment of learning outcomes (knowledge, skills, attitudes and, values)
- Participatory governance and management
- Respect for and engagement with local communities and cultures

To achieve the Framework goals and comply with the benchmarks, governments were recommended to apply the following strategies:

- Ensure the engagement and participation of civil society in the formulation, implementation, and monitoring of strategies for educational development
- Develop responsive, participatory, and accountable systems of educational governance and management
- Meet the needs of education systems affected by conflict, natural disasters, and instability
- Conduct educational programmes in ways that promote mutual understanding, peace and tolerance and help to prevent violence
- Implement integrated strategies for gender equality in education which recognise the need for changes in attitudes, values, and practices
- Urgently implement education programmes and actions to combat the HIV/AIDS pandemic
- Create safe, healthy, inclusive, and equitably resourced educational environments

As the child's quality of learning is affected by quality of health, the Dakar Framework also imposed requirements for schools to ensure healthy, safe, and protective environments for learners, providing:

- Adequate water and sanitation facilities
- Access to or linkages with health and nutrition services
- Policies and codes of conduct which enhance physical, psycho-social and emotional health of teachers and learners
- Education content and practices leading to knowledge, attitudes, values, and life skills needed for self-esteem, good health, and personal safety.
CHAPTER 3
WORKSHOP FRAMEWORK

As stipulated in the description of the Conceptual Framework (Chapter 1 of this Report), the Workshop sought to examine post-Dakar developments focusing on the process of operationalising EFA goals and policies at the national level.

The analytical approach used for this purpose was the comparison of the Member Countries' current education- and human rights-related national policies, national laws, jurisprudence and ministry-level administrative orders with prescriptions and obligations stipulated in key international human rights treaties. Two documents were referred to for this matter:

- The Workshop Background Paper prepared by UNHRC Special Rapporteur on the Right to Education Katarina Tomasevski

1. Background Paper for the Workshop on
Universalising the Right to Education of Good Quality:
A Rights-Based Approach To Education For All
prepared by UNHRC Special Rapporteur on the Right to Education Katarina Tomasevski

The complete paper was provided in its entirety to the Workshop participants. A summary of the paper is presented here.

The paper comprises six sections:

- Section 1 contextualises the Dakar Framework vis-à-vis international human rights treaties, establishing the link between the Education for All and the right to education,
- Section 2 gives an overview of the International Legal Framework which served as the basis for measuring the progress of individual governments in their fulfillment of EFA programme obligations,
- Section 3 focuses on the legal bases for overcoming exclusion in the educational system, from the vantage point of international treaty obligations,
- Section 4 deals with human rights basis for universalising access to free and compulsory education, and emphasises the "public responsibility" of governments to ensure these for all,
- Section 5 relates the improvement of quality and relevance of education to the alleviation and reduction of poverty,
• Section 6 is about achieving gender equality and probes lightly some sociocultural factors that may impede the elimination of discrimination against girls and women.

Each section provides comparative global data that track the strides that individual UN Member Countries have made in each respect.

The gist of the paper, barring the presentation of global trends, is articulated in Section 2 "International Legal Framework", which is presented in its entirety:

**International Legal Framework**

Treaties that, together with the Universal Declaration of Human Rights, have been proclaimed by the United Nations to constitute the International Bill of Human Rights, namely the *International Covenants on Civil and Political Rights*, and on *Economic, Social and Cultural Rights*. Global EFA goals and priorities emphasize the elimination of exclusion and discrimination. Hence, three additional key international human rights treaties are used as the yardstick: the UNESCO Convention against Discrimination in Education, the Convention on the Elimination of Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination against Women. Gender equality is the earliest time-bound goal agreed upon within the Dakar Framework of Action, hence this issue is prioritized. The focus of EFA is, inevitably, on children and thus on the Convention on the Rights of the Child. This Convention represents guidance for the whole world, with 192 ratifications in May 2002. It lists and defines all rights of the child as these should apply in education. Finally, the link between education and poverty eradication, especially with regard to the elimination of child labour, highlights two principal international treaties generated by the International Labour Organization (ILO), namely Conventions on the Minimum Age for Employment and on Intolerable Forms of Child Labour.

Not all states have ratified all these treaties. The status of international obligations undertaken by the selected countries is provided in Annex 1. Ratifications have sometimes been accompanied by reservations (with the exception of ILO treaties which do not allow them), which limit the application of specific treaties in individual countries. These are listed in Annex 1. Each state that has become party to the five human rights treaties listed in Annex 1 (namely, the International Covenants on Economic, Social and Cultural, and Civil and Political Rights, the Convention against Racial Discrimination and Women’s Convention, and the Convention on the Rights of the Child) is required to submit periodic reports on its implementation of the particular treaty. These reports have been used as the source for all other annexes. As Annex 1 shows, the number of submitted reports varies. Annexes include only those countries for which pertinent information was available and the number of countries encompassed by each of them therefore varies.
The importance of the right to education

The right to education involves three key actors: the government as the provider and/or funder of public schooling, the child as the bearer of the right to education and of the duty to comply with compulsory-education requirements, and the child’s parents who are ‘the first educators’. The guaranteed freedom and the corollary responsibility of parents to choose education for their children constitutes one pillar of the right to education, another is embodied in the human rights obligations of the state. The rationale behind parental choice is not to legitimize their denial of their children’s right to education; in the case of a conflict between parental choice and the best interests of the child, the latter prevail. Rather, it is to prevent state’s monopoly over education and to protect educational pluralism.

Education as a universal human right requires universality of governmental human rights obligations. Inequalities cumulate in time and space. Education statistics inevitably show that not all children enjoy the right to education. Internationally prohibited discrimination highlights the pattern of exclusion that has historically proved widespread, worldwide, and thus requiring particular attention. Very often discrimination and exclusion are linked to poverty.

The first step towards eliminating exclusion is to make it visible. Keeping a problem invisible facilitates inaction, thereby perpetuating exclusion. Those with the least access to education tend to leave this heritage to the next generation. Making individual families and local communities responsible for funding education broadens the gap between haves and have-nots. Breaking this vicious circle requires governments, individually and collectively, to prioritize and equalize funding for education, from local to global level.

The advantage of rights-based approaches is that similar, often identical problems are encountered in different countries; much as human rights are universal, so are the problems. Problem-defining triggers asking new and different questions and seeking different types of data to document underlying problems. Human rights work relies on applied research as it is aimed at broadening and strengthening human rights protections. Problem-solving benefits from five decades of human rights work all over the world.

Analytical Matrix

No right could exist without corresponding governmental obligations. For the right to education, these are easily subsumed under the 4-A scheme, ¹ which structures governmental human rights obligations into making education available, accessible, acceptable and adaptable:

Availability embodies two different governmental obligations: the right to education as a civil and political right requires the government to permit the establishment of schools, while the right to education as a social, economic and

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cultural right requires the government to ensure that free and compulsory education is available to all school-age children.

**Access** is defined differently for different levels of education. The government is obliged to secure access to education for all children in the compulsory education age-range, but not for secondary and higher education. Moreover, compulsory education ought to be free of charge while post-compulsory education may entail the payment of tuition and other charges, assessed by the criterion of affordability. The right to education should be realized progressively, facilitating access to post-compulsory education as circumstances permit.

**Acceptability** requires guaranteed quality of education, minimum standards of health and safety, or professional requirements for teachers, which have to be set, monitored and enforced by the government. Acceptability has been considerably broadened through the development of international human rights law. Indigenous and minority rights have prioritized the language of instruction; the prohibition of corporal punishment has transformed school discipline. The emergence of children as subjects of the right to education and rights in education has further extended the boundaries of ensuring acceptability of education.

**Adaptability** requires schools to adapt to children, following the yardstick of the best interests of each child in the Convention on the Rights of the Child. This change reversed the heritage of forcing children to adapt to whatever schools may have been made available to them. As human rights are indivisible, adaptability requires safeguards for all human rights within education as well as enhancing human rights through education.

Table 1 shows how rights-based approaches to education can be operationalized, which new questions they raise, and what guidance they provide for the qualitative and quantitative data that need to be collated or, sometimes, created.

**Table 1: Analytical Matrix**

<table>
<thead>
<tr>
<th>AVAILABILITY</th>
<th>KEY ISSUES</th>
<th>QUANTITATIVE OR QUALITATIVE DATA THAT ARE NEEDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Correspondence between budgetary allocations and human rights obligations</td>
<td>(1) Models of budgetary allocations (obligatory or discretionary; human rights correctives; remedies for the lack of capacity to meet minimum standards)</td>
</tr>
<tr>
<td>(2)</td>
<td>Correspondence between available educational provision and school-age children</td>
<td>(2) Identification of gaps in coverage and measures to close them, including non-state-provided and out-of-school education</td>
</tr>
<tr>
<td>(3)</td>
<td>The teaching profession</td>
<td>(3) Observance of international human rights and labour law standards</td>
</tr>
<tr>
<td>ACCESSIBILITY</td>
<td>(4) Profile of out-of-school children</td>
<td>(4) Monitoring of the scope, pattern and dynamics of exclusion</td>
</tr>
<tr>
<td></td>
<td>(5) Identification of obstacles to access (legal, administrative, financial, etc.)</td>
<td>(5) Comprehensive strategy for the elimination of all obstacles</td>
</tr>
<tr>
<td>ACCEPTABILITY</td>
<td>(6) Specification of minimum quality standards</td>
<td>(6) Supervision of all school to ensure conformity with quality standards</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>(7) Teaching guided by human rights standards, especially the best interests of each child</td>
<td>(7) Human rights correctives for the contents of curricula and textbooks, methods of instruction, discipline, etc.</td>
</tr>
<tr>
<td></td>
<td>(8) Elimination of all barriers to learning</td>
<td>(8) Adjustment to mother tongue, religion, disability, family environment, health status, etc.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADAPTABILITY</th>
<th>(9) Concordance of age-determined rights</th>
<th>(9) Child-rights approach to age-determined rights (education, work, marriage, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(10)Adapting education to all human rights</td>
<td>(10)Human rights impact assessment (e.g. graduate unemployment, economic and social exclusion, gender equality, conflict-prevention, etc.)</td>
</tr>
</tbody>
</table>

### Implementation models

The extent to which national constitutions and laws, policies and practices, have been harmonized with the core human rights obligations that apply in education varies a great deal. Gaps between the requirements of international human rights treaties and national situations are many, worldwide. The postulated universality of human rights as well as the global blueprint embodied in EFA lay down the minimum standards, leaving to each country the choice of methods for attaining them. Moreover, international cooperation has been envisaged as the key to progressive realization of the right to education. Overcoming difficulties and obstacles to the harmonization of national laws and practices with international standards therefore includes assistance to those governments that are, as yet, unable to translate them into practice. Both international human rights law and EFA require national plans. The International Covenant on Economic, Social and Cultural Rights demands plans for the attainment of universal primary education for all children, the Dakar Framework for Action for the national implementation of EFA.2

Different approaches to the right to education are reflected in varied constitutional provisions that relate to education. These are provided in Annex 2. They show a great deal of unanimity in attaching particular importance to education as well as guaranteeing the general right of citizens to education or, at least, to primary, elementary and/or compulsory education. Further, national constitutions tend to emphasize religion and language. Some countries affirm that education can be provided by religious communities, others regulate religious education in public schools. Regarding language, constitutions tend towards unilingualism since one language of instruction facilitates nation-building. Nevertheless, many recognize the linguistic diversity within the country and some provide constitutional

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2 International Covenant on Economic, Social and Cultural Rights obliges in Article 14 each State Party that has not been able to secure compulsory education free of charge to work out and adopt a detailed plan of action for the progressive implementation. The Dakar Framework for Action acknowledges that “many countries currently lack resources to achieve education for all” and adds: “We affirm that no countries seriously committed to education for all with be thwarted in their achievement of this goal by a lack of resources.”
guarantees for more than one language of instruction. Constitutions lay down only the general framework of rights and the corresponding duties and obligations in education. Specific competences in education are divided between central and regional and/or local administration, and regulated by national and sub-national legislation. Often, secular and religious laws apply in parallel.

