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Towards a Common Agreement on Educational Cooperation on Human Rights Education in ASEAN to Promote Human Rights Awareness for the Youth

Ni Gusti Ayu Dyah Satyawati *

The development of human resources through closer cooperation in education and life-long learning is one of ASEAN purposes as stipulated in the Article 1 Paragraph (10) of the ASEAN Charter. In the Cha-am Hua Hin Declaration on Strengthening Cooperation on Education to Achieve an ASEAN Caring and Sharing Community, the Heads of State and Government of ASEAN agreed to give greater emphasis on the principles of democracy, respect for human rights and peace-oriented values in the school curriculum. Indeed, that is an important action to strengthen the role of education in building the ASEAN Community by 2015. One of the ASEAN's inspirations which are represented in ASEAN's 5-year Work Plan on Education (2010-2015) is to prepare the youth for regional leadership. Based on that background, the awareness on human rights through human rights education for the youth as ASEAN future leader is very important. This paper will discuss two main issues, which are (1) how the educational cooperation in ASEAN can promote the human rights awareness for the youth? ; and (2) how the common agreement on human rights education to guide awareness for the youth can be achieved by ASEAN member states? Related with those issues, this paper will also analyze the right to education as enshrined in ASEAN member states' constitution and analyze the CRC and other human rights instruments. The main recommendation: the steps to achieve the common agreement on human rights education by ASEAN member states that will strengthen the ASEAN's role in sustainable development to promote human rights in the region.

Keywords: *Common Agreement, Educational Cooperation, Human Rights Education, ASEAN*

I. Background

The development of human resources through closer cooperation in education and life-long learning is one of Association of Southeast Asia Nations (ASEAN) purposes as stipulated in the Article 1 Paragraph (10) of the ASEAN Charter.¹ That development also aimed to strengthen the ASEAN community. The understanding of the importance of education not only as one part of the three pillars of the ASEAN Community, but

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¹ See Article 1 Par. (10) ASEAN Charter, <http://www.asean.org/21861.htm>

the education itself is need to permeate through the three pillars, Politic, Economic and Socio-Culture which mentioned in the first meeting of the ASEAN Ministers of Education (ASED) on 21 March 2006.

The Cha-Am Hua Hin Declaration² on Strengthening Cooperation on Education to Achieve an ASEAN Caring and Sharing Community. In that declaration the Heads of State and Government of ASEAN agreed to give greater emphasis on the principles of democracy, respect for human rights and peace-oriented values in the school curriculum. Indeed, that is an important action to strengthen the role of education in building the ASEAN Community by 2015.

The ASEAN's inspirations which are represented in ASEAN's 5-year Work Plan on Education (2010-2015) has a strong focus on enhancing the quality of education and improving access to education. The Work Plan represents ASEAN's aspiration to promote educational cooperation to (1) narrow development gaps (2) prepare the youth for regional leadership and (3) enhance the competitiveness of its people.³ The basic preparation for the regional leadership in the future is the proper education with human rights awareness. The preparation should be started from the basic level of education or primary school level.

For the ASEAN community the equality of the educational materials need to be fulfilled. Concerning about the equality of the educational contents, as a community, the common understanding of the importance of the human rights value at primary school will lead the young generation of the ASEAN become good leaders who are sensitive to human values. Based on the description above, it can be understood that education is the golden gate to achieve better future and the way to elevate the human dignity among ASEAN community, particularly in the meaning of understanding of the human rights values.

Based on the Roadmap for ASEAN community 2009-2015 in the part of human development for advancing and prioritizing education one of the strategic objective is achieving universal access to primary

² Cha-am Hua Hin Declaration on Strengthening Cooperation on Education to Achieve ASEAN Caring and Sharing Community, , <http://www.asean.org/15thsummit/Declaration-Education.pdf>

³ Education to Play a Central Role in Narrowing Development Gap: East Asia Summit Education Ministers Meet Informally in Bali , 2011, <http://www.asean.org/26469.htm>.

education. The actions to support it are achieving universal access to primary education across ASEAN by 2015 with priorities to eradicate illiteracy and to ensure compulsory primary education for all and gender equality in education.⁴

Considering the importance of primary education and the need to promote human rights awareness for the youth towards ASEAN Community by 2020, this paper will discuss two main issues: (1) how the educational cooperation in ASEAN can promote the human rights awareness for the youth? ; And (2) how the common agreement on human rights education to guide awareness for the youth can be achieved by ASEAN member states?

II. The Right to Education and Human Rights Education in ASEAN Member States

Jefferson R. Plantilla⁵ states that the misunderstanding of human rights and human rights education, the fear of government disapproval of human rights education become the obstacles to support human rights education in Asian schools. Governments and teacher sometimes so!ace considering certain education as human rights education or teaching human rights under different names or implicitly teach human rights in broader educational framework.⁶ This paper will start the discussion with the recognition of the right to education in the ASEAN member state constitution.

