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Human Rights Council

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**Universal Periodic Review (UPR) of the
Republic of the Philippines**

Submitted by:

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I Introduction

1. Edmund Rice International (ERI) is an international non-governmental organization, founded in 2005 and with Special Consultative Status with ECOSOC since 2012. ERI is supported by two Catholic Religious Congregations, the Christian Brothers and the Presentation Brothers. It works with networks of like-minded organizations and in the countries where the two congregations are present. ERI has a special interest in the rights of the child, the right to education and in eco-justice.

2. The focus of the submission is on the right to education, including the education of Indigenous children.

3. The Republic of the Philippines is an archipelagic country of over 7,100 islands with a total area of 300,000 sq. km. and approximately 102,250,000 people in 2016¹, with about 14-17 million of these being Indigenous, belonging to 110 ethno-linguistic groups².

II The 1st and 2nd Universal Periodic Reviews of the Philippines, 2008 and 2012

4. At its first Universal Periodic Review (UPR) in 2008, the Philippine Government undertook the voluntary commitment “to continue to develop domestic legislation for further protection of the rights of the child”³. It also accepted four recommendations on further defending the rights of children⁴.

5. ERI contributed to a joint submission to the second UPR of the Philippines (in 2012), which expressed concerns over three matters: juvenile justice, enforced disappearances and extrajudicial executions, and concerns over the right to education of children, including Indigenous children. The government of the Philippines, following that UPR, accepted eleven recommendations on protecting the rights of the child⁵, an extra four on respecting the rights of Indigenous Peoples⁶ and two specifically on the right to education⁷.

6. This submission, to the third UPR of the Philippines (in 2017), takes up again the failure of the government of the Philippines to implement some of these recommendations on the child’s right to education, which has resulted in serious human rights violations being perpetrated or maintained on children, over the last four years. The stress in this submission falls on effective implementation of recommendations, laws and policies by the government of the Philippines as the duty-bearer for these rights.

¹ www.worldometers.info/world-population/philippines-population/ Accessed Sep 19, 2016.

² <http://www.iwgia.org/regions/asia/philippines> Accessed Sep 19, 2016.

³ A/HRC/8/28; 23 May 2008, Report of the Working Group on the Universal Periodic Review of the Philippines; p. 16, item 60 (b).

⁴ A/HRC/8/28; 23 May 2008, Report of the Working Group on the Universal Periodic Review of the Philippines; p. 16, item 60 (b). pars 58.1, 58.9, 58.13, 58.14.

⁵ A/HRC/WG.6/13/L.10, 31 May, 2012, pp 14 – 20, pars 129.5, 129.9, 129.22, 129.24-25, 129.33-34, 129.37, 129.41, 129.43, 130.3.

⁶ A/HRC/WG.6/13/L.10, 31 May, 2012, pp 14 – 20, pars 129.2, 129.11, 129.37, and 129.44.

⁷ A/HRC/WG.6/13/L.10, 31 May, 2012, pp 14 – 20, pars 129.42, 129.43.

III The right to education for all Philippines children, including indigenous children

7. The Philippines has two education departments, the Department of Education (DepEd) which manages primary and secondary education in the country, and the Commission on Higher Education (CHED) which is responsible for post-secondary education. The Indigenous people's Rights Act (IPRA), RA 8371, also serves as the basis for establishing Indigenous schools. Section 28 of the IPRA law states: "The State shall, through the National Commission on Indigenous People (NCIP), provide a complete, adequate and integrated system of education, relevant to the needs of the children and young people of ICCs/IPs".⁸ All three systems, as government agencies, share responsibility for ensuring Filipino children's right to education is promoted and protected.

IV Access to universal, quality education

8. This section of the submission, based on reports from educators working in rural areas of the Philippines, challenges the government of the Philippines to maintain this priority until the fourth Sustainable Development Goal (quality education for all children) is realized in practice.

9. In some ways the education system in the Philippines is well established. The Education for All (EFA) 2015 Action Plan, adopted in 2000 and reviewed in 2015⁹, outlines the major goals of the government's education policy. A previous government committed to universal Kindergarten education and to introducing Grades 11 and 12 into all secondary schools in 2016. This process is now underway.

10 However, universal access to quality education has not been achieved, as the UNESCO report on the EFA 2015 Action Plan (*Education For All 2015 National Review: Philippines*) makes clear¹⁰. Academic achievement, early childhood provision, school enrolments, dropout rates, and illiteracy all fall short of the targets set for 2015¹¹. Although there are some schools located in Indigenous communities, most of the facilities are highly impoverished compared to other government public schools.

11. Between 2012 and 2016, there have been improvements. Sizeable increases in the budget for education have been granted¹². The new Secretary for Education has prioritized a number of programmes which address these issues: expanding the Alternative Learning System; building a large number of new schools in Indigenous areas; carrying forward the K-12 policies of the previous government. The Secretary for Education has abolished the system of 'para-teachers', that was lowering educational standards, especially in rural areas, and the 2015 and 2016 education budgets targeted employment of extra staff.