Human rights law has introduced two procedural innovations. The first one is the affirmation of each individual - including the child - as the subject of rights, and, the second and conceptually related innovation is a broad standing for claiming and vindicating human rights. Human rights obligations pertain to all parts of the government, regardless of vertical and horizontal division of powers and responsibilities. The human rights approach is based on regulatory and institutional coherence as human rights are interrelated and interdependent. This requires integration and necessitates legal and institutional reform so as to create a uniform and comprehensive legal framework for education that encompasses all individual rights. Thus, the obligations of different public authorities are substantially integrated. A large number of government and public bodies is involved in the cross-cutting area of rights-based education. For example in Singapore, 13 ministries and agencies are encompassed by the Inter-Ministerial Committee on the CEDAW (the Women’s Convention).

No right can exist without remedies hence the recognition of individual rights entails the corresponding standing to claim rights and demand remedies for their denial or violation. The evolution of human rights laws has been accompanied by setting up domestic institutional infrastructures for providing remedies for their denials and violations, both legal and extra-legal. Courts and human rights commissions have become involved in vindicating human rights in all regions of the world. Contrary to the frequent definition of enforceable human rights as only civil and political, human rights commissions tend to have much of their caseload dominated by complaints against violations of economic and social rights. For example, 44.5% of the cases dealt with by Indonesia’s National Commission on Human Rights in the year 2000 were classified as violations of the right to welfare.

The conventional definition of human rights as safeguards against abuse of power by the state is, for the rights of the child, necessarily complemented by duties of adults and, especially parental responsibilities. Parental obligations regarding the education of their children are complemented by numerous prohibitions against abuse or exploitation of children. The government is responsible to secure the conditions for full realization of the rights of the child, including the enforcement of parental responsibilities towards their children as well as adults’ duties, such as taxation, for example.

Since children have not yet been recognized the standing to vindicate their rights in most countries, nor would they always be in a position to effectively pursue complaints against denials and violations of their rights, a broad range of actors is involved in vindicating the rights of the child, ranging from parents and teachers, to NGOs, and to specialized institutions such as children’s ombudsmen. This

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broadening of access to justice for children is based on three specific features of the rights of the child:

- Firstly, the recognition of the rights of the child necessitates the acceptance of obligations and responsibilities by all public authorities, parents and families, as well adults in general; the potential for abuse of power inherent in the vulnerability of children requires special public institutions to be created for children, alongside their own right to articulate and defend their rights;

- Secondly, the rights of the child reach far beyond law and pertain to all public authorities since macro-economic and fiscal policies can jeopardize programmes and projects at the micro-level; anticipating the impact of particular policies on children is thus necessary as is the avoidance (or at least alleviation) of a likely or predictable harmful impact on children;

- Thirdly, children lack the knowledge, experience, and political voice necessary to articulate and defend their rights; moreover, their passive legal status and financial dependence on adults prevent them from effectively using the existing legal or extra-legal mechanisms for human rights protection; thus, specialized, publicly-funded children’s advocates, counsel or ombudsmen are necessary.

A variety of institutions have been established in different countries, including national human rights commissions or children’s ombudsmen. These tend to replicate the existing allocation of competence amongst government institutions. Thus, one may find a range of public bodies that are involved in rights based education, such as an education-specific commission, another one dealing with children, yet another with women and/or gender, another one with human rights. Such institutional frameworks make forging a rights-based education strategy both easier and more difficult. A variety of public bodies can provide inputs highlighting specific dimensions that ought to be integrated in a comprehensive strategy. However, a single, comprehensive strategy may be difficult to elaborate due to co-existence of different government and public institutions with limited mandates.

2. Draft Guidelines:
A Human Rights-Based Approach to Poverty Reduction Strategies
Office of the High Commissioner for Human Rights

This paper compiled guidelines for the integration of perspectives on human rights into the development field of poverty eradication. This paper was intended "to provide practitioners involved in the design and implementation of poverty reduction strategies (PRS) with operational guidelines for the adoption of a human rights approach to poverty reduction" (para 2).

The guidelines are premised on the perspective that
Poverty cannot be banished without the realization of human rights. In the words of the Human Development Report 2000: "A decent standard of living, adequate nutrition, health care, education and decent work and protection against calamities are not just development goals – they are also human rights" (Preface)

The Workshop considered some of these guidelines as they echo and/or articulate underlying principles which rationalise the human rights dimension of Education for All.

The paper posits 18 guidelines:

1. Identification of the Poor
2. National and International Human Rights Framework
3. Equality and Non-discrimination
4. Progressive realisation of human rights, indicators and benchmarks
5. Participation and empowerment
6. Right to adequate food
7. Right to health
8. Right to education
9. Right to decent work
10. Right to adequate housing
11. Right to personal security
12. Right to appear in public without shame
13. Right of equal access to justice
14. Political rights and freedoms
15. Right to international assistance and cooperation
16. Principles of monitoring and accountability
17. Monitoring and accountability of States
18. Monitoring and accountability of global actors

The Workshop particularly paid attention to two sections, "Human Rights Approach to Poverty Reduction" (para 3 to 15) and the section pertaining to the "Right to Education" (para 125 to 135) which are printed in their entirety below:

**Human Rights Approach to Poverty Reduction**

3. The essential idea underlying the adoption of a human rights approach to poverty reduction is that policies and institutions for poverty reduction should be based explicitly on the norms and values set out in the international law of human rights. Whether explicit or implicit, norms and values shape policies and institutions. The human rights approach offers an explicit normative framework – that of international human rights. Underpinned by universally recognized moral values and reinforced by legal obligations, international human rights provide a compelling normative framework for the formulation of national and international policies, including poverty reduction strategies.

4. One reason why this framework is compelling in the context of poverty reduction is that the norms and values enshrined in it have the potential to empower the poor. It is now widely recognized that effective poverty reduction is not possible without empowerment of the poor. The human rights approach to poverty reduction is essentially about such empowerment.
5. The most fundamental way in which empowerment occurs is through the introduction of the concept of rights itself. Once this concept is introduced into the context of policy-making, the rationale of poverty reduction no longer derives merely from the fact that the poor have needs but also from the fact that they have rights – entitlements that give rise to legal obligations on the part of others. Poverty reduction then becomes more than charity, more than a moral obligation – it becomes a legal obligation. This recognition of the existence of legal entitlements of the poor and legal obligations of others towards them is the first step towards empowerment.

6. The obligations deriving from rights may be analysed by reference to the duties to respect, protect and fulfil. The duty to respect requires the duty-bearer not to breach directly or indirectly the enjoyment of any human right. The duty to protect requires the duty-bearer to take measures that prevent third parties from abusing the right. The duty to fulfil requires the duty-bearer to adopt appropriate legislative, administrative and other measures towards the full realization of human rights.

7. Most of the salient features of the human rights normative framework can contribute to the empowerment of the poor in one way or another. These features include the notion of accountability, the principles of universality, non-discrimination and equality, the principle of participatory decision-making processes, and recognition of the interdependence of rights. They are all essential characteristics of a human rights approach to poverty reduction.

8. Rights and obligations demand accountability: unless supported by a system of accountability, they may become little more than window-dressing. Accordingly, the human rights approach to poverty reduction emphasizes obligations and requires that all duty-holders, including States and intergovernmental organizations, be held to account for their conduct in relation to international human rights. While duty-holders must determine for themselves which mechanisms of accountability are most appropriate in their particular case, all mechanisms must be accessible, transparent and effective.

9. The twin principles of equality and non-discrimination are among the most fundamental elements of international human rights law. It follows that the international human rights normative framework has a particular preoccupation with individuals and groups who are vulnerable, marginal, disadvantaged or socially excluded. Thus, the human rights approach to poverty reduction requires that laws and institutions that foster discrimination against specific individuals and groups be eliminated and more resources devoted to areas of activity with the greatest potential to benefit the poor.

10. A human rights approach to poverty reduction also requires active and informed participation by the poor in the formulation, implementation and monitoring of poverty reduction strategies. The international human rights normative framework includes the right to take part in the conduct of public affairs. This is a crucial and complex human right that is inextricably linked to fundamental democratic principles. A democratic social order based on constitutionalism and free and fair elections is an essential prerequisite for enjoyment of this right. However, effective participation by the poor requires more than a functioning democracy. It calls for specific mechanisms and detailed arrangements at different levels of decision-making that help to overcome the impediments that the poor, and marginalized groups in general, face in playing an effective part in the life of the community.

11. The international human rights framework recognizes the interdependence of rights – the fact that the enjoyment of some rights may be dependent on or contribute to the enjoyment of others. For example, if the poor are to
enjoy the right to participate in poverty reduction strategies, they must be free to organize without restriction (right of association), to meet without impediment (right of assembly), and to say what they want without intimidation (freedom of expression); they must know the relevant facts (right to information) and they must enjoy an elementary level of economic security and well-being (right to a reasonable standard of living and associated rights).

12. More generally, the human rights framework reflects the crucial interdependence of economic, social and cultural rights, on the one hand, and civil and political rights, on the other. Although poverty may seem to concern mainly the former category of rights, the human rights framework highlights the fact that the enjoyment of these rights may be crucially dependent on enjoyment of the latter category. A human rights approach to poverty reduction is thus holistic in nature, encompassing civil and political rights as well as economic, social and cultural rights.

13. Yet another feature of the human rights approach is that responsibility for poverty reduction becomes a universal obligation. While a State is primarily responsible for realizing the human rights of the people living within its jurisdiction, other States and non-State actors are also obliged to contribute to, or at the very least not to violate, human rights. This has important implications for the conduct of international affairs. It calls for an adequate flow of financial and technical assistance from the rich to the poor countries and for active efforts to establish equitable systems of multilateral trade, investment and finance that are conducive to poverty reduction.

14. While the human rights approach imposes an obligation on duty-holders to work towards poverty reduction, it does not make the unreasonable demand that all human rights must be realized immediately. In recognition of resource constraints, it allows, if necessary, for progressive realization of rights over a period of time and for the setting of priorities among rights in the course of progressive realization. At the same time, however, the approach imposes certain conditions on the conduct of progressive realization and on the act of prioritization so that the human rights agenda does not degenerate into mere rhetoric. For example, the human rights approach demands that minimum essential levels of all rights – or core obligations – should always be respected.

15. Contrary to yet another common perception, the non-fulfilment of human rights does not necessarily mean that a State is in non-compliance with its international human rights obligations. Provided that it is taking all reasonable measures towards realizing rights that are subject to progressive realization and taking immediate steps to fulfil those meant to be fulfilled without delay, the State cannot be held responsible for the fact that many rights remain unfulfilled at any point in time and hence cannot be said to be in non-compliance with its obligations. It can, however, be held responsible for not taking all measures within its power to ensure progressive realization of rights as expeditiously as possible. To help distinguish cases in which the State should be held responsible from those in which it should not is one of the functions of a proper monitoring and accountability system, which is an essential feature of the human rights approach.⁵

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⁵ For a more detailed discussion of the salient features of a human rights approach to poverty reduction, see Human Rights and Poverty Reduction: A Discussion Paper, especially section II.
Guideline 8: RIGHT TO EDUCATION

A. The importance of the right to education

125. Education is the primary vehicle by which poor children and adults can lift themselves out of poverty. The exercise of the right to education is instrumental for the enjoyment of many other human rights, such as the rights to work, health and political participation. Lack of education, as manifested by high illiteracy rates and low primary school enrolment ratios, itself constitutes a dimension of poverty. The relevance to poverty of the right to education is underlined by the fact that universal primary education is a Millennium Development Goal to be achieved worldwide by 2015. Thus, all poverty reduction strategies should give close attention to progressive realization of the right to education and ensure that the poor are the first to benefit from improved access to education.

B. The scope of the right to education

126. International human rights treaties define the right to education in a comparatively precise manner. In addition to providing free and compulsory primary education for all children, States have an obligation progressively to introduce free and equal secondary education (including vocational training) for all and equal access to free higher education on the basis of capacity. They also have an obligation to intensify fundamental (basic) education, leading above all to the elimination of illiteracy, for adults who have not satisfied their basic learning needs. Equality and non-discrimination are important aspects of the right to education, and States should give priority to equal access for the girl child and particularly vulnerable groups, such as children with disabilities and minority and refugee children.