A. The right to education in ASEAN member states constitution

The importance of the right to education to promote human rights awareness cannot be rejected. The right to education is the core to implement the human rights education. The recognition of the rights to education among ASEAN member states can be examined through its constitution.

⁴ See Roadmap for an ASEAN Community 2009-2015, <http://www.asean.org/publications/RoadmapASEANCommunity.pdf>

⁵ Chief Researcher, HURIGHTS OSAKA

⁶ Jefferson R. Plantilla, Context of Human Rights Education in Asian Schools, <http://www.hurights.or.jp/archives/pdf/asia-s-ed/v11/18Context%20of%20HRE%20in%20Asian%20Schools.pdf>

1. Cambodia

The state recognizes the protection of the rights to education for the children. It is mentioned in Article 48 paragraph (1) of the Constitution of the Kingdom of Cambodia.⁷ Under Chapter VI concerning Education, Culture, Social Affairs, Article 65 – 68 stipulate the matter of education. In Article 65 stipulate that that the State shall protect and upgrade citizens' right to quality education. Article 68 clearly mentions the State shall provide primary and secondary education to all citizens in public schools.

2. Indonesia

The rights to education stipulate under the Chapter XA concerning human rights and also Chapter XIII concerning Education. Every person has the right to develop him/herself as the part of the human rights can be achieved through education that mentioned in Article 28C paragraph (1)⁸. In the Article 31 paragraph (1) the 1945 Constitution of the Republic of Indonesia the rights to education is the rights to every citizen. Concerning the basic education, every citizen has the obligation to undertake basic education and the government has the obligation to fund the basic education that is mentioned in Article 31 paragraph (2) of the Constitution.⁹

3. Lao PDR

One of the objectives of the educational in the Lao PDR is to implement the compulsory education system at primary level. It can be seen in the provision of Article 19 of the Constitution of the Lao People's Democratic Republic.¹⁰ The right to education as the fundamental rights can be found in Chapter III concerning Fundamental Rights and Obligation of the Citizen Article 25 which is stipulate Lao citizens have

⁷ See, Article 48 paragraph (1) of the Constitution of the Kingdom of Cambodia, <http://www.constitution.org/cons/cambodia.htm>

⁸ See Article 28C Paragraph (1) The Constitution of the Republic of Indonesia, <http://www.us-asean.org/Indonesia/constitution.htm>

⁹ See Article 32 The Constitution of the Republic of Indonesia, <http://www.us-asean.org/Indonesia/constitution.htm>

¹⁰ See Article 19 of the Constitution of the Lao People's Democratic Republic, <http://www.mof.gov.la/sites/default/files/news/Constitution%20%282003%29%20Eng.pdf>

the right to receive education.¹¹

4. Malaysia

The right to education in the Constitution of Malaysia, Article 12 implies that there shall be no discrimination against any citizen on the ground only of religion, race, descent or place of birth in the administration of any educational institution maintained by a public authority, and in particular, the admission of pupils or students or the payment of fees; or in providing out the funds of a public authority financial aid for the maintenance or education of pupil or students in any educational institution (whether or not maintained by a public authority and whether within or outside the Federation).¹²

5. Myanmar

The Constitution of the Republic of the Union of Myanmar in Article 28 (c) mentions that the union shall implement free, compulsory primary education system.¹³ The right holder of the right to education based on the educational policy is every citizen that shall be given the compulsory basic education mentions in Article 366.¹⁴

6. Philippines

Article 1, the 1987 Constitution of the Republic of the Philippines stipulates that the right to education is the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all. The state shall establish a system of free public education in the elementary and high school levels. Elementary education is compulsory for all children of school age.¹⁵

¹¹ See Article 25 See Article 19, Ibid.

¹² See Article 12 the Constitution of Malaysia, <http://confinder.richmond.edu/admin/docs/malaysia.pdf>

¹³ See Article 28 (c) of the Constitution of the Republic of the Union of Myanmar, <http://www.thailawforum.com/database1/constmyanmar.html>

¹⁴ See Article 366 of the Constitution of the Republic of the Union of Myanmar, Ibid.