⁸http://Indigenouspeoplesissues.com/attachments/article/12023/DepED%20Order_National%20IP%20Education%20Policy%20Framework.pdf

⁹ <http://unesdoc.unesco.org/images/0023/002303/230331e.pdf>, Accessed on Sep 16, 2016.

¹⁰ <http://unesdoc.unesco.org/images/0023/002303/230331e.pdf>, pp xix – xxii. Accessed on Sep 16, 2016.

¹¹ <http://unesdoc.unesco.org/images/0023/002303/230331e.pdf>, pp 80 – 81. Accessed on Sep 16, 2016.

¹² <http://www.gov.ph/2015/09/08/education-tops-2016-budget/> Accessed Sep 16, 2016.

12. A major concern is that there are many children who do not go to school and the drop-out rate is very high, especially in rural areas and urban areas with high rates of poverty. 23% of children are not enrolled in Kindergarten, 5% do not reach Elementary School (1 – 6) and 35% are not enrolled in Secondary School¹³, with corresponding higher rates in rural areas and among Indigenous children. UNESCO identified an overall 25% dropout rate for both elementary and secondary levels¹⁴. This is an improvement from the 33% dropout rate for elementary schools reported in 2008¹⁵.

13. While there are many factors contributing to these dropout statistics, centres set up to cater for such children ('Alternative Learning Systems') have established that a holistic education for them can improve their educational outcomes, and chances of future employment.¹⁶ As these children who leave school too early often end up in poverty and/or conflict with the law¹⁷, such centres save the government the costs of dealing with them through the justice and welfare systems, and complement the education system that has in some sense failed them. Since 2012, the government of the Philippines has committed funds to 'scaling up' these Alternative Learning Centres, and extending them to senior high schools. UNESCO is also recommending their ongoing extension and support, post 2015, as a parallel system of basic education¹⁸.

14. The Department of Education has regulations which state that students in government schools may not be forced to pay for the many things they are in fact asked to pay for – they can only be asked for voluntary payments. There are many reasons why schools put pressure on the children and their parents to pay for these. Since 2012, some middle level authorities (Division Superintendents) have acted to prevent this pressure being applied on poor families¹⁹, but others collude with schools in this illegal practice.

15. The inequalities between government and private systems of education mean that teachers in some private secondary schools, in rural areas, may be paid only a third of a government teacher salary. This creates instability and high turnover of staff in these private secondary schools. Nearly half the staff in an elementary school may move on, in one year, seeking fairer salaries. In 2016, this instability still impacts negatively on rural students' progress.

16. The national government provides funds for private high schools through a scholarship scheme. This fund caters for over 80% of the students in some private schools, situated in areas of high poverty, and may provide as much as 75% of the annual income for the poorer private schools. In 2015 - 2016, the government of the Philippines significantly increased the level of

¹³ <http://unesdoc.unesco.org/images/0023/002303/230331e.pdf>, pp 80. Accessed on Sep 16, 2016.

¹⁴ <http://unesdoc.unesco.org/images/0023/002303/230331e.pdf>, pp 81. Accessed on Sep 16, 2016.

¹⁵ Human Rights Council 2008. Summary prepared by the High Commissioner for Human Rights, in accordance with paragraph 15(c) of the Annex to Human Rights Council Resolution 5/1: Philippines A/HRC/8/28, pp 8 – 9 par.35.

¹⁶ Economic and Social Research Institute (ESRI) 2010 *No Way Back? Dynamics of Early School Leaving*, ESRI, Dublin. Irish Department of Education and Skills 2009 *Evaluation of Education Support Project: Report - Opening Closed Doors: a review of the Sunday's WellLife Centre*, 2009, Government of Ireland, Dublin.

¹⁷ Economic and Social Research Institute (ESRI) 2010 *No Way Back? Dynamics of Early School Leaving*, ESRI, Dublin.

¹⁸ <http://unesdoc.unesco.org/images/0023/002303/230331e.pdf>, pp 84. Accessed on Sep 16, 2016.

¹⁹ (Unpublished) field report to ERI from advocacy officers, Sep 15, 2016.

scholarship for students moving into Year 11²⁰. This level of funding resulted in increased salary levels for staff in poorer private schools and improved public-private partnerships in schooling. But progress in this direction is slower in some rural and poorer urban areas.

V Access to quality education for Indigenous children

17. The Philippines Constitution of 1987 declares that the State shall protect and promote the right of all the citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all.²¹ Furthermore, the State has a mandate to encourage Indigenous learning systems²² and to recognize, respect and protect the right of the Indigenous cultural communities to preserve and develop their cultures, traditions and institutions.²³

18. The Department of Education (DepED) has formulated a policy framework for Indigenous people that aims to make the Philippines educational system truly inclusive and respectful of the diversity of its learners, including those children belonging to minority groups. The Department of Education has committed to work with the National Commission on Indigenous People (NCIP), the National Commission for Culture and Arts (NCCA) and Local Government Units (LGU's).²⁴ The Indigenous People's Rights Act (IPRA) of 1997 (RA No. 8371), mandates the State to provide equal access to various cultural opportunities to the Indigenous Peoples through the educational system, public or cultural entities, scholarships, grants and other incentives. It gives them the right to have their education delivered in their own language in a manner appropriate to their cultural methods of teaching and learning.