127. The quality of education should be directed to the development of the child’s personality, talents and abilities to their fullest potential, and to preparation of the child for responsible life in a free society, in a spirit of tolerance and respect for human rights, the natural environment, the child’s parents and cultural identity, and civilizations different from his or her own. School discipline shall be administered in a manner consistent with the child’s human dignity.

128. In principle, States can provide these rights in the context of both private and public educational institutions. Since private schools usually do not guarantee free primary education for all children, States are under an obligation to establish a sufficient number of public schools, hire the required number of qualified teachers and provide for the quality of education as laid down in international human rights law. As a first step, all States parties to the International Covenant on Economic, Social and Cultural Rights should work out and adopt, within two years after ratification, a detailed plan of action for the progressive implementation of the principle of compulsory primary education free of charge for all.

129. In addition to these positive obligations to fulfil the right to education, States have an obligation to respect the liberty of parents to establish and direct their own educational institutions, to choose private schools for their children and to ensure the religious and moral education of their children in conformity with their own convictions.
Box 3: The right to education

♦ ICESCR, art. 13:
“1. The States Parties to the present Covenant recognize the right of everyone to education. They agree (…) that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
   (a) Primary education shall be compulsory and available free to all;
   (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
   (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
   (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
   (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.”

♦ ICESCR, art. 14:
“Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.”

♦ General Comment No. 11 adopted by the CESCR (E/C.12/1999/4)
♦ General Comment No. 13 adopted by the CESCR (E/C.12/1999/10)
♦ See also CRC (arts. 28 and 29 and General Comment No. 1); CERD (art. 5(e)(v)); CEDAW (art. 10)

♦ World Conferences:
   World Declaration on Education for All (Jomtien, 1990)
   Education for All Summit. The Delhi Declaration and Framework for Action (1993)

♦ Millennium Development Goal 2: Achieve universal primary education.

C. Key targets and indicators

<table>
<thead>
<tr>
<th>Target 1:</th>
<th>To ensure universal primary education for boys and girls as soon as possible, but no later than 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicators:</td>
<td></td>
</tr>
<tr>
<td>• Net enrolment ratio in primary education</td>
<td></td>
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<tr>
<td>• Proportion of pupils starting grade 1 who reach grade 5</td>
<td></td>
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<tr>
<td>• Literacy rate in the age group 15-24</td>
<td></td>
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<tr>
<td>• Drop-out and attendance rates in primary schools</td>
<td></td>
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<tr>
<td>• Share of public expenditure on primary education</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Target 2:</th>
<th>To make free primary education available to all children</th>
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<tbody>
<tr>
<td>Indicators:</td>
<td></td>
</tr>
<tr>
<td>• Proportion of primary school pupils in State schools not paying school fees</td>
<td></td>
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<tr>
<td>• Average fees paid by primary school pupils in State schools</td>
<td></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Target 3:</th>
<th>To implement compulsory primary education</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicator:</td>
<td></td>
</tr>
<tr>
<td>• Number of years’ schooling made compulsory</td>
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<thead>
<tr>
<th>Target 4:</th>
<th>To eradicate illiteracy</th>
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<tr>
<td>Indicators:</td>
<td></td>
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<tr>
<td>• Overall adult literacy rate</td>
<td></td>
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<tr>
<td>• Literacy rate in the age group 15-24</td>
<td></td>
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</tbody>
</table>
Target 5: To ensure equal access for all to secondary education

Indicators:
- Net enrolment ratio in secondary education, disaggregated for poor and non-poor
- Share of public expenditure on secondary education
- Ratio of girls to boys in secondary education
- Drop-out and attendance rates in secondary education
- Proportion of children with disabilities attending secondary education

Target 6: To make free secondary education available to all children

Indicators:
- Proportion of secondary school pupils in State schools not paying school fees, disaggregated for poor and non-poor
- Average fees paid by secondary school pupils in State schools

Target 7: To eliminate gender disparity in primary and secondary education

Indicators:
- Ratio of girls to boys in primary education
- Ratio of girls to boys in secondary education
- Ratio of literate females to males in the age-group 15-24

Target 8: To improve the quality of primary and secondary education

Indicators:
- Pupil-teacher ratio
- Teacher-classroom ratio
- Proportion of primary/secondary school pupils receiving textbooks free of charge

D. Key features of a strategy for realizing the right to education

130. Any human-rights based pro-poor education policy should ensure that the most vulnerable and marginalized groups in society have access, free of charge, to the most fundamental types of education, such as primary education, vocational training, literacy programmes and other forms of basic adult education. As a first step, States should formulate and adopt a detailed plan of action for the progressive implementation of the principle of compulsory primary education free of charge for all.

131. As a priority, States should ensure access to primary education for the most vulnerable and marginal, including girls, children with disabilities, minority and refugee children, and those living in remote areas and slums. According to the MDGs, gender disparity in primary education shall should be eliminated, preferably by the year 2005.
132. States should establish a sufficient number of educational institutions for adults that are targeted at the poorest groups in society and accessible to them free of charge. Vocational training shall should play an important role in the programmes of such institutions.

133. In addition to providing free and equal access to these types of education, Governments should ensure that the poor are not discriminated against when receiving education and that their drop-out rates are not significantly higher than those for other groups in society. Special support programmes should enable the poor to have access also to secondary and higher education. For example, poor children should be financially supported by scholarships and provided with transport to school, adequate textbooks, school meals and other services free of charge.

134. School discipline should be administrated in a manner consistent with human dignity. In particular, corporal punishment should be eliminated without delay.

135. Education should be directed to the full development of the human personality and strengthen respect for human dignity, tolerance, human rights and fundamental freedoms. Human rights should have an important place in all school curricula.
CHAPTER 4
THE FOUR SUBSTANTIVE ISSUES
IN RIGHTS-BASED EDUCATION

1. DEFINITION OF THE FOUR SUBSTANTIVE ISSUES

The four substantive issues in rights-based education were outlined in the Workshop Concept Paper circulated to participants previous to their departure from their countries. The issues are:

- overcoming exclusion
- universalising access to free and compulsory education
- improving the quality of education and access to work-related skills, and
- achieving gender equality.

The issues are expounded below as they were articulated in the said Concept Paper:

Overcoming exclusion

"The key challenge is to ensure that the broad vision of Education for All as an inclusive concept is reflected in national government and funding agency policies. Education for All ... must take account of the need of the poor and the most disadvantaged, including working children, remote rural dwellers and nomads, and ethnic and linguistic minorities, children, young people and adults affected by conflict, HIV/AIDS, hunger and poor health; and those with special learning needs..." (Expanded commentary on the Dakar Framework for Action, Paragraph 19)

The issue pertains to how poverty, ethnicity, religion, disability, gender or membership in a minority group limit access or altogether bar certain people from education or within education. For minority children, the obstacle may be the language of instruction in school, for migrant children it may be constitutional or legal guarantee of education only for citizens. The factors leading to marginalisation and exclusion vary from country to country and from location to location. It is not merely a question of gaining access to education, but also a question of the right to not be discriminated against within educational processes.

The right to education was included in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights. The Convention against Discrimination in Education, the Convention on the Rights of the Child (Articles 2 and 13) and the Convention on the Elimination of All Forms of Discrimination against Women reiterate the obligation of all states to ensure education for all children and to eliminate exclusion and discrimination. The Convention on the Rights of the Child is the instrument that most broadly addresses
the different aspects of discrimination\textsuperscript{6} and thus constitutes a comprehensive analytical framework.

The Dakar Framework committed governments to achieve quality basic education for all by 2015 or earlier, particularly prioritising the education of girls. The Workshop identified different obstacles limiting access to and participation in education, as well as shared experiences and practices in overcoming exclusion and marginalisation.

The \textit{Universal Declaration of Human Rights} set forth the right of all persons to be treated as equals without any distinction\textsuperscript{7}. However to safeguard these rights, certain forms of discrimination are addressed specifically in the different instruments. As the Table 1 shows, the Convention on the Rights of the Child attends to the largest range of areas that might lead to discrimination, and thus makes a comprehensive analytical framework.

\begin{table}[h]
\centering
\begin{tabular}{|l|c|c|c|c|c|}
\hline
 & UN & CRC & CoE & OAS & OAU \\
 & Bill of Rights & & & & \\
\hline
Race & yes & yes & Yes & yes & Yes \\
\hline
Colour & yes & yes & Yes & yes & Yes \\
\hline
Sex & yes & yes & Yes & yes & Yes \\
\hline
Language & yes & yes & Yes & yes & Yes \\
\hline
Religion & Yes & yes & Yes & yes & Yes \\
\hline
Opinion & Yes & yes & Yes & yes & Yes \\
\hline
Origin & Yes & yes & Yes & yes & Yes \\
\hline
Property/fortune /economic status & Yes & yes & Yes & yes & Yes \\
\hline
Birth & Yes & yes & Yes & yes & yes \\
\hline
Social condition/other status & Yes & yes & Yes & Yes & yes \\
\hline
Minority/ethnic group & No & no\textsuperscript{8} & Yes & No & yes \\
\hline
\end{tabular}
\caption{Forms of discrimination}
\end{table}

\textsuperscript{6} Article 26 of the Universal Declaration of Human Rights states that “Everyone has the right to Education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory...” and Article 2 of the Convention obliges governments to ensure the right to education to all children on their territory without discrimination of any kind, including race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. It includes specific provisions on the education of minority and indigenous children, children with disabilities, as well as children deprived of their liberty.

\textsuperscript{7} The Declaration of Human Rights Article 1 states “All human beings are born free and equal in dignity and rights”, and Article 2 confirms that “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

\textsuperscript{8} Article 2 of the Convention of the Rights of the Child states that “State parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his parent’s or legal guardian’s race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”


Organization of American States (OAS): The American Convention on Human Rights deals with civil and political rights the Protocol of San Salvador with economic and social rights.

Organization of African Unity (OAU): The African Charter on Human and Peoples’ Rights deals with individual and collective, civil and political, as well as economic and social rights.

Specific provisions on non-discrimination in education are included in key international human rights treaties, as Table 2 shows. These range from specifying obligations of governments to prohibit discrimination in access to education to far-reaching obligations with respect to the elimination of discrimination through education, especially by revising curricula and textbooks as these may contain biased portrayals of women, minorities or indigenous peoples.

**Table 2: Key provisions of global treaties on non-discrimination in education**

<table>
<thead>
<tr>
<th>Treaty</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Universal Declaration of Human Rights:</td>
<td>“Everyone has the right to education.”</td>
</tr>
<tr>
<td>UNESCO Convention against Discrimination in Education (1960):</td>
<td>The States Parties to this Convention undertake to formulate, develop and apply a national policy which, … will tend to promote equality of opportunity and of treatment ..</td>
</tr>
<tr>
<td></td>
<td>… the term “discrimination” includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:</td>
</tr>
<tr>
<td></td>
<td>(a) Of depriving any person or group of persons of access to education of any type or at any level;</td>
</tr>
<tr>
<td></td>
<td>(b) Of limiting any person or group of persons to education of an inferior standard;</td>
</tr>
<tr>
<td></td>
<td>(c) … of establishing or maintaining separate educational systems or institutions ... [such systems are permitted for pupils of the two sexes, for religious or linguistic reasons, and private education is also permitted if its object is not to secure the exclusion of any group].</td>
</tr>
<tr>
<td>International Convention on the Elimination of All Forms of Racial Discrimination (1965):</td>
<td>... States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:</td>
</tr>
<tr>
<td></td>
<td>(v) The right to education and training.</td>
</tr>
<tr>
<td></td>
<td>States Parties undertake to adopt immediate and effective measures, particularly in the field of teaching, education, culture and information, with a view to combatting prejudices which lead to racial discrimination ...</td>
</tr>
<tr>
<td>Convention on the Elimination of All Forms of Discrimination against Women (1979):</td>
<td>States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:</td>
</tr>
<tr>
<td></td>
<td>(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;</td>
</tr>
<tr>
<td></td>
<td>(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation ...</td>
</tr>
<tr>
<td></td>
<td>(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;</td>
</tr>
<tr>
<td></td>
<td>(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.</td>
</tr>
</tbody>
</table>
**ILO Convention Concerning Indigenous and Tribal Peoples (1989):**

Measures shall be taken to ensure that members of the [indigenous] peoples have the opportunity to acquire education at all levels on at least an equal footing with the rest of the national community.