¹⁵ Article XIV section 1 and 2, The 1987 Constitution of the Republic of the Philippines, [http://www.architectureboard.ph/1%20LAWS%20\(&Regns\)ON%20ARCH3/1987Constitution.pdf](http://www.architectureboard.ph/1%20LAWS%20(&Regns)ON%20ARCH3/1987Constitution.pdf)

7. Singapore

The Constitution of the Republic of Singapore in Article 16, mentions the administration of any educational institution maintained by public authority. All citizens enjoy the right to education without any discrimination.¹⁶

8. Thailand

In the Constitution of the Kingdom of Thailand, in Article 14 par.1 stipulates that every person shall enjoy an equal right to receive education for not less than twelve years without charge.¹⁷ The right to education for children and youth will be received from the state, which is stipulated in Article 52.¹⁸

9. Vietnam

Article 59 of the 1992 Constitution of the Socialist Republic of Vietnam (As Amended 25 December 2001) mentions, that education is a right and obligation of citizens and Primary education is compulsory and free of charge.¹⁹ The obligation of that matter is states in Article 112 of the constitution.²⁰

10. Brunei Darussalam

The constitution of Brunei Darussalam does not clearly stipulate concerning the right to education. The education to children in Brunei is become the responsibilities of the government through the Ministry of Education.²¹

¹⁶ See Article 16 the Constitution of the Republic of Singapore, http://www.wipo.int/wipolex/en/text.jsp?file_id=188428

¹⁷ See Article 49 of the Constitution of the Kingdom of Thailand, <http://www.isaan-lawyers.com/constitution%20thailand%202007%20-%202550.pdf>

¹⁸ See Article 52 of the Constitution of the Kingdom of Thailand, Ibid.

¹⁹ See Article 59 the 1992 Constitution of the Socialist Republic of Vietnam (As Amended 25 December 2001), <http://www.vietnamlaws.com/freelaws/Constitution92%28aa01%29.pdf>

²⁰ See Article 112 the 1992 Constitution of the Socialist Republic of Vietnam (As Amended 25 December 2001), Ibid.

²¹ Education Profile, <http://bruneidarussalameducation.info/profile.asp>

Fons Coomans²² has identified four core elements of the right to education, these are:

1. "Every person's right of access to the existing public educational institutions without discrimination must be protected;
2. Compulsory and free primary education must be available;
3. Free choice of education with regard to religious and philosophical convictions must be respected
4. The right to be educated in the language of one's own choice must not be frustrated. This means that the state must not thwart efforts to teach the mother tongue in institutions outside the official system of public education"²³

One among that four core elements is the compulsory and free primary education must be available. ASEAN member states in their constitutions as describe in the section of the scheme of the right to education in constitution of ASEAN member states of this paper shown that almost all the member state recognize the right to education in their constitution.

Based on the description from each ASEAN member states constitution, nine among ten member of ASEAN explicitly stipulate the right to education in their constitution. Concerning the four core elements of the right to education, that identified by Fons Coomans, the notion of the right to education in ASEAN member states constitution focusing on the compulsory and free primary education for their citizens.

B. The Notion of Education in ASEAN

After discussing the existence of the right to education in ASEAN member states constitution, to arrange the common agreement concerning human right, the discussion concerning the notion of education among ASEAN member states is also important. The aim of the discussion is to find the common elements to make easier set up the educational cooperation among the states.

²² UNESCO Chair in Human Rights and Peace, Head of the Department of International & European Law Maastricht University – Faculty of Law.

²³ Klaus Dieter Beiter, *The Protection of the Right to Education by International Law*, Martinus Nijhoff Publishers, Leiden, 2006, p.643-644

In Brunei Darussalam, the mandate for the Ministry of Education can be the indicator for the notion of the education in that country. The overarching aim is for student to be lifelong learners who are confident and creative, connected, and actively involved in the quest for knowledge.²⁴

In the Kingdom of the Cambodia, the definition of education stipulated in the Law on Education, 2007 is refers to the process of educational development or training for physical, mental and spiritual development through all activities that allow the learners to obtain a set of knowledge, skills, capacities and values to become individual who are useful for themselves, their families, their communities, the nation and the world.²⁵

The definition of education in the Law on Education of the Republic of Indonesia No.20 year 2003 is mentioned in Article 1(1). Education is the conscious and deliberate effort to create an atmosphere of learning and the learning process so that learners are actively developing the potential of him/herself to have the spiritual strength of religious, self-control, personality, intelligence, noble character, and the skills needed by themselves, society, nation and state.²⁶

Article 19 of the Constitution of the Lao PDR, promulgated in 1991 and amended in 2003 stipulates that educational, cultural, and scientific activities are means to raise the level of knowledge, patriotism, love of the people's democracy, the spirit of solidarity between ethnic groups and the spirit of independence.²⁷

Laws of Malaysia Act 550, Education Act 1996, stipulates the purpose of education is to enable the Malaysian society to have a command of knowledge, skills and value necessary in a world that is highly competitive and globalised, arising from the impact of rapid

²⁴ World Data on Education, 7th edition, Brunei Darussalam, 2010/2011 http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Brunei_Darussalam.pdf

²⁵ The Law on Education of Kingdom of Cambodia, enacted by the National Assembly on the 19th of October 2007, <http://www.moeys.gov.kh/Includes/Contents/Education/Education%20Law%20in%20English%20Unofficial%20Translation.pdf>

²⁶ Unofficial translation by author.

