

Challenges to Learning and Teaching Human Rights

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No one went to class in order to learn but only to avoid getting marked absent. The class is reduced to reciting lessons from memory, reading the book and once in a while, answering one or other trivial, abstract, profound, cunning, enigmatic questions. True, there was no shortage of little sermons (sermonitas)--they were always the same--about humility, submission, respect for the religious...

The phonographs (los fonografos) played, some well, others bad; others stuttered and were prompted. He who recited without a mistake earned a good mark while he who committed more than three mistakes a bad one.

This is a quote from *El Filibusterismo*,¹ a late 19th century novel written by Jose Rizal.² In describing a class in physics, he was criticizing the state of the Spanish colonial education system in the Philippines. The novel uses the word “phonographs” to refer to the students, since they have to parrot whatever the textbooks provide or the teacher said. The novel expresses the situation of the students: some students memorize and recite well; others do not do so and get bad grades.

Though a fictional account, the 19th century classroom situation described in the novel reflects to a large extent the criticisms about school education today. Rote learning has long been seen as an inappropriate way of educating young people. Some of the frequently mentioned components of modern education refer to critical thinking, active learning, and the learning of lifeskills. School education is supposed to prepare young people to become productive and active members of society in the future. Nobody argues against this goal of education.

In the context of a modern society that stresses competition and accumulation of wealth, parents want to ensure that their children are

ensured of a place in the best private company or government office by having a diploma from the best private or public university.

The Goal of Education

Jose Rizal has been known for promoting education as the best way towards a better future. He learned from the more advanced countries in Europe at that time that education created the capacity of the people to be free from oppression and opened opportunities for economic progress. He would like the people to open their minds to new ideas and use them.³ Within the late 19th century colonial

society context in the Philippines, he wanted the Filipinos to overcome colonial thinking, and embrace the new, liberal ideas in Europe particularly those that relate to freedom from any form of domination (political or religious). He wrote to Filipino women who wanted to be educated in the Spanish language to reflect on some ideas including the following:

All men are born equal, naked, without bonds. God did not create man to be a slave; nor did he endow him with intelligence to have him hoodwinked, or adorn him with reason to have him deceived by others. It is not fatuous to refuse to worship one's equal, to cultivate one's intellect, and to make use of reason in all things. Fatuous is he who makes a god of him who makes brutes of others, and who strives to submit to his whims all that is reasonable and just.⁴

Translated into educational terms, education means freedom from ignorance and bondage, and the proper cultivation of intelligence innate in each person. It also means that education makes the person act with reason and sense of justice, and not act on whims.

There is a strong resonance of these ideas in today's human rights conception of education. Article 29 of the Convention on the Rights of the Child provides:

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.

Education is not merely a classroom affair. It is meant for life after school. It has societal

value. In one case study of a rural school in the Philippines in the 1960s, it was found that without a link between the school and the community the knowledge and skills learned inside the classroom were forgotten after leaving the school. As observed by the researcher

If modern education has to be a vehicle for social and cultural change, educators must reckon with the significance of continuity between the classroom instruction and community life where the school operates.⁵

One important thing to note in this report is the standard used in analyzing school education, namely, that modern education is a vehicle for social and cultural change. Modern education is a vehicle for new ideas that should promote social progress and economic prosperity.

Delinking the classroom from the world (or the community where the school is) is likewise unproductive from a personal viewpoint. It would not achieve meaningful education. A more recent experience in China echoes this view:⁶

After several exciting weeks at the university, I soon became disappointed about the lessons. The teaching method in the university was the same as in the elementary school and middle school, the teacher talking and talking, just asking the students to make notes and remember them. If you got good marks in your examinations, you would be considered a good student. There was seldom a connection with real life. Sitting on the chair in the classroom was like being put into a prison. I escaped from the prison, the classroom, and spent most of my time in the library and on the internet, reading books and magazines about education, farming and gardening, to get the knowledge and information that I needed. Studying and working for my dream was more satisfying!

This student yearned to know more about the world but education inside the classroom did not provide the knowledge that she/he wanted. How many students would do the same, taking the initiative to learn more outside the classroom to satisfy their thirst for knowledge about real life? It should be a shame for any school for failing to make their students learn about things that should matter most in their future lives.