Education programmes and services for the [indigenous] peoples shall be developed and implemented in co-operation with them to address their special needs and shall incorporate their histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations.

The imparting of general knowledge and skills that will help children belonging to the [indigenous] peoples to participate fully and on an equal footing in their own community and in the national community shall be the aim of education for these peoples.

Educational measures shall be taken among all sections of the national community, and particularly amongst those that are in most direct contact with the [indigenous] peoples, with the object of eliminating prejudices that they may harbour in respect of these peoples. To this end, efforts shall be made to ensure that history text books and other educational materials provide a fair, accurate and informative portrayal of the societies and cultures of these peoples.

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**Convention on the Rights of the Child (1989):**

Recognising the special needs of a disabled child, assistance ... shall be designated to ensure that the disabled child has effective access to and receives education ...

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.

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**Universalising access to free and compulsory education**

The existing international normative instruments posit free and compulsory primary education as a governmental responsibility. Key provisions are summarised in Table 3. While these provisions are similar, they are not identical, reflecting the evolution of international human rights law during the past decades.

Table 3: Key treaty provisions on free and compulsory primary education

<table>
<thead>
<tr>
<th>Treaty</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Universal Declaration of Human Rights (1948)</td>
<td>Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.</td>
</tr>
<tr>
<td>UNESCO Convention against Discrimination in Education (1960)</td>
<td>The States Parties to this Convention undertake to formulate, develop and apply a national policy which, ... will tend to promote equality of opportunity and of treatment ... and in particular: (a) To make primary education free and compulsory.</td>
</tr>
<tr>
<td>International Covenant on Economic, Social and Cultural Rights (1966)</td>
<td>Primary education shall be compulsory and available free for all.</td>
</tr>
<tr>
<td>Protocol of San Salvador to the American Convention on Human Rights (1988)</td>
<td>The States Parties to this Protocol recognise that in order to achieve the full exercise of the right to education: a. Primary education should be compulsory and accessible to all without cost.</td>
</tr>
</tbody>
</table>

---

*The UNESCO Convention against Discrimination in Education stipulates that primary education should be free and compulsory, the International Covenant on Economic, Social and Cultural Rights says that “primary education shall be compulsory and available free for all,” while the Convention on the Rights of the Child defines as a governmental obligation to “make primary education compulsory and available free for all,” urging governments to progressively achieve every child’s right to education on the basis of equal opportunity.*
States Parties recognise the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free for all.

States Parties to the present Charter shall take all appropriate measures with a view to achieving the full realization of [the right to education] and shall in particular: a) provide free and compulsory basic education;

(Revised) European Social Charter (1996):
With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organizations, to take all appropriate and necessary measures designed: 2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

The two pillars of primary education (free and compulsory) are mentioned together in all international human rights treaties, but they are not necessarily related in the practice of individual countries. Although international normative instruments have been grounded on the belief that education cannot be made compulsory unless it is free, direct and indirect costs of primary schooling preclude access to education for many children.

Further normative action supporting this goal was a focus of the Workshop, particularly the elimination of financial obstacles in primary and/or basic education, and to the process of lengthening compulsory education in many countries (governmental reports on financial obstacles would have been the principal source of this information). The elimination of these obstacles is often an explicit purpose of international cooperation. UNESCO has been collating data on the length of compulsory education and these provide a useful insight, as Table 4 illustrates.

<table>
<thead>
<tr>
<th>Years</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>Netherlands</td>
</tr>
<tr>
<td>12</td>
<td>Belgium, Brunei Darussalam, Germany, St Kitts and Nevis</td>
</tr>
<tr>
<td>11</td>
<td>Antigua and Barbuda, Armenia, Azerbaijan, Barbados, British Virgin Islands, Dominica, Grenada, Israel, Kazakhstan, Malta, Moldova, United Kingdom</td>
</tr>
<tr>
<td>10</td>
<td>Argentina, Australia, Belize, Canada, Congo, Costa Rica, Dominican Republic, DPR Korea, Ecuador, France, Gabon, Hungary, Iceland, Kyrgyzstan, Liberia, Monaco, Namibia, New Zealand, Norway, Seychelles, Spain, St Lucia, St Vincent and the Grenadines, Venezuela, USA</td>
</tr>
<tr>
<td>9</td>
<td>Algeria, Austria, Bahamas, Bahrain, Belarus, Cambodia, China, Comoros, Cook Islands, Cuba, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, Georgia, Greece, Hong Kong, Indonesia, Ireland, Japan, Jordan, Korea, Kiribati, Lebanon, Libya, Lithuania, Luxembourg, Mali, Netherlands Antilles, Portugal, Russia, Sierra Leone, Slovakia, South Africa, Sri Lanka, Sweden, Switzerland, Tajikistan, Tunisia, Ukraine, Yemen</td>
</tr>
<tr>
<td>8</td>
<td>Albania, Angola, Bolivia, Brazil, Bulgaria, Chile, Croatia, Egypt, FYROM, Ghana, Guyana, India, Italy, Kenya, Kuwait, Latvia, Malawi, Mongolia, Niger, Poland, Romania, Samoa, San Marino, Slovenia, Somalia, Sudan, Tonga, Turkey, Yugoslavia, Zimbabwe</td>
</tr>
<tr>
<td>7</td>
<td>Burkina Faso, Eritrea, Lesotho, Mauritius, Mozambique, Swaziland, Tanzania, Trinidad and Tobago, Tuvalu, Zambia</td>
</tr>
</tbody>
</table>
Chapter 4: The Four Substantive Issues in Rights-Based Education

UNESCO Workshop On Universalising The Right To Education Of Good Quality: A Rights-Based Approach to Achieving Education for All

<table>
<thead>
<tr>
<th></th>
<th>Countries</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Afghanistan, Benin, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Côte d’Ivoire, Djibouti, Ethiopia, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Iraq, Jamaica, Madagascar, Mauritania, Mexico, Morocco, Nicaragua, Nigeria, Panama, Paraguay, Peru, Philippines, Rwanda, Senegal, Suriname, Syria, Thailand, Togo, United Arab Emirates, Uruguay, Vanuatu</td>
</tr>
<tr>
<td>5</td>
<td>Bangladesh, Colombia, Equatorial Guinea, Iran, Laos, Macao, Myanmar, Nepal, Vietnam</td>
</tr>
<tr>
<td>4</td>
<td>Sao Tome and Principe</td>
</tr>
</tbody>
</table>

Sources: Information from UNESCO’s World Education Report 2000 (pp 140-143) has been supplemented by governmental reports under human rights treaties for Cambodia (HRI/CORE/1/Add.94 para 9), Latvia (CRC/C/11/Add.22 para.197), and Sierra Leone (CRC/C/3/Add.43 para.77). Information was not available for Bosnia and Herzegovina, DR Congo, Gambia, Malaysia, Maldives, Oman, Papua New Guinea, Qatar, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Turkmenistan, Uganda, Uzbekistan. Education is not compulsory in Botswana, Bhutan, Pakistan, and Uganda.

Moreover, the international human rights framework provides useful guidance by linking the school-leaving age with the minimum age for employment. That link was set forth by the ILO in 1921 at the age of 14, and as of 1973 the ILO is recommending 16 as the school-leaving age and/or minimum age for employment. Specific legal commitments under the ILO Minimum Age Convention, whereby each ratifying country has determined the general minimum age for employment, are included in Table 5.

Table 5: Legally determined minimum age for employment

<table>
<thead>
<tr>
<th></th>
<th>Countries</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>Angola, Argentina, Bahamas, Belise, Benin, Bolivia, Botswana, Cambodia, Cameroon, Central African Republic, Colombia, Congo/Brazzaville, Congo/Kinshasa, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Guatemala, Honduras, Malawi, Mauritania, Namibia, Nepal, Nicaragua, Niger, Panama, Rwanda, Sri Lanka, Tanzania, Togo, Venezuela, Yemen, Zimbabwe</td>
</tr>
<tr>
<td>15</td>
<td>Austria, Barbados, Belgium, Bosnia, Burkina Faso, Chile, Costa Rica, Croatia, Cuba, Cyprus, Denmark, Dominica, Finland, Georgia, Germany, Greece, Guyana, Iceland, Indonesia, Iraq, Ireland, Israel, Italy, Japan, Korea, Kuwait, Lesotho, Libya, Luxembourg, Macedonia, Madagascar, Malaysia, Mauritius, Morocco, Netherlands, Norway, Philippines, Poland, Senegal, Seychelles, Slovakia, Slovenia, South Africa, Sweden, Switzerland, Syria, Turkey, United Arab Emirates, Uruguay, Yugoslavia, Zambia</td>
</tr>
<tr>
<td>16</td>
<td>Albania, Algeria, Antigua and Barbuda, Azerbaijan, Belarus, Brazil, Bulgaria, Burundi, China, France, Hungary, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lithuania, Malta, Moldova, Papua New Guinea, Portugal, Romania, Russia, San Marino, Spain, Tajikistan, Tunisia, Ukraine, United Kingdom</td>
</tr>
</tbody>
</table>

Source: The 116 countries that have become party to the ILO Minimum Age Convention, 1973 (No. 138) by May 2002 had to formally declare the minimum age for employment when ratifying.

The varying definitions of primary and/or basic education, as well as differing the length and enforcement of compulsory education, make age-related categorizations pertinent, especially in view of the global commitment to the elimination of intolerable forms of child labour and provision of education to working children.
Improving the quality of education and access to work-related skills

The inter-generational transmission of the lack of access to education, and its effect on the perpetuation of poverty, are well-documented, and the differences in children’s learning accomplishments and their consequent ability to learn are developed in early childhood. The Dakar Framework for Action prioritises the learning potential of all children by moving beyond universalising access to education to highlighting the importance of its quality and relevance.

All international human rights treaties include specific guidance for the purpose and contents of education, which are clarified and amplified through general comments by the respective treaty bodies. For example, the Committee on the Rights of the Child elaborated a general comment on the aims of education and the Convention on the Rights of the Child looks at the purpose of education stating that education shall:

- Aim at developing the child’s personality, talents and abilities;
- Prepare the child for an active life, and
- Foster respect for his/her own cultural identity, language and values, and for the cultural background and values of others (Art 29,30).

Education not only teaches basic skills, but also fosters respect and tolerance towards difference. The Convention on the Rights of the Child also provides guidance on the importance of mother tongue during the first stages of education, reinforcing the thrust of international human rights law. 10

International human rights law does not include benchmarks or specific standards for the quality of education because such standards depend on the stage in the progressive realization of the right to education in a particular country or community. Individual countries have their own domestic (and indigenous) practices, and these emerged as the Workshop participants compared their countries’ experiences, curricula revisions and specific activities pertaining to the promotion of human rights, especially during this period of the Decade for Human Rights Education (1995-2004).

The rights-based perspective entails treating education as an end in itself and as a means for attaining all other human rights. Lack of access to education leads to exclusion from the labour market, perpetuating and increasing poverty. Education alone cannot lead people out of poverty; rights-based approaches to development strive to link different sectors (such as education and employment) within a common conceptual framework. This framework emanates from human rights. As human

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10 International human rights law affirms the right of each state to determine official languages and languages of instruction. The International Covenant on Civil and Political Rights specifies that members of minorities should not be denied the right to use their own language in community with other members of their group. The prerequisite for the enjoyment of that right is a formal recognition of the existence of a minority by the respective government. The Convention on the Rights of the Child has a similar provision, whereby indigenous children and children belonging to minorities should not be denied the right to use their own language. This Convention emphasises within general guidance for education the development of respect for the child’s cultural identity, language and values as well as those of the country where the child lives. The ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) provides far reaching safeguards for indigenous languages, but it has been ratified by only 14 countries by June 2002. The only country in Asia and the Pacific that has become party is Fiji.
rights are interrelated and interdependent, the enjoyment of the right to education leads to the exercise of other human rights, including the right to work.