²⁷ World Data on Education, 7th edition, 2010/2011, Lao People's Democratic Republic, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Lao_PDR.pdf

development in science, technology and information.

Education in the Union of Myanmar is viewed as a basic human need, an integral part of the quality of life, a support for moral and social values, and an instrument for economic productivity.²⁸

In Batas Pambansa Bilang 232 an Act Providing for the Establishment and Maintenance of an Integrated system of Education of the Republic of the Philippines, Sec.4 Declaration of Objective stipulates the aim of the general education are to assist each individuals in the peculiar ecology of his own society, to (a) attain his potentials as a human being; (b) enhance the range and quality of individual and group participation in the basic functions of society; and © acquire the essential educational foundation of his development into a productive and versatile citizen.

The Republic of Singapore education system aims to nurture every child and help all students discover their talents, realize their full potential, and develop a passion for lifelong learning.²⁹

National Education Act of B.E. 2542 (1999) of Thailand, in section 4 of the Act stipulates education means the learning process for personal and social development through imparting of knowledge; practice; training; transmission of culture; enhancement of academic progress; building a body of knowledge by creating a learning environment and society with factors available conducive to continuous lifelong learning.

Article 2 the Socialist Republic of Viet Nam Education Law of 2005 states that the goals of education are to: “educate the Vietnamese into comprehensively developed persons who possess ethics, knowledge, physical health, aesthetic sense and profession, loyal to the ideology of national independence and socialism; and shape and cultivate one’s dignity, civil qualifications and competence, satisfying the demands of the construction and defense of the Fatherland.

From the description on the notion of education among ASEAN member states education from miscellaneous law sources, which are describe above the notion of education among ASEAN member has some elements in common. Those elements are :

²⁸ World Data on Education, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Myanmar.pdf

²⁹ World Data on Education, 7th edition, 2010/2011, Singapore, <http://unesdoc.unesco.org/images/0019/001931/193190e.pdf>

Education is a lifelong learning process;

1. Education includes the development for physical, mental, and spiritual;
2. Education aim to attain potential as a human being;
3. Education is aimed to make a person useful for the society, nation, and state.

Those common elements can be recognizing as the characteristic of education in ASEAN member which are important basics to conduct the educational cooperation among ASEAN member states.

III. Educational Cooperation on Human Rights Education

- A. The existence of the human right education in ASEAN member states

The definition of the human rights education by UNESCO is an integral part of the right to education and is increasingly gaining recognition as a human right in itself.³⁰ The Human Rights Education in the plan of action on United Nations Decade for Human Rights defined as 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 molding of attitudes and directed to:

1. The strengthening of respect for human rights and fundamental freedoms;
2. The full development of the human personality and the sense of its dignity;
3. The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious, and linguistic groups;
4. The enabling of all persons to participate effectively in a free society;
5. The furtherance of the activities of the United Nations for the maintenance of peace.³¹

³⁰ Human Rights Education, <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/human-rights-education/>

³¹ Plan of action for the United Nations Decade for Human Rights Education, 1995-2004: Human Rights education – lesson for life, <http://daccess-dds-ny.un.org/doc/>

Article 2 of the Annex of United Nations Declaration on Human rights education and training mentioned that human rights education and trainings encompasses education:

1. About human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection;
2. Through human rights, which are includes learning and teaching in a way that respects the rights of both educators and learners;
3. For human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.³²

In the discussion of the importance of the existing human rights subject for the primary school in the ASEAN member states, there are several examples from these states below.

In Cambodia the human rights education implemented in the school curriculums in implicit approaches. The human rights values become part of the content in the several subjects for the students. The example for the human rights values in the school subjects are Moral-Civic Education, Science & Social Studies subject.³³

Human rights education in Indonesia integrated in the curriculum for primary, junior secondary, and senior secondary. For the primary school level the human rights values integrated in I.e social science and religion. At the junior high school those values integrated in citizenship education and religion. For the senior high school the subjects are religion, geography, and sociology.³⁴

In Lao PDR, the human rights are mentioned in the curricula for grades 4 and 5 in the General Knowledge Subject. At the upper secondary level human rights is taught in the philosophy subject.

The human rights content in the school curricula in Thailand can be found in the Social, Religion, and Culture subject area, Health and

[UNDOC/GEN/N97/008/02/PDF/N9700802.pdf?OpenElement](http://undoc.gen/n97/008/02/pdf/n9700802.pdf?OpenElement)

³² United Nations Declaration on Human Rights Education and Trainings, Annex of A/HRC/16/1 <http://www.theewc.org/uploads/content/United%20Nations%20Declaration.pdf>

³³ Human Rights Education in the school systems in south east asia, <http://www.hu-rights.or.jp/archives/pdf/publications/other-publications/wphre-sea-report.pdf>

³⁴ Ibid.

