

HUMAN RIGHTS COUNCIL  
Forum on Minority Issues  
Geneva, 15-16 December 2008

STATEMENT  
on the Recommendations on ***Minorities and the Right to Education***

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Madame Chair:

Since this is the first time that I am taking the floor, allow me to first congratulate you for chairing this pioneering Forum on *Minorities and the Right to Education*. Allow me further to express my appreciation to Prof. Gay McDougall, our Independent Expert on Minority Issues, for all her initiatives and works on the theme. Allow me finally to thank the organizers of this Forum, especially the Office of the High Commissioner for Human Rights, for inviting our national institution, the 21-year old Commission on Human Rights (or CHR) of the Philippines, to participate in this very important meeting.

**INTERNATIONAL AND REGIONAL HUMAN RIGHTS FRAMEWORKS AND  
CORE PRINCIPLES**

As you probably know, the Commission on Human Rights spearheaded the just concluded 60-day celebration in the Philippines of the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights. We mobilized all State and non-State institutions, including cultural organizations such as film makers, to undertake meaningful commemorative activities. Discussion on the international and regional human rights frameworks and core principles has always been part of our awareness-raising campaigns.

We may put in our Concluding Recommendations the following provisions on human rights education from all our core human rights instruments, to wit:

Universal Declaration of Human Rights, Art. 26

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.

#### International Covenant on Economic, Social and Cultural Rights, Article 13

The States Parties to the present covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further 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.(...).

#### International Covenant on Civil and Political Rights

General Comment 3 (Adopted by the Human Rights Committee at its thirteenth session, 1981) on article 2: Implementation at the national level

(...)

2.(...) it is very important that individuals should know what their rights under the Covenant (and the Optional Protocol, as the case may be) are and also that all administrative and judicial authorities should be aware of the obligations which the State party has assumed under the Covenant.

To this end, the Covenant should be publicized in all official languages of the State and steps should be taken to familiarize the authorities concerned with its contents as part of their training.(...).

#### International Convention on the Elimination of All Forms of Racial Discrimination, Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view of combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as well as to propagating the purposes and principles of the charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of all Forms of Racial Discrimination, and this Convention.

#### Convention on the Elimination of All Forms of Discrimination Against Women, Article 10

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 the basis of equality of men and women:(...)

(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 and other types of education which will help to

achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;(...).

#### Convention on the Rights of the Child, Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all people, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.[...].

#### Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

##### Article 10

1. Each State Party shall ensure that education and information regarding prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

#### **Core Principles of Human Rights**

We may also mention in this section of the Recommendations, that in all the above-mentioned international human rights instruments, the following core principles are maintained:

- Equality
- Non-discrimination
- Balancing principle (Article 29, UDHR)
- Universality, indivisibility, interdependence
- Self-determination

We may add the principles of the Rights-Based Approach to Development and Governance, i.e.,

- participation,
- accountability,
- non-discrimination and equality,
- empowerment, and
- linking or networking.

## **ESSENTIAL REQUIREMENTS FOR AN EFFECTIVE EDUCATION STRATEGY**

Some of those I identified as essential requirements for an effective education strategy are: 1, clear definition of target audience/s and learning needs; 2, use of rights-based approach to education; 3, conducive policy environment, and ; 4, effective redress mechanism/s.

- Clear Definition of Target Audience/s and Learning Needs

Like any communication program, we start strategizing by defining who our target audiences are, and identifying what are their learning needs.

In the Philippines, it is considered politically correct to use either cultural communities, or better, indigenous peoples, when referring to minorities. We used to have an institution that catered to the needs of IPs named as Presidential Assistant on National Minorities or PANAMIN. That was replaced by the Office of Northern Cultural Communities, Office of Southern Cultural Communities, and Office of Muslim Affairs. With the passage of the Indigenous Peoples Rights Act (or IPRA) in 1997, ONCC and OSCC had been fused together as the now National Commission on Indigenous Peoples. The Commission on Human Rights not only effectively lobbied, together with other advocates, for the enactment of IPRA, but also defended its constitutionality when IPRA was assailed in court.

However, the deliberations yesterday bring us to a different notion about 'Minority'. Other vulnerable groups such as non-nationals or migrants were also mentioned as minorities. May I humbly recommend therefore that a working group be constituted to define the meaning of *minority*, and to study the propriety of using the word *minority*, as well as to determine not only their learning needs but also the learning needs of 'particular sectors of mainstream society' towards the eradication of discrimination, biases and prejudices against 'minorities'. In its work, the working group, if organized, may consider the UN definition of human rights education, which is -- training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes and which are directed to:

- (a) the strengthening of respect for human rights and fundamental freedoms;

- (b) the full development of the human personality and the sense of its dignity;
- (c) the promotion of understanding, tolerance, gender sensitivity and friendship among all wo/men;
- (d) the enabling of all persons to participate effectively in a free society;
- (e) the furtherance of the activities of the U.N. for the maintenance of peace .

- Use of Rights-Based Approach to Education

Still part of strategy formulation in the area of right to education of ‘minorities’, and consistent with the international human rights instruments, may I recommend to use the rights-based approach framework, to define and flesh out the ‘minorities’ core education entitlements and freedoms, and establish in concrete terms the obligations of both State and non-State actors on fulfilling the right to education of ‘minorities’.