The preparatory documents for the Workshop included reviews of the situation in the participating countries, especially those countries that have established cooperation with the IPEC/ILO (International Programme for the Elimination of Child Labour) and those that are party to the Worst Forms of Child Labour Convention. 11

The linkage between education and work also requires a close examination of the length, quality, orientation and contents of education from the viewpoint of its sufficiency for subsequent income generation. The phenomenon of graduate unemployment indicates the need to closely link education and the labour market (including employment and self-employment, formal and informal sectors).

Achieving gender equality

The emphasis on the necessity to eliminate all forms of discrimination against girls and women is shared between international human rights instruments and EFA policies, and was an overarching Workshop concern. The global commitment to eliminate gender disparities in primary and secondary education by 2005 is the first time-bound goal agreed upon at Dakar. It is a key Workshop objective to review progress in its attainment at the national level, to identify remaining obstacles, and forge common strategies to facilitate the attainment of that goal. Table 6 presents data on progress towards that goal.

Table 6: Countdown to the year 2005: Closing gender disparities in primary school enrolments

<table>
<thead>
<tr>
<th>Reverse gender gap: enrolment favouring girls</th>
<th>No gender gap, or less than 2% difference favouring boys</th>
</tr>
</thead>
<tbody>
<tr>
<td>Girls</td>
<td>Boys</td>
</tr>
<tr>
<td>Bahrain</td>
<td>98%</td>
</tr>
<tr>
<td>Botswana</td>
<td>82%</td>
</tr>
<tr>
<td>Cuba</td>
<td>97%</td>
</tr>
<tr>
<td>Dominican Rep.</td>
<td>88%</td>
</tr>
<tr>
<td>Jordan</td>
<td>83%</td>
</tr>
<tr>
<td>Lesotho</td>
<td>64%</td>
</tr>
<tr>
<td>Madagascar</td>
<td>63%</td>
</tr>
<tr>
<td>Namibia</td>
<td>90%</td>
</tr>
<tr>
<td>Paraguay</td>
<td>92%</td>
</tr>
<tr>
<td>Rwanda</td>
<td>92%</td>
</tr>
<tr>
<td>Saoa</td>
<td>98%</td>
</tr>
<tr>
<td>Swaziland</td>
<td>78%</td>
</tr>
<tr>
<td>Tanzania</td>
<td>49%</td>
</tr>
<tr>
<td>Uruguay</td>
<td>92%</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>91%</td>
</tr>
<tr>
<td>United Arab E.</td>
<td>82%</td>
</tr>
<tr>
<td>Vanuatu</td>
<td>100%</td>
</tr>
<tr>
<td>Venezuela</td>
<td>88%</td>
</tr>
</tbody>
</table>

11 ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour defines the child as every person under the age of 18, thus prolonging the entitlement to free basic education for all children who have been removed from the worst forms of child labour. By May 2002, the Worst Forms of Child Labour Convention, 1999 (No. 182) has been ratified by 119 countries.
### Between 2% and 10% difference in enrolments favouring boys

<table>
<thead>
<tr>
<th>Country</th>
<th>Girls (%)</th>
<th>Boys (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Algeria</td>
<td>92%</td>
<td>96%</td>
</tr>
<tr>
<td>Angola</td>
<td>53%</td>
<td>61%</td>
</tr>
<tr>
<td>Brazil</td>
<td>98%</td>
<td>100%</td>
</tr>
<tr>
<td>Burundi</td>
<td>34%</td>
<td>41%</td>
</tr>
<tr>
<td>Comoros</td>
<td>46%</td>
<td>54%</td>
</tr>
<tr>
<td>Congo/Kinsh.</td>
<td>31%</td>
<td>33%</td>
</tr>
<tr>
<td>Egypt</td>
<td>89%</td>
<td>95%</td>
</tr>
<tr>
<td>El Salvador</td>
<td>80%</td>
<td>82%</td>
</tr>
<tr>
<td>Eritrea</td>
<td>31%</td>
<td>36%</td>
</tr>
<tr>
<td>Gambia</td>
<td>57%</td>
<td>65%</td>
</tr>
<tr>
<td>Guatemala</td>
<td>80%</td>
<td>85%</td>
</tr>
<tr>
<td>Indonesia</td>
<td>82%</td>
<td>86%</td>
</tr>
<tr>
<td>Iran</td>
<td>78%</td>
<td>81%</td>
</tr>
<tr>
<td>Laos</td>
<td>73%</td>
<td>79%</td>
</tr>
<tr>
<td>Lebanon</td>
<td>77%</td>
<td>79%</td>
</tr>
<tr>
<td>Mauritania</td>
<td>58%</td>
<td>62%</td>
</tr>
<tr>
<td>Mozambique</td>
<td>37%</td>
<td>45%</td>
</tr>
<tr>
<td>Oman</td>
<td>65%</td>
<td>67%</td>
</tr>
<tr>
<td>Philippines</td>
<td>97%</td>
<td>99%</td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>57%</td>
<td>61%</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>55%</td>
<td>60%</td>
</tr>
<tr>
<td>Sudan</td>
<td>42%</td>
<td>50%</td>
</tr>
<tr>
<td>Syria</td>
<td>89%</td>
<td>96%</td>
</tr>
<tr>
<td>Thailand</td>
<td>76%</td>
<td>78%</td>
</tr>
<tr>
<td>Tunisia</td>
<td>96%</td>
<td>99%</td>
</tr>
<tr>
<td>Zambia</td>
<td>72%</td>
<td>74%</td>
</tr>
</tbody>
</table>

### More than 10% difference in enrolments favouring boys

<table>
<thead>
<tr>
<th>Country</th>
<th>Girls (%)</th>
<th>Boys (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burkina Faso</td>
<td>28%</td>
<td>40%</td>
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<tr>
<td>Central African R.</td>
<td>43%</td>
<td>64%</td>
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<td>Chad</td>
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<td>Côte d’Ivoire</td>
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<tr>
<td>Guinea</td>
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<td>Guinea-Bissau</td>
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<td>62%</td>
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<tr>
<td>Iraq</td>
<td>74%</td>
<td>85%</td>
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<td>Liberia</td>
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<td>Mali</td>
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<td>Morocco</td>
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<td>Niger</td>
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<td>Papua N. Guinea</td>
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<td>Togo</td>
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<tr>
<td>Yemen</td>
<td>44%</td>
<td>77%</td>
</tr>
</tbody>
</table>

### Note:
The data have been collected by the UNESCO Institute for Education within the evolving monitoring of Education for All. Most figures refer to 1998, the most recent year for which education statistics is available. The figures do not reflect precise measurements but are estimates.

Remedies for the unequal enrolment of girls in primary school have encompassed both inducements to parents and increasing the availability of schools for girls. The latter include requirements upon primary schools to enrol a specific percentage of girls, establishment of special classes for girls and the recruitment and training of female teachers. Experiences show that such initiatives yield results, but may not be sustainable. Reasons why improved enrolment were not sustainable point to the importance of the relevance and appropriateness of education, and inquiry into demotivating factors. Conflicting expectations upon girls can deprive them of access to school. If they are required to perform household labour, the school schedule has to be adapted to the seasonal and daily rhythm of subsistence food production or family life. Since poor families depend on the work of each family member for their survival, combining school and work often proves necessary so as to make school accessible. However there is evidence indicating that even very poor parents are willing to cover costs of sending their children to schools provided that the education offered is of good quality and is seen to be relevant. The ILO’s experience in moving children from labour to school has demonstrated the advantage of supplementing prohibitions

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12 Country reports prepared within the Education for All 2000 Assessment are available at http://www2.unesco.org/efa/wef/countryreports/home-html.
and condemnations with investment in human-rights promoting activities such as income generation for families and schooling for their children.  

The right to education straddles the division of human rights into civil and political, on one hand, and economic, social and cultural, on the other. It embodies them all. This feature affirms the conceptual universality of human rights, evidenced in the increasing focus on the human rights of women and the rights of the child. While it is acknowledged that gender discrimination cannot be eliminated as long as it remains artificially divided between different categories of rights, further steps are necessary to design and put into practice a comprehensive strategy for its elimination with regard to the right to education, human rights in education, and enhancing the enjoyment of all rights and freedoms through education. Women's land ownership and employment opportunities influence the motivation of parents and girls themselves. Successful prolongation of girls' schooling delays marriage and childbearing. It improves health, well-being and the educational prospects of the next generation. Education may also improve the political and social status of women and their increased political representation tends to have beneficial effects for governmental social policies and may counter militarization of societies. The process of revising school curricula goes on in quite a few countries so as to identify and replace discriminatory and/or stereotyped portrayal of girls and women. The Committee on the Rights of the Child has urged a changed image of women 'in school textbooks by adopting suitable messages to combat inequalities, stereotypes and social apathy.'

2. INCLUSIVE EDUCATION

UNESCO Bangkok Associate Expert for Quality of Primary Education Hildegunn Olsen presented an overview of Inclusive Education, which was described as a strategy for achieving education for all.

The starting point for the discussion of Inclusive Education are two statements:

States Parties Shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status (Convention of the Rights of the Child, Article 2)


The key challenge is to ensure that the broad vision of Education for All as an inclusive concept is reflected in national government and funding agency policies. Education for All...must take account of the need of the poor and the most disadvantaged, including working children, remote rural dwellers and nomads, and ethnic and linguistic minorities, children, young people and adults affected by conflict, HIV/AIDS, hunger and poor health; and those with special learning needs.... (Expanded Commentary on the Dakar Framework for Action, para 19)

Inclusive Education takes into consideration the reality and experience that integrating groups into education does not guarantee addressing discrimination in the classroom. While groups may be provided access to education, certain forms of discrimination (religion, gender, ethnicity, disability, etc.) actually exclude from quality education that mainstream groups enjoy.

Inclusive Education focuses attention on groups

- who are enrolled in education but are excluded from learning
- who are not enrolled in schools but who could participate if schools were more flexible in their responses and welcoming in their approach
- of children with more severe impairments who may have a need for some form of additional support

Policies and practices of Inclusive Education focus on removing barriers to learning and participation for all children, and establish a quality of education that is relevant to the local context, includes and treats all pupils with respect, and is flexible so that all can participate.

However, this strategy for education has policy implications that government must be aware of, and must rectify or attend to, for it to be effective:

- **Policy development.** There may be need for policy changes to ensure there is no indirect discrimination (e.g., in language, religion, curriculum design, subject content),

- **Curriculum development.** The content of curricula and subjects (as well as books and learning resources) must be checked for stereotype depictions and value judgments that indirectly perpetuates discrimination against certain groups,

- **Teacher training.** Teachers must be aware of child-friendly learning methods and interactive interaction. Schools must cultivate an environment where teachers could experiment with new methods, and share experiences and methods with colleagues,

- **Community involvement.** Community members with skills and knowledge to share should be involved in teaching, and parents cooperate and pool themselves to make the children’s going to school safe, provide for a school feeding program, keep the school clean and conducive to learning.
There are local variables that pose barriers to children going to school, which policymakers overlook because they are removed from local settings, but constitute real hazards for children.

- **Problems in the provisions and organisation of education.** The school’s resources may be inadequate to meet the needs of special groups (e.g., the deaf). The distribution of resources (e.g., books) may reflect inequalities of the past. Because policy-makers do not have an accurate profile of groups excluded from education, they are unable to institute proper reforms. Learners who have historically faced barriers to learning have few opportunities for further education in the tertiary level.

- **Socioeconomic factors placing learners at risk.** Learning breakdown occurs in areas with the lowest level of basic service provision and the highest levels of unemployment and sustained poverty. The impact of violence and abuse in the society have impacted significant numbers of learners. The HIV/AIDS pandemic continues to place large numbers of learners at risk.

- **Attitudes.** Negative attitudes towards differences and the resulting discrimination and prejudice in society are serious barriers to learning.