Physical Education subject area, occupations and technology subject area.³⁵

The Scheme of Human Rights Education in four ASEAN Member States below will give picture the diversity of the human rights education among states.

Cambodia ⁴	Indonesia ²	Lao PDR ³	Thailand ¹
Right to protection	Value to live harmony in the difference (sexes, religion, ethnic group)	Basic knowledge on the law What is law ?	Four basic rights for children
Right to education	Right of the child (right to leisure, education, freedom of expression)	Laws affecting daily life (birth, death, migration, family registration, identity card, tax payment)	Human rights protection
Right to development	Value to work together (<i>gotong royong</i>)	How the roles and responsibilities of Lao citizens apply to the law (education, good citizens, respecting parents, and teachers' advice)	Respect for the rights of other based on the basic law
Right to participation	<i>Pancasila</i> (five principles) including the value of honesty, discipline	Summary of Lao PDR Laws (Civil Law and Criminal Law)	Principles and meaning of human rights based on the Constitution, International human rights, human rights convention and international agenda, development of human rights by local constitution, and the National Human Rights Commission.
	Having self-esteem as individual	Role of Lao citizen about responsibilities adopted by the Constitution of Lao PDR	
	Value to appreciate the joint decision	The role of students in society (roles in school, family, society, and road traffic).	
	Understand the role of Indonesia foreign policy in the globalization era		

The variety of forms of human rights education in Asian schools, however, seems to indicate lack of subscription to such internationally agreed definitions.³⁶ Based on the description above, the human rights

³⁵ *Ibid*.p.119.

³⁶ Jefferson R. Plantilla, context of human rights education in Asian schools : <http://www.hurights.or.jp/archives/pdf/asia-s-ed/v11/18Context%20of%20HRE%20in%20>

on education in ASEAN member states in primary school or early education mostly delivered in implicit education by implement it incorporation with the existing subjects. Every states have their own policy concerning the subjects, human rights values that need to be teaches , the objectives and the grade of the students when they learn about human rights. Even in this paper not discuss every ASEAN member states but five among ten states do not have separate human rights subject in their national education curricula for primary school level. The explicit human right education, as separate subjects in the curricula mostly will be found at the bachelor level for legal education.

Jefferson R Plantilla was held survey on secondary students regarding the source of knowledge that becomes the basis of secondary students awareness on human rights that held in Japan, India, and the Philippines. From that survey is showed that the schools provide the most knowledge on human rights.³⁷ That survey showed the importance of school curriculum to promote human rights awareness to the youth. The school curricula will be very effective because the youth will get clear information from the teacher concerning the notion, examples and also the way to implement the respect for the human rights values, because school curricula give the same opportunity for every child across the country to the get the same level of information. The training, exchange students, exhibitions can be part to promote human rights education, but that only will give opportunity to several people or groups. Concerning the situation in Indonesia for the example, which is consist thousands of island, without delivering human rights education in the national curriculum it will be very difficult to spread the information concerning human rights to all child in the rural area.

As known, the school curriculum of each ASEAN member states is part of the national law or regulation. That situation brings obstacle to implement all the agreement concerning the human rights education, otherwise there will be willingness from the national government to implement the agreement in their national law or regulation. The other obstacle is also because that is not really easy because every state has its own curricula and kind of the different content of subject.

[Asian%20Schools.pdf](#), p.183

³⁷ Jefferson R.Plantilla, Context of Human Rights Education in Asian Schools, Ibid, p.183

Furthermore, all the ASEAN member states need to share with each other experiences in building and developing human rights education in the national curriculum as well as setting and following a common goal and common agreement on human rights education. The common agreement will be benefit for regional understanding and caring and sharing with each other among ASEAN member states towards ASEAN Community.

IV Educational cooperation on Human Rights among ASEAN member states

United Nation encourage the human rights education through World Program for Human Rights Education and recently the General Assembly Resolution adopted by the Human Rights Council concerning United Nations Declaration on Human Rights Education and training. United Nations recognize the importance of human rights education to develop human personality, tolerance and friendship, and the maintenance of peace, security and the development of human rights.