- Policy Environment

State and non-State actors have to be enjoined to establish a wholesome set of policies, legal and non-legal measures, on the right to education of ‘minorities’ and eradication of discrimination, biases and prejudices against ‘minorities’; and, that such policies, legal and non-legal measures have to be crafted in a manner that adheres to the above-mentioned human rights and rights-based principles. Policy-makers have to be reminded to always keep in mind the preservation of culture and respect, protection, promotion and fulfilment of IP rights.

Participation of ‘minorities’ in policy formulation should not be limited to policies involving themselves, but also to policies concerning mainstream society.

Thus, ‘minorities’ must be involved in all aspects of education program development cycle consisting of, but not limited to, curriculum development, development of learners’ materials, development of instructional materials, selection and development of teachers/faculty, and academic community-wide campaign for the right of ‘minorities’ to education and against discrimination, and conduct of monitoring and evaluation.

- Effective Redress Mechanism/s

States must also provide for effective redress mechanisms for any violation of the right to education of ‘minorities’.

EQUAL ACCESS TO QUALITY EDUCATION FOR MINORITIES

## THE LEARNING ENVIRONMENT AND SCHOOL GOVERNANCE

In creating the learning environment, the following must be considered:

- Bi-Lingual Education

Adhere to the principle of human rights education, that is build up your education from where the learner is coming from, teach human rights from life. In other words, educational institutions must be required to conduct education activities in the language of the learner, and when necessary, using the national language.

- Incentives for inclusion of minority issues in mainstream curriculum
- “Child-friendly” or “Human Rights-Friendly” Schools
  - “Walk the Talk”
  - Preaching and Practicing
- The minority learner and his/her learning support system

Empowerment of minorities through education should not be limited to in-schoolers. The learners’ support system for his/her education must be accorded appropriate interventions, too, such as non-formal adult education program for the parents or older siblings of the in-schoolers.

- Assurances for Freedom from Biases, Prejudices
- Define and establish the network system for the promotion of the right to quality education

Both State and non-State actors have particular responsibilities in ensuring the enjoyment of the right to quality education by ‘minorities’ and in the eradication of discrimination and biases and prejudices. Their complementary and dove-tailing roles must be defined and established. For example, besides the education ministries, what should be the role of media, local government units, business groups, civil society organizations, and the church in the quality education of ‘minorities? What should be the channels for education to effectively reach out to ‘minorities’ and particular groups or sectors of mainstream society? All the institutions for the moulding of the citizens consciousness on human rights, tolerance with understanding, and special needs of ‘minorities’ must be harnessed.

- Ensuring the right to education of ‘minorities’ who are in situations of armed conflict

This year has been marked by significant upheaval in international relations, with conflicts and crises on many fronts. The Philippines, like many other countries, has decades-old insurgency.

Government and anti-government forces both recruit additional forces from the ‘minorities’. More often than not, they stage their armed encounters in indigenous peoples’ lands. These encounters make ‘minorities’ become evacuees or internally displaced persons. While conflict prevention and

resolution are being worked out, the right to education of 'minorities' have to be taken cared of at the same time.

## THE CONTENT AND DELIVERY OF THE CURRICULUM

Even if human rights and the rights of 'minorities' are included at all levels of the education curriculum, there is no guaranty that the same shall actually be taught at the classroom level.

Teachers have to be trained to become human rights teachers. They have to be armed with prototype teaching guides on human rights for every subject at every grade and year level of formal school education. National institutions for human rights should partner with education ministries in the development and production of teaching exemplars on 'minorities' issues and anti-discrimination measures.

In our case, for example, the Philippine educational curriculum requires the teaching of human rights. This is consistent with the constitutional as well as executive directives for mandatory human rights education at all levels of the school curricula. This is also in keeping with all provisions on human rights education of all our core international human rights instruments.

AT present, readily available for teachers' use are 101 teaching exemplars for basic school education, with an average of 10 model teaching guides for every grade and year level. These exemplars were developed by the curriculum specialists of the Department of Education, human rights practitioners, sectoral representatives, church advocates who were convened in a series of writing workshops by the Commission on Human Rights. After pilot-testing in 54 try-out schools nation-wide, and series of fine tuning evaluation and writing workshops, the original 400 plus lesson plans were finally reduced to 101.

The development of these 101 teaching exemplars on human rights, together with the Facilitator's Manual on Human Rights Education (a training pack for trainers of teachers), was precipitated by the result of our 1995 survey on the awareness level on human rights of classroom teachers and the low level of actual conduct of human rights education by classroom teachers, in spite of the mandatory requirement for human rights education in the school curriculum.

As an independent constitutional body, we approach our constitutional mandate of monitoring Philippine government's compliance with all its international treaty obligations on human rights education in the spirit of partnership, co-operation, dialogue and helping relationship. We go out of our way to extend a helping hand in ensuring the establishment of a continuing program of research, education and information on human rights. To this end, we analyze the causes and factors

impeding the organization of human rights education activities and, where possible and warranted, indicate solutions or actually carry out likely solutions.

## CHALLENGES

>Effect of Devolution of Responsibility on Education to Local Government Units

>Multi-grade teaching, considering small-sized student population per grade level in far-flung areas

>Mainstream Filipinos becoming “minorities” abroad (non-nationals, migrants)

>Multiple vulnerabilities

- o IPs and IDPs rolled into one
- o IPs as targets for recruitment by rebel groups as well as by government forces
- o IPs caught in the crossfire
- o IPs with physical disabilities
- o IPs and impoverished / poor
- o Gender within IPs
- o IPs and the Informal Sector
- o IPs as children, too

>Absence in Official Statistics

- o Invisibility, inequalities / inequities in educational opportunities and development programming