- **Curriculum.** The curriculum has been unable to meet the needs of a wide range of different learners. For example, in 1996, in Mpumalanga province in South Africa, high repetition rates were common: 23% of black learners aged between 15 and 19 have not passed standard 4. The repetition rate for white learners was 1%.

- **Environment.** The vast majority of centres of learning are physically inaccessible to many learners, especially for those who have physical disabilities. In poorer, particularly rural areas, the schools are often inaccessible because buildings are run down or poorly maintained. They are unhealthy and unsafe for all learners.

- **Language and communication.** Teaching and learning take place through a language which is not the first language of many learners, placing these learners at a disadvantage, leading to significant linguistic difficulties which contribute to learning breakdown. Second language learners are particularly subject to low expectations, discrimination and lack of role models and cultural peers.

- **Organization and governance of the education system.** The basic centralisation of the education system has left a legacy of restrictive centralised control which inhibits change and initiative. Legal responsibility for decisions tends to be located at the highest level and the focus of management remains orientated towards employees complying with rules rather than on ensuring quality service delivery.

- **Inadequate and fragmented human resource development.** The training needs of staff at all levels are not being adequately met. Little, or no training and capacity-building opportunities exist for community resource persons, particularly carers. Training tends to be fragmented, uncoordinated, inadequate, unequal and often inappropriate to the needs of developing countries.
3. PARALLEL DISCUSSIONS ON THE SUBSTANTIVE ISSUES

On Day 2, following the contextualising presentations of the UNESCO Bangkok resource persons, the participants formed small groups for in-depth discussions on the four substantive issues of rights-based education.

The participants were grouped into three clusters, dividing country representations between two clusters to allow individual participants more involvement in the discussion, and, as each participant had a specialisation different from the other country delegates, to be able to explore the core human rights / education issues in different perspectives. A third cluster comprised Philippine participants in order to generate a Philippines-specific assessment of the status of human rights-based education in the country. The group assignments were:

- **Workshop 1** Cambodia, Timor Leste, Indonesia, Malaysia, Myanmar, Thailand, the Philippines
- **Workshop 2** Cambodia, Timor Leste, Indonesia, Lao PDR, Malaysia, Thailand, the Philippines
- **Workshop 3** the Philippines

Each cluster tackled all four substantive issues. Mr. Sheldon Shaeffer recommended trigger questions to catalyse the discussion. The catalyst questions were:

| Overcoming Exclusion | 1. How can governments more systematically identify patterns of exclusion and discrimination in their education systems?  
In other words, how can they identify the size and location of those groups/individuals excluded from school due to the grounds of discrimination identified in Table 2 (page 10) – as well as grounds of discrimination not yet globally forbidden, such as discrimination against non-citizens and HIV infection?  
2. In general, where do governments in the region stand in relation to the four stages in the extension of the right to education to excluded populations  
- recognition of education as a right?  
- access to, but segregation within, education?  
- assimilation towards integration?  
- adaptation to diversity? (page 11)  
3. A child-rights approach insists that all obstacles to entering school, and to learning in school, be identified and removed -- in other words, that education be adapted to each child rather than forcing the child to adapt to whatever education may be available.  
In the region or in your country, what are the most common obstacles to children entering school and to learning in school?  
What can be done to overcome these obstacles?  
4. What do governments need to do to more successfully include in education children excluded because of:  
- minority/ethnic group status  
- disability  
- birth (i.e., citizenship)? |

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UNESCO Workshop On Universalising The Right To Education Of Good Quality:  
A Rights-Based Approach to Achieving Education for All
| Universalising Access to Free and Compulsory Education | 1. Is it realistic to expect governments in the region to ensure primary education that is free of school fees? Free of other costs that keep children out of school? What strategies can governments promote in order to eliminate school fees and reduce costs that keep children out of school?  
2. To whom should compulsory education laws be directed? Who should be compelled to ensure that children go to school -- children, parents or the government?  
3. In systems that have, or encourage the development of both public and private systems of education, what must the government do to ensure that all education institutions (private, religious) comply with prescribed standards -- e.g., to ensure conformity of all schools with universal human rights standards? |
| --- | --- |
| Improving the Quality of Education and Access to Work-Related Skills | 1. In order for governments to ensure minimum quality standards throughout the country, they should do an assessment of existing conditions, define standards that should be in place throughout the country, and identify the process whereby these standards are implemented and monitored. What must be done to help make this happen?  
2. Generally, in the region, to what extent are labour rights and trade union freedoms of teachers recognised? What are the obstacles to this recognition? How can these be overcome?  
3. To what extent do education systems in the region ensure that the content of education (refer to page 22 on the CRC) supports the promotion of human rights -- e.g., through human rights education, values education based on respect for diversity, etc.? What can be done to make education more supportive of these rights?  
4. What more needs to be done and might be done to ensure that children are able to use their mother tongue in the first stages of education?  
5. What can be done to ensure that the length, quality, orientation, and contents of education are adequate and sufficient for subsequent income generation (e.g., promote nonformal education for skills development, ensure that minimum age of employment is matched by the age minimum number of years for compulsory education)? |
| Achieving Gender Equality | 1. In addition to ensuring adequate data to identify remaining disparities between boys and girls’ enrolment in school, what must be done to encourage governments to examine the entire legal and traditional/customary status of girls and women, which may make difficult the achieving of genuine gender equality?  
2. What must be done to ensure that the Dakar goal of gender equality by 2015 is achieved (e.g., in relation to textbook stereotyping, teaching-learning processes)? |
| Constraints to Adopting a Human Rights Approach to the Achievement of EFA | 1. What are the major constraints/obstacles/challenges to realising the right of children to education -- to harmonising laws, policies, and practices with international conventions:  
   - At the family level?  
   - At community level?  
   - At government/ministry level?  
2. What can be done to overcome these constraints and meet these challenges? |
The following pages contain the summaries of the group discussions.

The discussion clusters comprise the following group assignments:

<table>
<thead>
<tr>
<th>Discussion Group 1</th>
<th>Discussion Group 2</th>
<th>Discussion Group 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cambodia</strong></td>
<td><strong>Cambodia</strong></td>
<td><strong>Philippines</strong></td>
</tr>
<tr>
<td>Dr. Nath Bunroeun</td>
<td>Dr. Lao Mong Hay</td>
<td>Hon. Ma. Lourdes Balanon</td>
</tr>
<tr>
<td>Mr. Nhean So Munin</td>
<td>Mr. Long Sothea</td>
<td>Mr. Jun Aginaldo Bans</td>
</tr>
<tr>
<td>Mr. Yong Kim Eng</td>
<td>Mr. Srey Thol</td>
<td>Ms. Emerita Garon</td>
</tr>
<tr>
<td><strong>Timor Leste</strong></td>
<td><strong>Timor Leste</strong></td>
<td>Ms. Irene Isaac</td>
</tr>
<tr>
<td>Ms. Nicol Colling</td>
<td>Ms. Sabina F. Seac</td>
<td>Dr. Roger Perez</td>
</tr>
<tr>
<td><strong>Indonesia</strong></td>
<td><strong>Indonesia</strong></td>
<td>Ms. Encarnacion Rarallo</td>
</tr>
<tr>
<td>Dr. Jahja Umar</td>
<td>Mr. Indriyanto Bambang</td>
<td>Sis. Luz Emmanuelli Soriyan</td>
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<tr>
<td><strong>Malaysia</strong></td>
<td><strong>Lao PDR</strong></td>
<td>Ms. Milagros Talinio</td>
</tr>
<tr>
<td>Ms. Norlia Goolamally</td>
<td>Mrs. Khantaly Sirephongphanh</td>
<td>Dr. Orfilina Tuy</td>
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<tr>
<td><strong>Myanmar</strong></td>
<td><strong>Thailand</strong></td>
<td>Atty. Carmelita Yadao</td>
</tr>
<tr>
<td>Ms. Daw Su Su Lwin</td>
<td>Dr. Chiam Heng Keng</td>
<td>Ms. Agripina Zafra</td>
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<tr>
<td><strong>Thailand</strong></td>
<td><strong>Philippines</strong></td>
<td>Mrs. Cecile Guidote-Alvarez</td>
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<tr>
<td>Dr. Uajit Virojtraittratt</td>
<td>Dr. Carol Guerrero</td>
<td>Atty. Raul Luna</td>
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<tr>
<td><strong>Vietnam</strong></td>
<td><strong>Dr. Amelou Benitez-Reyes</strong></td>
<td>Mr. Josefinic Ricasa</td>
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<tr>
<td>Ms. Tran Thi Kim Thuan</td>
<td>Dr. Alcestis Guiang</td>
<td>Atty. Lily Milla</td>
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<tr>
<td><strong>Philippines</strong></td>
<td><strong>Dr. Amelia Biglete</strong></td>
<td>Atty. Julito Vitiolo</td>
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<tr>
<td>Ms. Maria Fe Nogra-Abog</td>
<td>Dr. Catherine Castaneda</td>
<td>Dr. Lolita M. Andrada</td>
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<tr>
<td>Dr. Rosario de Guzman</td>
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<td>Dr. Ma. Clara Ravina</td>
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<tr>
<td>Dr. Teresita Inciong</td>
<td></td>
<td>Mr. Enrique Torres</td>
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<tr>
<td>Atty. Jose Sison</td>
<td></td>
<td>Mrs. Ursula Mendoza</td>
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<tr>
<td>Ms. Marta Hernandez</td>
<td></td>
<td>Mrs. Ma. Elena S. Caraballo</td>
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<tr>
<td><strong>Convenor - Dr. Ethel Valenzuela</strong></td>
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<td>Mr. Rene Luis Tadle</td>
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<td><strong>Convenor - Atty. Lilia Garcia</strong></td>
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<td><strong>Convenor – Dr. Mariquita Mendoza</strong></td>
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Resource Person: Dr. Virginia B. Dandan
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<tr>
<th>Cambodia</th>
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<th>Malaysia</th>
<th>Myanmar</th>
<th>Thailand</th>
<th>Vietnam</th>
<th>Philippines</th>
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</thead>
<tbody>
<tr>
<td>Identify patterns of exclusion and discrimination in the education system</td>
<td>Some exclusion exists, but data identifying these excluded groups is lacking. Communes. Migrant children illegally move across the borders of Vietnam and Cambodia. Belonging to poor families, they hire out themselves as labourers. Orphaned children and children of prisoners cannot go to school. No data is kept on migrant groups.</td>
<td>Schools are not supposed to exclude any group, but children from ethnic minorities sometimes experience exclusion. Large groups are being displaced. The children of these transient groups are excluded from school. Census figures do not reflect data on these transient groups and on their children.</td>
<td>There are civic groups that care for under-privileged children. Thailand has home schools. Three systems of education: formal, informal and non-formal. Children are encouraged to go to the Human Rights office to report their plight. Discrimination is being reduced, but quality of education is still lacking.</td>
<td>Disabled children are excluded from school. Many children drop out from school and become street children. Night classes for street children are organized, but these children are too tired to learn.</td>
<td>Participation is high, but it is hard to identify the disabled. Indigenous people are excluded from schools because they have no birth certificates. Local governments could identify the disabled. Prison convicts avail of non-formal education. Children of prisoners are excluded from schools. They carry a social stigma, are excluded and not attended to. Isolated ethnic groups are not reached. Wide disparities in some areas (ARMM, Cebu, Davao). Disaggregating data may help identify displaced children.</td>
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</table>
## Sources of data:

<table>
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<tr>
<th>Country</th>
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<th>Malaysia</th>
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<th>Thailand</th>
<th>Vietnam</th>
<th>Philippines</th>
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</thead>
<tbody>
<tr>
<td>Cambodia</td>
<td>A single source is insufficient. Multiple sources should be integrated into one system. Census, education ministry and other agencies, commune councils, local governments, schools. Civil society can help in data collection.</td>
<td>Indonesia lacks provision of access to education. Data outdated. National Bureau of Census, schools. Data collected from households, not from schools. Need to define ‘discrimination’.</td>
<td>Governments are at capabilities to gather data. Some have yet to acknowledge and recognize the problem. First step is to identify the excluded children, groups in all areas.</td>
<td>Inhabitants of the community.</td>
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## Types of data needed:

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<th>Myanmar</th>
<th>Thailand</th>
<th>Vietnam</th>
<th>Philippines</th>
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</thead>
<tbody>
<tr>
<td>Right to quality education is provided in the constitution; Government is trying to abolish school fees in primary and lower secondary education but teachers still charge fees. All citizens entitled to 9 years of free education; government recognizes right to education but has problems with enforcement and capacity.</td>
<td>Right to education is provided in the constitution.</td>
<td>Right to education is provided in the constitution; parents will be sent to prison if they do not send their children to school.</td>
<td>Right to education is recognized but there are different categories of exclusion. Recognizing children with special needs.</td>
<td>Provided in the constitution</td>
<td>Problem of quality of education</td>
<td>Elementary education is free and compulsory. Secondary education is free but not compulsory. Education is really a right.</td>
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UNESCO Workshop On Universalising The Right To Education Of Good Quality: A Rights-Based Approach to Achieving Education for All
<table>
<thead>
<tr>
<th>Cambodia</th>
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<th>Myanmar</th>
<th>Thailand</th>
<th>Vietnam</th>
<th>Philippines</th>
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</thead>
<tbody>
<tr>
<td>Access to, but segregation within, education?</td>
<td>Limited access for people of marginalized minorities, sometimes they cannot afford the fees and are afraid to go to school or drop out; little action done to end segregation</td>
<td>They are not able to go to school because they do not have financial access. Government is trying to do its best to provide access to education</td>
<td>There is still discrimination; international declarations should be supportive of education acts</td>
<td>There are different schools for the physically handicapped but not all cities have these schools</td>
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<tr>
<td>Assimilation towards integration</td>
<td>One textbook for all areas; bilingual medium of instruction</td>
<td>Portuguese is the medium of instruction in all schools; the curriculum is an curriculum imported from Portugal</td>
<td>Next year, all schools will use the pre-school curriculum; using Malay as the national language and English as the second; using the same national curriculum throughout the country</td>
<td>Attempts to assimilate children of people with HIV/AIDS. Children of minorities are systematically excluded by discouraging use of mother tongue in schools. Sheding roots and adapting to new ones</td>
<td>Curriculum is very aggressive; helping children from refugee camps to study with Thais</td>
<td>The new Basic Education Curriculum is used in all public schools but private schools have the option of using it or their own. The language of instruction is bilingual (English and Filipino), for public and private schools</td>
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<tr>
<td>Adaptation to diversity?</td>
<td>Cambodia</td>
<td>Timor Leste</td>
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<td>No money to afford special schools</td>
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<td>Many students of different religions study in schools</td>
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<td>Schools can choose what kind of books they want to use</td>
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<td>There are four curricula for each group of children, trying to prepare textbooks for each type of student</td>
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<td>In some schools, lingua franca is implemented (instruction is given in the children’s own language) for Grades I and II</td>
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<table>
<thead>
<tr>
<th>What are the most common obstacles in the region/your country to children entering school and to learning in school?</th>
<th>Cambodia</th>
<th>Timor Leste</th>
<th>Indonesia</th>
<th>Malaysia</th>
<th>Myanmar</th>
<th>Thailand</th>
<th>Vietnam</th>
<th>Philippines</th>
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</thead>
<tbody>
<tr>
<td>Provision of schools and teachers (lack of schools and qualified teachers); poverty is the main obstacle in Cambodia; natural disasters; calendar and timetable not flexible; weak management; limited budget for education; environment in the school not so different from the home; lack of government and teacher commitment</td>
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<td>Recognition of education as valuable to communities and families (people do not see the value of children going to school)</td>
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<tr>
<td>Some schools are very remote; poverty; limitation in government budget; uniform is also sometimes a problem</td>
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<tr>
<td>Direct and indirect costs for primary education (textbooks are bought at a price that is higher); shortage of textbooks; many children are without textbooks; problem of relevance; relevance in terms of matching the curriculum with the age of the child; many children drop out before finishing primary school</td>
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<td>Structure and culture of the school, e.g., the uniform is an obstacle, distribution and drinking of milk in schools; discipline in schools (military background); does not pay respect to the children; listen to the children’s right to receive and reject (not all of them are used to drinking milk); school site</td>
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<td>In poor areas (mountainous, remote, flooded districts/provinces) ... poor students learn in poor schools, in bad condition, with bad teachers; bilingualism</td>
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<td>Admission policy requires birth certificate for school enrolment so children without birth certificates cannot enroll;</td>
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<td>Lack of schools;</td>
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<td>Children who have to work cannot go to school;</td>
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<td>Lack of classrooms, school buildings, facilities</td>
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<td>What can be done to overcome these obstacles?</td>
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<td>Reform school administration</td>
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<td>Provide area where children can play</td>
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<td>Conduct campaigns to promote the value of education</td>
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<td>Establish a national coordinating forum for implementing EFA</td>
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<td>Increase income of parents</td>
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<td>Reduce the costs for families, e.g., providing scholarships to deserving children in public schools</td>
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<td>Share the cost of education with the community</td>
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<td>More child-centered teaching-learning practices</td>
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<td>More clarifications made with regard to certain issues</td>
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<td>Schools should be warm and not like a military camp.</td>
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<td>There should be teachers who can speak both languages</td>
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<td>Review school policies in areas with different conditions</td>
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<td>Schedule vacations during harvest time</td>
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<td>Establish a high school in every town</td>
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<tr>
<td>Providing basic literacy and nonformal accreditation and equivalency for out-of-school youth and unschooled adults</td>
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<td>Use child-centered and active-learning methods</td>
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<td>Monitor and track students’ performance and progress</td>
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<td>Enhance community-school partnerships</td>
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<td>Reduce school fees, allow payment by installment</td>
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</tbody>
</table>
### Cambodia
What do governments need to do to successfully include in education children excluded because of:
- minority/ethnic group status
- disability
- birth (i.e., citizenship)

Implement policies according to the rule of law;
Enhance participation of the community and parents

### Timor Leste

### Indonesia

### Malaysia

### Myanmar

### Thailand

### Vietnam

### Philippines

It is the parents’ duties to care for children; there should be a common strategy for all countries – this can be done through another declaration, agreement or consensus

Some policies are quite formal, and there are good policies on bilingual education. But these policies are not enforced or followed. Sometimes the situation developed is better than the reality, e.g., inclusion of disabled children are popular in the primary school but the ministry of education has no policy including them in education

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### UNIVERSALIZING ACCESS TO FREE AND COMPULSORY EDUCATION

Is it realistic to expect governments in the region to ensure primary education free of school fees? Free of other costs which keep children out of school? What strategies can governments promote in order to eliminate school fees and reduce other costs which keep children out of school?

<table>
<thead>
<tr>
<th>Cambodia</th>
<th>Timor Leste</th>
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<tbody>
<tr>
<td>The government should add support like giving scholarships; prohibiting the collection of school fees</td>
<td>The government should add support like giving scholarships; prohibiting the collection of school fees</td>
<td>The problem is not the school fees but the other fees. It is not realistic to do it now</td>
<td>All these are dependent on the budget given by the government. In the case of Malaysia, the government provides free education but schools still collect fees</td>
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<td>Collection of school related fees like in the Boy scouts is prohibited but is voluntary.</td>
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</tbody>
</table>

UNESCO Workshop On Universalising The Right To Education Of Good Quality:
A Rights-Based Approach to Achieving Education for All
In systems that have, or encourage the development of, both public and private systems of education, what must the government do to ensure that all education institutions (private, religious) comply with prescribed standards?

- Effective monitoring system; should make recommendations based on standards that we have established; publication of rules – public awareness of the law is very important.
- Community
- We need to have an indicator concerning the health of the children; accessibility to the media.
- Private schools are more or less autonomous. They are given the option unlike in the public schools.

### IMPROVING THE QUALITY OF EDUCATION AND ACCESS TO WORK-RELATED SKILLS

<table>
<thead>
<tr>
<th>Cambodia</th>
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<tr>
<td>In order for governments to ensure minimum quality standards throughout the country, they should do an assessment of existing conditions, define standards that should be in place throughout the country, and identify the process whereby these standards are implemented and monitored. What must be done to help make this happen?</td>
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<td>Meet with stakeholders; increase cooperation between civil society and the government; the first thing that must be done is to deal with capacity of the people involved in the setting up of the standards of the Cambodian education; get full participation in the policy study; the implementation regulation is important;</td>
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<td>Compare past experiences with other countries; to set a standard to do what other countries are doing; there must be competitive standards; national campaign to convince parents to encourage their children to study harder (using media, organizations, etc.)</td>
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<td>The standards are related to the norms made by the human rights committee; quality is more related to relevance; in Myanmar, quality education means high cost</td>
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<td>Office of Quality National Standards was set up; people are encouraged to monitor and evaluate the educational system</td>
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<td>Focus on the following things: universalization of lower secondary education, efficiency of education, improving quality of education, innovating teaching methods, use of ICT in education, develop tools for assessment, in-service and pre-service teacher</td>
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<td>We have 3 bureaus in the Department of Education: Bureau of Elementary Education, Bureau of Secondary Education, and Bureau of NFE. Each bureau has a manual of operation. A national survey was conducted in 1990 and found 4 major weaknesses. Institute of teacher training –</td>
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<td>training, providing quality education to all students</td>
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<td>irrelevant and needs updating; dropout rate was very high; there was no monitoring and evaluation. Senate and congress intensified the removal of these weaknesses. This gave birth to the Commission on Higher Education and TESDA Training courses offered are based on the needs of the area. When the curriculum is developed, representatives of the industry participate</td>
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<tr>
<td>Generally, in the region, to what extent are labor rights and trade union freedoms of teachers recognized? What are obstacles to this recognition? How can these be overcome?</td>
<td>This is still a problem in Cambodia. The government does not protect the rights of the teacher. This can be overcome by separating politics from education. There</td>
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<td>Government is concerned with civil or public participation; setting of political standards; political interference in getting teacher licenses</td>
<td>Teachers organize themselves into associations in the regions and in the national level; teachers are more empowered; they can speak</td>
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</table>
### Cambodia

- The policy of the school should have more freedom for the student; student participation is encouraged; teach children about human rights; Incorporation of human rights education into various subjects

### Timor Leste

- Do not have human rights education as a subject; values are incorporated in other subjects

### Indonesia

- Out what they want to say

### Malaysia

- Put media education in the curriculum; human rights should be in every part of the subject, curriculum or school; webbing/meshing the society; social awareness

### Myanmar

- Incorruption of human rights education into various subjects

### Thailand

- Incorporation of human rights education into various subjects

### Vietnam

- Incorporation of human rights education into various subjects

### Philippines

- Incorporation of human rights education into various subjects

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**UNESCO Workshop On Universalising The Right To Education Of Good Quality:**

**A Rights-Based Approach to Achieving Education for All**
### ACHIEVING GENDER EQUALITY

In addition to ensuring adequate data to identify remaining disparities between boys and girls’ enrolment in school, what must be done to encourage governments to examine the general legal and traditional/customary status of girls and women, which may make difficult the achieving of genuine gender equality?

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<th>Cambodia</th>
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<tbody>
<tr>
<td>Establish youth development policy</td>
<td>Paradigm shift from focusing on the curriculum to output</td>
<td>Subjects such as brick-laying, cooking and carpentry are taught in schools</td>
<td>Students learn about the content of the subject but implementation of life skills is not taught. They learn a lot but not practical to use in life</td>
<td>Ensuring that everybody has life skills, build vocational and technical schools in</td>
<td>High schools offer technology and home economics classes. Elementary schools teach technology and livelihood. Nonformal education focuses on alternative learning system, and takes place in several venues such as companies, schools, etc. There is a child labor program.</td>
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No laws against discriminating against gender; there is special ministry for the improvement of the role of women (the problem is role of women in the family and the economy)
What can be done to ensure that the Dakar goal of gender equality by 2015 is achieved (e.g., in relation to textbook stereotyping, teaching-learning processes)?