The development of human rights education in Asian countries already started years ago in late 1990S. The series of activities on human rights education in Southeast Asia started in 1998 with consultation workshop (Surabaya workshop). The next workshop to follow Surabaya workshop was held in Bali on 26-29 April 1999. This workshop is "The Southeast Asia Pilot Teacher Training Workshop on Human Rights. On 19-27 June 2001 was held a nine-day Southeast Asian Writing Workshop on Developing Human Rights Teaching Guides (SEA writeshop) and the reviewer team meet twice in Bangkok in 2002. The publication based on the SEA Writeshop is the Human Rights Lesson Plans for Southeast Asia school which is published by Asia-Pacific Human Rights Information Center in October 2003.³⁸

The other important cooperation to support human rights education was held in the 4th Consultative Meeting of the National Human Rights Institution (NHRIs) of Indonesia, Malaysia, Philippines, and Thailand in January 2008 in Manila, Philippines, they are agreed to adopt "ASEAN

³⁸ Human Rights Lesson Plans for Southeast Asian Schools, <http://www1.umn.edu/humanrts/edumat/SoutheastAsianHRE.pdf>

NHRI Forum". This forum agreed to have regular most feasible actions to facilitate the process of establishing an ASEAN Human Rights Mechanism on measure to respond human rights issues, which is one of it is human right education.³⁹

One of the purposes of the ASEAN which is mentioned in Article 1 number 10 ASEAN Charter is to develop human resources through closer cooperation in education and life-long learning and in science and technology, for the empowerment of the peoples of ASEAN and for the strengthening of the ASEAN Community.

Cha-Am Hua Hin Declaration on Strengthening Cooperation on Education to Achieve an ASEAN Caring and Sharing Community adopted by the ASEAN Leaders at the 15th ASEAN Summit (23-25 October 2009, Thailand). This declaration raises awareness that the introduction of human rights values can be achieved through school curriculum.

In the line with the aim to build ASEAN "community" the cooperation on human rights education is needed. With regard to ASEAN community, education is laid within ASEAN Socio-Cultural Community. The action plans for ASEAN Socio-Cultural Community focusing on four elements of the community, which are: building a community of caring societies, promoting environmental sustainability, managing the social impact of economic integration, and strengthening regional identity. To support the achievement of those four elements numerous activities among ASEAN member states supported that aims, such as declarations, initiatives, work plans, workshops, and other consultative. In contrast with the initiates to support ASEAN socio-culture sector, those activities conducted with ideal agendas but little real capacity for action.⁴⁰

Related with the idea to have the real action for human rights education among ASEAN member states, the real action need to be taken. That is why the common understanding that the educational cooperation in ASEAN can be the mechanism to implement human rights education among ASEAN member states has significant action

³⁹ The ASEAN National Human Rights Institution (NHRI) Forum, <http://aseannhri-forum.org/en/about-us.html>

⁴⁰ Donald E. Weatherbee, *International Relations in Southeast Asia, The Struggle for Autonomy*, 2nd Edition, Institute of Southeast Asian Studies, Singapore, 2009, p.304.

to take. The understanding about the obstacles or difficulties are very often happen this writing proto to have concrete implementation of the agreement on all state member national curriculum. The initial actions usually only reach top level policy maker and not the real people which are the subjects of those actions.

The common agreement on educational cooperation among ASEAN member states can be conducted through the ASEAN Senior Officials Meeting on Education (SOMED), who report to the ASEAN Education Ministers.⁴¹ Collaborative activities are undertaken, with the South East Asia Ministers of Education Organisation (SEAMO), civil society and private sector, as well as ASEAN Dialogue Partners in pursuing regional priorities in education. Within the need to facilitate the need to achieve more binding instrument to implement the human rights education into national curricula of the ASEAN member states, it is need to form an agreement, declaration or common understanding that sign by the Head of States and Government.

The awareness of the youth concerning human right through formal education is easier to measured, because they will have an examination that can degree the understanding of the content of the students.

The technique to deliver understanding for the youth at the primary school need more effective approach particularly from the teacher. The improvement or development of knowledge of the teacher concerning the way to teach human right can be achieve through educational cooperation among ASEAN by conducting training for teacher among ASEAN.

IV. Common Agreement on Human Rights Education

A. The content of human rights values in the common agreement

The common agreement of the human rights education in ASEAN that proposed in this paper, based on the similarity of the human rights education content that already exist in the national curriculum of ASEAN member states and will be based on the Convention on the Rights of the Child (CRC). The awareness of the youth concerning

⁴¹ Fact Sheet Cooperation on Education in ASEAN, <http://www.asean.org/Fact%20Sheet/ASCC/2009-ASCC-003.pdf>

human rights need to be fulfill the three basic understanding concerning the right holder, duty bearer, and object of the right.

What does it mean to have a right, to be a rights holder? Katherine Hunt Federle mentioned "to be a right holder is to be a fully autonomous/rational/competent/moral being with the ability to compel performance of some obligation; to be powerless to obligate others is to lack right holder status".⁴² In the essence of a right, a duty must exist as its corollary. Rights embody claims which another person is legally required to fulfill. Right and duty are just two sides of one and the same coin.⁴³ The object of the rights content gives the explanation concerning the rights that can be enjoyed by the rights holder.