This leads to the problem of relevance of education to the lives of the students. Those who know what they want to do in the future take the initiative to learn about their interest in whatever way possible, as in the case of the Chinese student.

But who determines what is relevant to the students? In cases of families who can afford good (and expensive) education, the parents are likely to choose schools that provide their children with the kind of education they like. In the “economically-developed city-state” Singapore, parents may not choose schools that “stick to the basics.” Madrassas that employ the “progressive madrasa model,” which combines religious studies with academic studies, may not be that attractive to the members of the Muslim community in Singapore. Parents may find secular schools providing not just academic studies but also more “exposure to other cultures and [give] more opportunities to explore other endeavors” such as sports and art.⁷ This option does not exist however for many parents who can only (or hardly) afford to send their children to public schools.

Competition-oriented Education

For more than a decade at least, educators and governments have been calling for an education system that responds to the needs of the time – creativity, capacity to resolve problems, knowledge with relevance to the needs not only of one’s self but also of the family and com-

munity, lifeskills, etc. In human rights terms, what is needed is education that facilitates the full development of human potentials and that ultimately serves the society as a whole. But more importantly, from a human rights perspective, is the social concern of education in terms of the fulfillment or realization of such human potentials through the fulfillment or realization of human rights and fundamental freedoms within the premises of the school. How else can we realize our potentials if we are restricted in the way we think and move inside the classroom and the school?

There are reasons why students might suffer restrictions in their effort to develop their own potentials to the full.

Among the Chinese community in Singapore and Malaysia *kiasu* plays an important consideration on the way students should experience education. *Kiasu*, meaning fear of losing out, provides the social pressure on both students and parents to aim at higher grades and more knowledge and skills in order to ensure capacity to compete in the “real” world. Such pressure translates into long hours of study and constant pressure on the students to be academically ahead. Those who can afford resort to after-school tutorial lessons, not to keep up with the lessons in school but to move much further ahead and be ensured of passing the university entrance examinations.

Chiam Heng Keng explains the impact of *kiasu*.⁸

Kiasu is the “fear of losing out” in Hokkien, one of the Chinese dialects. This term was first coined in Singapore but it reflects the culture of many nations, not only in Asia but also in other developed countries. Teaching children while they are still in the mother’s womb, Glen Doman’s method of using flash cards to teach babies and Smart’s Readers to teach young children to read beyond their age are examples of a wide range of available methods to enable children to have a head start. Parents’ and society’s relentless pres-

sure for children to run and win the academic race is probably a main cause of mental disorder and social problems. Studies have shown that delinquency is masked depression. Mental disorder is manifested in the inability of children's (later in their adult life) inability to manage their emotions. Turning to drugs is one of the means to escape from feelings of helplessness, inadequacy and other psychosocial problems. Unfortunately, we do not realize the extent of the mental disorder because the percentage of them who break down is small during the school days. Domestic violence, drug abuse (including alcoholism), incest, road rage and white collar crimes are some of the manifestations of the mental disorder which begins with the pressure to achieve good results no matter what the cost. Article 28 and Article 31 of the Convention on the Rights of the Child are blatantly violated by parents, society and the State.

The practice of having a head start in education unfortunately has become ingrained in many societies, and has become part of business. After-class tutoring has become another source of income for low-salaried teachers, and quite a big business in more developed countries.

The *juku* or after-school tutorial class is a common feature in the life of many primary and secondary students in Japan who would like to pass the entrance examinations of the best senior secondary schools (both public and private) and of the best universities (also public and private). Parents in Korea also resort to after-school tutorial and pray for help in making their children pass the entrance examinations of the best schools or universities in the temples for the God of Wisdom.

Juku in mid-1990s is described as follows:⁹

For a fee, a child can obtain tutorial services or participate in classes specifically designed to teach exam-taking techniques. *Jukus* cover what are called the five basic subject areas, Japanese language, mathematics, English language, science and social studies. Class sizes are usually small,

up to about ten students, but some may be larger or smaller. Classes last about two hours and convene from two to three days a week.