19. Indigenous children have the right to all levels and forms of education of the State.²⁵ Yet, Indigenous children remain the most vulnerable and marginalized of citizens and lack equal access to education.

20. Given that the basic service of education is underdeveloped in the Philippines, it is even more so for Indigenous children since most live in far-flung regions which can only be reached on foot. In such situations, most teachers are reluctant to be employed in those regions. Although there are volunteers, most of them are not qualified teachers. As well, the curriculum offered in schools that Indigenous children attend is not always culturally responsive and appropriate for them.

²⁰ <http://www.gov.ph/2015/02/07/education-sector-to-get-a-bigger-boost-from-2015-national-budget/>
Accessed Sep 16, 2016.

²¹ Philippines Constitution of 1987, Art. XIV Sec. 1. Retrieved 20 November 2011 from <http://www.chanrobles.com/article14.htm>

²² Philippines Constitution of 1987, Art. XIV Sec. 2.4

²³ Philippines Constitution of 1987, Art. XIV Sec. 17

²⁴ http://Indigenouspeoplesissues.com/attachments/article/12023/Media%20Release_National%20IP%20Education%20Policy%20Framework.pdf

²⁵ http://Indigenouspeoplesissues.com/attachments/article/12023/Media%20Release_National%20IP%20Education%20Policy%20Framework.pdf

VI Monitoring and Evaluating Government Initiatives to Improve Access to Quality Education

21. The review by UNESCO in 2015 of the Education For All 2015 (EFA) Action Plan of the government of the Philippines (*Education For All 2015 National Review. Philippines*) makes several recommendations on monitoring and evaluating all six goals of the plan²⁶. These recommendations can serve to strengthen implementation of recommendations accepted by the government of the Philippines during the UPR.

22. However, using only a bureaucratic model of policy implementation and change management, as recommended by the UNESCO report²⁷, may alienate local people, especially those in vulnerable groups, unless balanced by a vigorous system of monitoring and evaluation run by representative local people. Women, children, Indigenous people, people with disabilities, members of minorities, and older persons need to be involved in regularly reviewing the local education services, or they will be disempowered, and may disengage.

23. Civil Society already has structures in place for many of these groups which enable them to take part in decisions affecting them. Others may require training and support to participate fully in monitoring government policies and practices.

Recommendations

24. In light of the above, we urge the Philippine government to:

- a) **monitor and review on a regular basis the factors that block children's access to primary education, especially for children living in poverty and minority groups.**
- b) **empower barangay officials, in consultation with children, to engage all local families in ensuring enrolment and attendance of children at school.**
- c) **train barangay officials, education division and other officials in rights-based advocacy, so that both the local community and administrators share a common language when dealing with issues of school enrolment, attendance and performance.**
- d) **train local people, including the children, to deal with corrupt practices that impact negatively on educational outcomes.**
- e) **ensure sufficient staffing and the participation of representative local people, including children, at barangay, district and division level, to monitor and evaluate the provision of education and its quality.**
- f) **use civil society mechanisms at all levels to communicate with the government on its delivery of educational services to all children.**
- g) **expand the Alternative Learning System with a view to improving education and employment outcomes for children who leave school too early, and support such centres where they prove effective.**

²⁶ <http://unesdoc.unesco.org/images/0023/002303/230331e.pdf>, pp 82 –85. Accessed on Sep 16, 2016.

²⁷ <http://unesdoc.unesco.org/images/0023/002303/230331e.pdf>, pp 82. Accessed on Sep 16, 2016.

- h) build more schools for Indigenous children and ensure that they are properly staffed and equipped to provide a quality education.**
- i) ensure school staff can deliver a curriculum that is culturally responsive and appropriate for Indigenous children, in all schools where Indigenous children are enrolled.**
- j) review the National Commission on Indigenous People (NCIP) to strengthen their monitoring and evaluating of government programmes and corporate activities impacting on Indigenous Peoples, and of the impact of corrupt practices on the delivery of basic services to Indigenous peoples.**
- k) address discrimination and stigmatisation of Indigenous people by involving them in public education campaigns about their contribution to Philippines society and the Sustainable Development Goals.**

VII Implementation of UPR Recommendations

25. In order to more effectively implement the recommendations accepted as part of its UPR we recommend that the Government of India:

- ensure the effective implementation of UPR recommendations through the establishment, by the time of a mid-term assessment of the current UPR cycle, of a permanent governmental mechanism to liaise with relevant ministries and consult with Civil Society, NHRI's and all relevant stakeholders.**