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<tr>
<td>Try not to stereotype textbooks being used; teachers should know the goals of Dakar</td>
<td>Bias is on ethnic culture rather than gender; no serious problem regarding equal access to education among genders; there should be more government-sponsored policies to ensure gender equality; democratization of the teaching-learning process, e.g., non-monopolistic systems, offering scholarships to teachers who want to be trained</td>
<td>Linkages with regard to reporting systems on the follow-up activities of countries so that countries can see these things in a more concrete way</td>
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<td>Integration of gender sensitivity training to pre-service and in-service training of teachers</td>
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<td>CONSTRAINTS TO ADOPTING A HUMAN RIGHTS APPROACH TO THE ACHIEVEMENT TO EFA</td>
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<td><strong>What are the major constraints/obstacles/challenges to realizing the right of children to education – to harmonizing laws, policies, and practices with international conventions</strong></td>
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<td><strong>Myanmar</strong></td>
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<td>• At family level?</td>
<td>Poverty; families do not see the importance of education; role of women in Cambodian society – women must at home to care for children; lack of measures to promote role of women</td>
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<td>No sense of belongingness to the community</td>
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<td>• At community level?</td>
<td>Commune Council takes the passive role in education</td>
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<td>• At government level</td>
<td>There are regulations and laws, but the problem is in the implementation. Laws are in English; poor management of education system – money is not spent properly</td>
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<td>Not enough resources to meet all the needs of the people</td>
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<td>Poverty in all levels; perception that women are weak; the government is complacent with regard to standards</td>
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</table>
### What can be done to overcome these constraints and meet these challenges?

| Family – promote understanding of the importance of education; education should not only be given to children but to the parents as well, especially the women. The role of media is important. |
| Community – try to convene the Commune Council and local community to pay attention to education. |
| Government / ministry level – strengthen existing institutions and law enforcement; translate books; training should be conducted more on the role of women. |
| Schools should be closer to the community and the families; there are also barefoot teachers in Thailand, even teachers who go to on horse-back. |
| Invest more in education. |
| Develop volunteers to become barefoot teachers or para-teachers, NFE mobile teachers; strengthen NFE accreditation and equivalency of the Department of Education; rally to the battlecry that "no child should be excluded." |

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**UNESCO Workshop On Universalising The Right To Education Of Good Quality:**

**A Rights-Based Approach to Achieving Education for All**
# ANNEX 1

## LIST OF PARTICIPANTS

<table>
<thead>
<tr>
<th>Chair:</th>
<th>Dr. Orfilina Tuy</th>
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</thead>
<tbody>
<tr>
<td>Rapporteur:</td>
<td>Dr. Ma. Clara Ravina</td>
</tr>
<tr>
<td>Convenor:</td>
<td>Dr. Mariquit Mendoza</td>
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</tbody>
</table>

**Members:**
- Ms. Encarnacion Rarallo
- Sis. Luz Emmanuel Soriano
- Atty. Carmelita Yadao
- Mr. Rene Luis Tadle
- Mr. Enrique Torres
- Ms. Milagros Talinio
- Ms. Ursula Mendoza
- Atty. Lily Milla
- Mr. Jun Aguinaldo Bans
- Ms. Cecile Guidote-Alvarez
- Ms. Ma. Elena S. Caraballo

## OVERCOMING EXCLUSION

**How can governments more systematically identify patterns of exclusion and discrimination in their education system? What kinds of data are needed to make this possible?**

- *barangay* (village) databanking in coordination with National Commission for Indigenous Peoples, Department of Education, Department of the Interior and Local government, Department of Social Welfare and Development, non-government organizations
- inventory of NGO programs
- profile of excluded sectors, including income status

**Where do governments in the region stand in relation to the four stages in the extension of the right to education to excluded populations**

- recognition of education as a right? EXISTING
- access to, but segregation within, education? ACCESS TO EDUCATION IS GOOD SEGREGATION OCCURS OUTSIDE NCR (THE CAPITAL CITY) AND URBAN CENTERS RURAL, NONE
- assimilation towards integration? MAINSTREAMING PROGRAMS IN PLACE; NO FRAMEWORK TO ADDRESS MULTI-CULTURALISM
- adaptation to diversity? OPEN; MECHANISMS NOT IN PLACE
<table>
<thead>
<tr>
<th>What are the most common obstacles in the region/ your country to children entering school?</th>
<th>• some schools in barangays are not complete / multi-grade classes where enrollment size is less than 15 Solution: alternative learning system (e.g. street children), approval of bill on distance learning for secondary level</th>
</tr>
</thead>
</table>
| What are the most common obstacles in the region/ your country to children entering school? | • poverty  
• lack of confidence in multi-grade schools  
Solution: advocacy, awareness campaign  
• capability of teachers to handle multi-level classes  
Solution: teacher training, continuous training on handling multi-grade classes  
• lack of teachers in remote areas  
Solution: rationalize teacher deployment and utilization  
parents pressure day-care centers/ ECCD providers to teach reading, writing  
Solution: coordinate, involve day-care in early child education (CWC, DSWD, DepEd, DOH)  
• high incidence of out-of-school child/youth, child labor, early pregnancies, street children, juvenile delinquents  
Solution: expand and strengthen alternative learning systems  
• natural and human-triggered disasters  
Solution: include education component in disaster management efforts |
| What are the most common obstacles in the region/ your country to children learning in school? | • Language  
Solution: lingua franca and bilingual method of teaching  
• Substandard quality of some private non-sectarian schools  
Solution: review/ strengthen accreditation processes of schools at all levels  
• inadequate facilities  
Solutions: provide more facilities; strengthen public-private partnerships, e.g. Adopt-a-School Programme, GASTPE full implementation  
• mismatch between subjects taught and teacher preparation  
Solutions: provide teacher training on content, incl. on the use of “creative arts”, learner-centered approaches; review/revise teacher recruitment procedures  
• health-related problems  
Solutions: provision of integrated health services to pupils in partnership with private, Government organizations, and local governments, including capability enhancement for parents and caregivers |
### Universalising Access to Free and Compulsory Education

<table>
<thead>
<tr>
<th>Question</th>
<th>YES</th>
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<tbody>
<tr>
<td>Is it realistic to expect governments in the region to ensure primary education that is free of school fees?</td>
<td>YES</td>
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<tr>
<td>other costs?</td>
<td>YES</td>
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</tbody>
</table>
| Strategies?                                                              | ▪ adopting a school (with strict guidelines for implementation) in partnership with institutions  
▪ maximize inter-agency collaboration to address child protection issues  
▪ monitoring system with sanctions and incentives  
▪ training school administrators for income generating activities  
▪ requiring Schools Divisions to list sponsors and prioritize school needs  
▪ expand education MIS to include rights-based concerns of children |
| Who should be compelled to ensure that children go to school – children, parents or the government? | ▪ GOVERNMENT: “truant officers”, provide environment, provide funding/ subsidy  
▪ PARENTS: to be informed about obligation, to enforce sanctions/ provide motivation/ support system |
| What must the government do to ensure that all education institutions (including private and non-government) comply with prescribed human rights standards? | ▪ promote awareness on relevant Intl. Covenants, including that of the Rights of Child and of Teachers  
▪ monitor compliance and impose sanctions |
### IMPROVING THE QUALITY OF EDUCATION AND ACCESS TO WORK-RELATED SKILLS

<table>
<thead>
<tr>
<th>Question</th>
<th>Action/Strategy</th>
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</table>
| What must be done to help ensure effective assessment/compliance with minimum quality standards? | - establish and maintain a strong database  
- effective monitoring and evaluation (require regular reports, conduct visits, set minimum standards/indicators)  
- address problems identified (e.g. lack of classrooms, funds)  
- synchronize all systems of accreditation to ensure quality  
- formulate short, medium, long-term plans with defined targets and indicators |
| What extent are labor rights and trade union freedom of teachers recognized? What are obstacles to this recognition? How can these be overcome? | - too many laws, but poor enforcement  
- need to review/harmonize/update existing laws to make them more relevant and consistent with International Covenants  
- need to harmonize laws/rules for public and private school systems, e.g., right to unionize/to strike  
- ensure participation of key stakeholders (incl. teacher and student organizations) in policy making |
| To what extent do education systems in the region ensure that the content of education supports the promotion of human rights? What can be done to make curricula and content more supportive of these rights? | - integration of rights-based education into curriculum and in-service programs  
- train teachers on how to integrate rights-based approaches to classroom management |
| What more needs to be done to ensure that children are able to use their mother tongue in the first stages of education? | - expand implementation of lingua franca policy in all schools, such as in ECCD and elementary grades 1 and 2 |
### What can be done to ensure that the length, quality and content of education are adequate and sufficient for subsequent income generation by students after they leave school?
- strengthen skills for lifelong learning
- close collaboration between the school system and the industry
- promote information on A&E, PEPT
- a two-track high school: vocational/technical and academic
- encourage formation of cooperatives and other entrepreneurial activities
- high school apprenticeship program

### ACHIEVING GENDER EQUALITY

#### What must be done to encourage governments to examine the general legal and traditional/customary status of girls and women, which may make difficult the achieving of genuine gender equality?
- focus on and involve specific cultural communities and addressing discriminatory practices
- evaluate entitlements, family practices
- support all efforts to eradicate worst forms of child labor
- monitor and assess compliance with international commitments re addressing barriers, identify benchmarks and set targets
- eliminate gender stereotyping in books and all forms of mass media

#### What can be done to ensure that the Dakar goal of gender equality by 2005 is achieved?
- capture gender concerns in educational MIS
- evaluate impact of use of gender-sensitive textbooks/other Information Management System (IMS)
- review of de-regulation provisions, accreditation processes (to promote rights-based approach, gender equality)
<table>
<thead>
<tr>
<th>CONSTRAINTS TO ADOPTING A HUMAN RIGHTS-BASED APPROACH TO ACHIEVING EFA</th>
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<tbody>
<tr>
<td>What are the major constraints/obstacles/challenges to realizing the right of children to education?</td>
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<tr>
<td>▪ poverty</td>
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<tr>
<td>▪ dysfunctional families</td>
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<tr>
<td>▪ ignorance of parents and other HH members re child rights</td>
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<tr>
<td>▪ Child rights must be taught in the local cultural context</td>
</tr>
<tr>
<td>at the community level?</td>
</tr>
<tr>
<td>▪ non-awareness of the community about human rights, especially the rights of the child</td>
</tr>
<tr>
<td>at the government / ministry level?</td>
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<tr>
<td>▪ corruption</td>
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<tr>
<td>▪ negative values</td>
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<tr>
<td>▪ politics (e.g. constant change in leadership)</td>
</tr>
<tr>
<td>▪ lack of political will to implement/enforce laws/policies/programs re child rights</td>
</tr>
<tr>
<td>What can be done to overcome these constraints and meet these challenges in the family level?</td>
</tr>
<tr>
<td>▪ parent education, including other household members</td>
</tr>
<tr>
<td>▪ increase advocacy thru tri-media</td>
</tr>
<tr>
<td>at the community level?</td>
</tr>
<tr>
<td>▪ community education on the rights of the children</td>
</tr>
<tr>
<td>▪ counseling, organized family support system and school-based crisis center</td>
</tr>
<tr>
<td>at the government / ministry level?</td>
</tr>
<tr>
<td>-----------------------------------</td>
</tr>
<tr>
<td>▪ strengthen internal systems/procedures in government (focus on accountabilities)</td>
</tr>
<tr>
<td>▪ operationalize policies on Child Rights at all levels</td>
</tr>
<tr>
<td>▪ teachers should undergo training on teachers’ and children’s rights</td>
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<tr>
<td>▪ there should be a fixed term of office for heads of educational institutions</td>
</tr>
<tr>
<td>▪ the National Coordinating Council on Education should immediately convene to ensure better articulation between and among education agencies</td>
</tr>
<tr>
<td>▪ make culture an essential component in education</td>
</tr>
<tr>
<td>▪ education should serve as catalyst for integrating the marginalized group</td>
</tr>
<tr>
<td>▪ develop stronger linkages between the formal learning institutions and organizations that provide alternative learning strategies (e.g. Earth Savers’ Dream Academy that focuses on the integration of culture in educating the marginalized group)</td>
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