Parents judge the success of the *juku* simply on results. They want to know if it will help the child pass the exam. So the job of the *juku* is not necessarily to teach so that the child understands the subject matter. Its job is only to show how efficiently it can get the student through the subject he is having problems with, how successfully it can get the child through the entrance exam. To this end, *jukus* use any means available. A representative example is the myriad mnemonic expressions Japanese children use as rote memory tools.

There are still many Japanese primary and secondary students in the 2000s who go home at 10 pm after their *juku* classes. Today, the *jukus* remain as ubiquitous as they were decades before, with over 50,000 of them all over the country. The supposed lower capacity of public schools to prepare the students for the university entrance examination led more students to the *jukus* with full support from the parents and the local community. In the words of a parent whose child entered the desired university:¹⁰

Thanks to *juku*, my son was able to get into a good public high school," she says. "Without it, he wouldn't have made it to university."

The head of a community group sponsoring cheaper *juku* classes in Tokyo remarked:¹¹

It's the job of teachers to teach students the basics of subjects equally. They can't teach students how to pass entrance exams individually.

In mid-2000s the thriving business of the *jukus* reflected the state of education in Japan:¹²

Conventional wisdom has long had it that university entrance exams are the deciding factor in a person's long-term earning power; in other words, entrance to the right university is thought

to pave the way to a secure, well-paid job at a respectable company. But now, this pressure extends further back, with many parents claiming that a person's future is largely dependent on entry to the right junior high school. As competition to get into prestigious public schools has become tougher, trust in state-run schools has been further eroded due, in part, to the "flexible education" system the government introduced in 2002, which encouraged the expansion of private schools through various tax breaks.

After-school tutorial for the sake of passing university examinations is true in many Asian countries particularly for middle-class families. The basic idea is to make their students compete well in school, in order to become ready to live a life of competition at work or in any business endeavor.

But the results did not seem to make much difference, in terms of performance in international examinations. One report states:¹³

Despite all the hysteria over sending children to the best schools, and the spike in the growth of the juku business, a 2004 survey by the Organization for Economic Cooperation and Development showed that Japanese students' math and reading abilities have fallen behind those of their contemporaries from Hong Kong and Korea.

The results of international examinations drive governments in richer countries such as Japan to devise ways to stop the slide to lower academic achievements. But these efforts are also likely to increase the competitive nature of education.

The Programme for International Student Assessment (PISA),¹⁴ has become one of the bases of several Asian countries¹⁵ in determining the state of their education system. PISA

assesses how far students near the end of compulsory education have acquired some of the knowledge and skills that are essential for full participation in society. In all cycles, the domains

of reading, mathematical and scientific literacy are covered not merely in terms of mastery of the school curriculum, but in terms of important knowledge and skills needed in adult life. In the PISA 2003 cycle, an additional domain of problem solving was introduced to continue the examination of cross-curriculum competencies.

In view of the lower results in the PISA examinations in recent years, the Japanese government was alarmed at the lowering of the academic achievement of the Japanese students. It decided to revise the school curriculum, shifting from the "cram-free curriculum," to one that has more content and requires longer hours and more days for classes. This also led to the revision of textbooks, to include more content. It revived the national examinations for sixth grade primary students and third year secondary students that were last held forty-three years ago. This nationwide examination was criticized at that time for promoting excessive competition in the education system and obsession with rankings among schools and local governments. Some local boards of education still shared this view, and refused to reveal the results of the recent examination. One prefectural board of education did not even participate in the first year of the examination, also for this reason.

The nationwide academic achievement examinations focus on knowledge of arithmetic, mathematics, and Japanese. Another examination is also being held to determine the students' lifestyle habits, and thus "help pinpoint how students develop their scholastic abilities by examining what classes they have taken and how they study." The first examinations were held in 2008, while the second examinations were held in April 2009.¹⁶

Comparing the 2008 and 2009 examinations results, the government did not find much difference. The prefectures with the best and worst results respectively remain the same. But the 2009 examinations revealed that "students who watched less TV or played fewer games garnered higher scores. Schools with higher

percentage of state subsidy did more poorly than those with a lower percentage of such students.”¹⁷

Under this competition-oriented environment, many students would not want to become a loser. But there are students who have reasons for refusing to compete, or are not in a position to compete. These students would constitute the education “ghetto.” They want to learn but the mainstream education system fails to support them. They are therefore excluded in the formal educational process.