All the ASEAN member states are parties of the CRC, Brunei Darussalam made reservation for several articles which are Article 14, 20 and 21 of the CRC. Based on that situation this paper will make a list of rights in the CRC that can be part of common agreement concerning the human rights education. Based on Human Rights Lesson Plans for Southeast Asian Schools published by Asia-Pacific Human Rights Information Center there are several rights from the CRC⁴⁴ that used for the primary school curriculum, which are:

1. Right to living in a clean environment (Article 44 of CRC)
2. Right to rest and leisure (Article 31 of CRC)
3. Right to care and protection (Article 3 (2) of CRC)
4. Right to freedom of association (Article 15 of CRC)
5. Right to education (Article 28 of CRC)
6. Protection from economic exploitation (Article 32 of CRC)
7. Right to freedom of opinion and expression (Article 13 CRC)
8. Right to social security (Article 26 of CRC).

To achieve common agreement on the human rights education in ASEAN member states, this paper propose two rights that can be

⁴² Katherine Hunt Federle, *Rights Flow Downhill, in Children's Right*, Vol 1, Michael D.A Freeman (ed), Dartmouth Publishing Company, England, 2003, p.243-244.

⁴³ Cristian Tomuschat, *Human Rights, Between Idealism and Realism*, 2nd Edition, Oxford University Press, New York, 2008, p. 58

⁴⁴ Asia-Pacific Human Rights Information Center, Human Rights Lesson Plans for Southeast Asian Schools, 2003, <http://www1.umn.edu/humanrts/edumat/SoutheastAsianHRE.pdf>

implemented in all ASEAN member states national curriculum, which are:

1. Right to education
2. Protection from economic exploitation

1. Right to Education

One of the rights among the child's rights is the right to education. The reason behind why the right to education is very important is related with the description on sub section 2.1 which clearly mentions that the right to education is explicitly stipulate in all ASEAN member state constitution, except Brunei, which is delivered it implicitly. The other important reason is because the right to education is the basic right to ensure the implementation of human right education itself.

For young generation the right to education is needed to train them to be useful member of society and the world community. The recognition of the right to education has been recognizing under Article 13 and 14 of the International Covenant of the Economic, Social, and Cultural Rights⁴⁵ and Article 28 CRC. Article 28 of CRC stipulates:⁴⁶

- a. States Parties recognize 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:
 - 1). Make primary education compulsory and available free to all;
 - 2). Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - 3). Make higher education accessible to all on the basis of capacity by every appropriate means;
 - 4). Make educational and vocational information and guidance available and accessible to all children;
 - 5). Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

⁴⁵ See Article 13 and 14 the International Covenant on Economic, Social, and Cultural Rights <http://www2.ohchr.org/english/law/cescr.htm>, last visited August 25, 2009

⁴⁶ See Article 28 Convention on the Rights of the Child, <http://www2.ohchr.org/english/law/pdf/crc.pdf>

- b. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
- c. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

The students have the right to get clear information from the teacher concerning the concept of the right to education under Article 28 of the Convention on the Rights of the child. The teachers have to stress that children have the right to go to school and thus government should as much possible provide them the opportunity to have primary education.⁴⁷ The simple sentences or plain language version that can be used to introduce this right to the children is: "You have the right to a good quality education. You should be encouraged to go to school to the highest level you can."⁴⁸

The basic important things that the children or the youth need to understand concerning the right to education are: the duty bearer is the state, the right holder is the citizen (particularly the children for primary education), the content of the right in plain language is the opportunity to get education in the school for all level of education.

2. Protection from economic exploitation

This right becomes very important to support the implementation of the right to education and particularly the right for the children in ASEAN to get human rights education. Betcherman (*et al*) mentioned "children drop out of school often because of poor teaching and learning conditions and they are predominantly poor, rural and disproportionately female."⁴⁹ Several states in Southeast Asia still facing the problems of child labor such as: Indonesia, Thailand and the Philippines.

⁴⁷ Asia-Pacific Human Rights Information Center, Human Rights Lesson Plans for Southeast Asian Schools, 2003, Op.Cit.,p.44

⁴⁸ Ibid.,p.148

⁴⁹ Trevor Buck, *International Child*, Routledge, New York, 2001, p.70.

The right of Protection from economic exploitation is recognizes under Article 32 of CRC.

- a., States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
- b. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
 1. Provide for a minimum age or minimum ages for admission to employment;
 2. Provide for appropriate regulation of the hours and conditions of employment;
 3. Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

In the first paragraph of this Article clearly state that children should get protection from any kinds of that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. That similar with the common notion of education among ASEAN member states which includes the development for physical, mental, and spiritual.

In the discussion about the right of children to get protection from economic exploitation the students need to understand the values about their right, which are:

1. Every child has the right to be protected from work that harm her/his physical, mental, spiritual, moral or social development;
2. Children can work provided that the work does not interfere with their education or is not harmful to their health or physical, mental, spiritual, moral, social development.
3. And if child does not have access to school because she/he is forced to work, then the child's rights are violated and his/her development is harmed.