Some students, who do not like to compete, withdraw from schools. This led to the phenomenon of alternative or “free” schools in some countries such as Korea and Japan to serve the educational needs of young people who refuse to go to school or have to drop out of school (due to “bullying and the students’ inability to cope with demanding curricula and the conventional classroom structure” as well as “boredom, which experts say could be the result of children having to deal with too much information.”¹⁸). One report says that “free” schools are “commonly referred to as “shelters” by academics, children and their parents because these institutions provide a more caring alternative to public schools.”¹⁹

The situation of these young people represents the “dark side of Japanese education which ignores the weak.”²⁰ A similar situation has been reported regarding the Korean situation.²¹

Education in Korea is rigid, placing an excessive emphasis on college entrance examinations. Students, teachers and parents have only one concern: that students get good grades so that they can enter good colleges. Thus, the majority of students are sacrificed for the minority that is bent on attending college. Anyone left behind in the competition is stigmatized as a “problem child,” despised and discriminated against. Chances are that these children will become rebellious or social delinquents. In fact, “school

violence,” which is a serious problem in Korea, stems from a grade-oriented education. The discrimination against those who are not successful in school is attributable to the competitive education that puts excessive emphasis on grades.

A Korean UNESCO Chairholder for Philosophy wrote that this situation resulted in Korean students having legendary “superiority in amassing and recalling information” and yet “ill-prepared in social problem solving and the imagination required for constructing their own knowledge.”²² This result could not have been what school education is meant to be.

Some students who suffer from various forms of disabilities require support for their education. As shown in the Azerbaijan study in this publication (Mikailova, et al., page 113-114), these students improve their intellectual and emotional conditions and skills given proper support in school. But their mere presence in school, without conscious effort to support them, leads to exclusion. Similarly, exclusive focus on academic achievement would not lead these students with disabilities to learn how to make independent judgment, and learn to adapt to different situations. They are relegated to the “back seats” of the education system. (Mikailova, et al., page 137)

One can easily imagine how students of poor families or communities have basically the same problem of being excluded from the education system.

Violence in School

Bullying and the meting out of corporal punishment are two major examples of violence inside the school premises. Bullying sends a serious alarm because it is mainly done by students, who at a very young age have already accepted violence as a means to relate to fellow students (particularly those perceived as weak).²³ Some view bullying as the result of problems some students face inside their family. Violence has

become an outlet for their frustrations or even the suffering, which can be caused by pressure from the parents to study harder. They can also be due to the breakdown of the family, or the absence of guidance from parents who are always busy with their work.

But violence should not be tolerated, and should not be justified by the problems being faced by the students engaged in it. The victims do not deserve any form of violence – physical, mental or any other form. Victims who are driven to despair due to bullying may end up losing self-esteem, or worse consider their life worthless and thus best ended. How many students committed suicide due to bullying?

Bullying is also a reproduction of oppressive societal hierarchy, where the strong oppresses the weak. Students who bully others experience a sense of power that they may retain long after leaving school, when they are in position of authority or influence in society.

Students who bully others due to the problems they face in their young life deserve the help of the school authorities, just as those who have been bullied deserve urgent help to stop their suffering before it gets worse.

But will help be forthcoming from teachers and school authorities who think that corporal punishment is necessary to discipline students? Or will they resort to violence to address the violent behavior?

An innovative project on “child reporters” in India presents the extent of the problem of corporal punishment in schools – mainly in rural and marginalized communities. As the report states²⁴

Diaries kept by some child reporters at the instance of NGOs reveal a sordid saga of how young students are thrashed, punished, humiliated daily by teachers in schools across India. They also reveal how 11-year-old Shano Khan’s death in Delhi is far from being an isolated case. Shano went into coma after allegedly being beaten and made to squat outside in the sun by her teacher

at a Delhi municipal school for not knowing letters of the English alphabet. She died a day later, sending shock waves across the nation. But many more heart-rending stories abound.

Some teachers, like the students who bully others, may resort to corporal punishment as a result of their personal problems. On child reporter explains this situation²⁵

Some students informed us (the child reporters) that teachers use physical violence to vent their anger at children. Some teachers have family problems which leave them frustrated and during school hours, when students make even small mistakes, they get thrashed as the teachers vent their frustration on them. While doing so they also abuse the children. Manish, a student, said some teachers beat students even if the latter have not made a mistake. This is mental torture for the students and they usually fail in exams due to these reasons.

How many teachers in other countries are in the same situation?

Child sexual abuse (CSA) is another form of violence in school. One report in India on a national survey on CSA shows that “21.9% of child respondents faced severe sexual abuse.”²⁶ It is highly probable that this percentage of occurrence of CSA in schools is true in other countries as well. Such a national survey is an important tool for education and other relevant government officials in finding ways of protecting the child-victims, and establishing mechanism within the school to prevent their occurrence.

Mechanisms addressing CSA are important. The suggestion in India of offering children a forum to discuss and report CSA as the “first line of defense in responding to such allegations”²⁷ is worth trying. A somewhat similar forum involving students, teachers and parents has been tried in the Philippines that reveal not only the awareness of the students of the problems but their view on how they should

be addressed. Ofreneo in this publication (page 36) mentions the Children, Parents, and Educators Empowerment Program (CPEEP) as well as the National Youth Forum on the Prevention of Child Abuse and Exploitation as means of organizing students, teachers and the parents to do something about the problem.

A recent form of school-related violence is of the digital kind. Bullying through the internet and cellphones has resulted in depression, and some suicides, of the victims. The 2007 survey made by the Japanese government about human rights reports that²⁸

53.7% of respondents pointed out that “some Internet sites, such as dating sites, trigger crimes,” and 52.8% of them replied that “putting language that slander or insult others on the Internet” is problematic.

These survey results mirror the increasing use in society of modern information and communication technologies to harass, vilify, and destroy the reputation of people. As one newspaper editorial puts it:²⁹

Spreading unfounded rumors that cause great distress is despicable behavior. Such malicious actions aimed at others through the Internet are a disgraceful crime and show complete disregard for the spirit of the term “freedom of expression.”

The Internet has also become a major medium to victimize young people through child pornography and prostitution. One report says that 280,000 cases of child prostitution images have been reported and confirmed across the globe in 2007, and an estimate of more than one million child pornographic images are available online.³⁰ The report further says that “half of this data depicted harrowing images of sexually abused children, and that as many as 20 percent of the victims were children aged 3 or under.”

The images need not only be videos and photos of abused children but also those “depicting the sexual abuse of children in manga and anime” that constitute a form of sexual exploitation as they infringe upon the “human rights and dignity of children.”³¹

The Wider Context

The competition-oriented education system is desired by governments in countries that would like to compete for economic gains in this age of globalization. In Asia, the opening of national economies to the global economic system is the recipe toward national development and the way to win the fight against poverty. As the case of Vietnam shows³²

PM Dung highlighted Vietnam’s changes over the past years, saying the country has been actively carrying out its renewal process and has gained important results in various fields, achieving an annual economic growth rate of 7.5-8 percent. It has built up its relations with more than 180 countries and partners across the world and actively participated in activities of international organisations, including the United Nations, the World Trade Organisation, the Asia-Pacific Economic Cooperation (APEC) forum, and the Asia-Europe Meeting (ASEM). “All of these mirror Vietnam as a country of dynamic development, a trusted friend and partner of all countries for peace, stability and development,” the PM said.

The success of the drive towards membership in the global and regional economic blocs is dependent on the resources available in the country. Competent work force is one major resource to attain economic strength (beyond offering cheap labor and tax-free industrial zones), and thus education is a major supporting mechanism.

Middle-class people in the so-called “devel-

oping countries” are facing similar challenges in educating their children as those parents who already enjoy the benefits of developed economies (mainly those in Japan, South Korea, Singapore, Hong Kong, and Taiwan). These parents require more, not less, knowledge and skills for their children. They want their children to successfully navigate the highly competitive, globalized world.