The simple sentences or plain language version that can be used to introduced this right to the children is: "You have the right to protection

from work that harms you, and is bad for your health and education. If you work, you have the right to be safe and paid fairly”.⁵⁰

The duty bearer to serve protection for children from the economic exploitation is the state, right holder is the children, the main content of the right is a protection from the work that harm their health and education. This right also includes the right to be safe and get adequate payment for their work.

The common understanding of the right to education and the protection from economic exploitation are adequate to start the common content of human rights education among ASEAN member states because those two rights are very fundamental to develop the characteristic of the youth in ASEAN community.

The right to education and the protection from economic exploitation have strong connection between one and each other. To ensure the human rights education in ASEAN for the youth particularly in primary school the children need to enjoy these two rights otherwise the human rights education will be very difficult to implement.

B. Form of the common agreement

The implementation of the human rights education in ASEAN member states needs to be formed in an agreement under the ASEAN Socio-Cultural Community. I propose the title of the agreement would be “ASEAN Agreement on the Human Rights Education”. The agreement has to clearly mention that particular human right value will be taught in all ASEAN member states. This paper promotes the right to education and the protection from economic exploitation become part of the obligatory human rights subject in primary school curriculum.

In order to achieving the goal on promotion and protection of human rights as part of the Roadmap for an ASEAN Community (2009-2015)⁵¹, the agreement has to ratify by all ASEAN member states. Through ratification the human rights education can be implemented in ASEAN member states national curriculum. The implementation will bring positive impact for the youth among ASEAN countries, because

⁵⁰ Asia-Pacific Human Rights Information Center, *Human Rights Lesson Plans for Southeast Asian Schools*, 2003, Op.Cit.,p.150-151

⁵¹ See *Roadmap for an ASEAN Community 2009-2015*, Op.Cit, p.9

they will get similar understanding and knowledge for particular human rights values. The than they will get the sense become part of the ASEAN community and prepare to be the next regional leader.

Monitoring Mechanism

The common agreement on human rights education will be more effective if it also provide the monitoring mechanism. For the monitoring mechanism can be the annual country report for the achievement and obstacles concerning the implementation on the common agreement in each ASEAN member states. The annual country report has to be submitted to the ASEAN Socio Cultural Community Council.

In the monitoring mechanism is also important to involving the Non-Governmental Organizations. The other mechanism that I offer in this proposal is the opportunity for the NGO's to submit report to the ASEAN Socio Cultural Community Council concerning the implementation of the human rights education in ASEAN member states.

VI Conclusion and Recommendation

A. Conclusion

The similarity of recognition on the right to education in the ASEAN member states constitution and common elements on the notion of education become the strong basic for educational education among ASEAN member states. The Cha-am Hua Hin Declaration is one of essential declaration on educational cooperation that brings understanding that very important for the youth to finish their education at least at basic level. The governments among ASEAN member states have to provide the education in the primary level. The educational cooperation underpins the implementation of the human rights education in the school curriculum in ASEAN member states national curriculum at primary school level. the development of human rights awareness for the youth through the.

The common agreement can he achieve trough the common understanding about the rights of the children that can be part of the human rights education, among ASEAN member states. This paper

promote to rights, which are: the right to education and protection from economic exploitation that can be used as compulsory content for the human rights education. The common agreement among ASEAN Minister of Education is needed to ensure that all ASEAN member state give the human rights education which are consist of the right to education and protection from economic exploitation in the primary education as part of each member states national curriculum.

B. Recommendation

This paper delivers several steps to achieve the common agreement on human rights education by ASEAN member states that will strengthen the ASEAN's role in sustainable development to promote human rights in the region. Those steps that important to pursue are:

Achieving the common understanding about the importance of human rights education and to figure out the framework of human rights education in primary school level among ASEAN member states can be a forum or conference that initiated by the SEAMO ;

The peculiarity of human rights in the ASEAN region is the existence of the similar human rights content has delivered in the same standard in all ASEAN member states for primary school level. This paper propose 2 rights to be the basic rights : the right to education and protection from economic exploitation;

Arrange an agreement concerning human rights education, the title would be "ASEAN AGREEMENT ON HUMAN RIGHTS EDUCATION" ;

The agreement concerning human rights education has to ratified by all the ASEAN member states to ensure the implementation in each ASEAN member state national curriculum in the primary school level;

The implementation on human rights education in the school curriculum in the primary school will develop the awareness of the human rights value for the youth because the notion of the rights will be delivered in plain language that make them easy to understand and be prepared to be the next regional leader.

To ensure the implementation of the human rights education in ASEAN member states, the monitoring system is needed. The form

of monitoring mechanism in the form annual country report from every ASEAN member states and NGO's to ASEAN Socio Cultural Community Council.

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