The current economic crisis however is raising questions on the rules of competition. Unbridled drive for greater profit led to the global financial crisis, setting back the gains of economic growth during the last decade. The more the economies become integrated, the higher the risk of global economic downturn.

The problems of globalization shown by the current global economic crisis offer an opportunity for different ideas to circulate more freely and quickly. Ideas that run counter to the thinking that caused the current global economic crisis should find more attraction. This can be true in the field of education, by pointing out the need for people to know the limits of too much competition, and the need to see the need for balance between material gain and personal and social security, particularly in protecting the children from abuses arising from the education system as well as the society itself.

Globalization has started hundreds of years ago when knowledge, technology and goods moved across continents. Traders and religious missionaries were the main conveyors of such knowledge and technology that led to the mixing of indigenous cultures with the foreign ones. The Silk Road is a good example of how knowledge, technology and goods from East, Central and West “Asia” were exchanged for hundreds of years. European colonial expeditions led to the movement of religion (Christianity) to many parts of Asia alongside ideas of governance and trade. This later on led to the movement of Asians to Europe to learn more of European civilization.

Well-developed civilizations in Asia have

influenced societies outside their respective territorial boundaries. The Sanskrit-based civilization spread to many parts of Southeast Asia much in the same way that the Chinese civilization influenced the neighboring countries of China. Islamic-based civilization likewise spread and took root in countries much farther away from West Asia. Governance, education, moral thinking, societal hierarchy and language are some of the key areas that have been affected by this civilizational spread in Afghanistan, Maldives, Pakistan, Korea, Japan, Vietnam, Burma/Myanmar, Cambodia, Lao PDR, Thailand, Malaysia, Indonesia and the Philippines.

It is no wonder then that current equivalent words of human rights in these countries are based on the ideas of justice and fairness of these civilizational influences from the use of “Haqq” in Muslim countries to the use of “Sitti” in mainly Buddhist countries.

But these past experiences of globalization did not have the speed and efficiency of today’s systems, technologies and facilities. Thus good and bad aspects of globalization have affected more people in various parts of the world with less time and effort. And despite the current negative impact of the global economic crisis, there is no indication that the drive for greater competition for markets, goods, technologies and ideas will slow down.

Challenges to Governments

Asian governments are facing different forms of challenges in fulfilling their human rights obligations. They are, however, optimistic that they can overcome the challenges. They outline what they consider to be the major issues of the time and set measures to address them. A sample of these expressions of hope for human rights are in the following statements made before the United Nations Human Rights Council during its 10th session in March 2009:

We regard development, human rights and democracy as inseparable. The strong correlation between development and democracy reflects the [fact] that economic development is conducive to democracy. Indeed, I share the view that beyond a certain point, economic progress makes it difficult to avoid democratization as people begin to place a growing emphasis on free choice in politics and also begin to demand civil and political rights. In the absence of democracy, economic progress is often pursued at the expense of [respect] for human rights.

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In Indonesia, efforts to rectify the mistakes [of the 1970s to mid-1990s] is called Reformasi, which centers on democratization, upholding the rule of law and good governance, greater [respect] for human rights, and wide-ranging autonomy for local governments.

Indonesia is now a full-fledged democracy. Today the wielders of power are subject to legal constraints, including by the Constitutional Court. There is a system of check and balance among our branches of government, vibrant and active media as well as a vigilant civil society. As in other open and democratic societies, it is highly unlikely in Indonesia that violations of human rights are part of the government policy. There are functioning corrective mechanisms when violations of human rights occur.³³

Another government statement expresses the following:

The Government of Korea has spared no efforts to promote its human rights standards, with the firm conviction that the faithful implementation of universal values such as human rights, democracy and the rule of law is key to sustaining a peaceful, prosperous, just and harmonious society.

As Korean society is now becoming increasingly diverse, my Government enacted the Law on Support for Multicultural Families, with a view to protecting the human rights of foreigners including migrant workers and their children

living in Korea. This law will also serve to address the difficulties of the foreign spouses of Korean nationals in their adjustment to the new life in Korea.³⁴

The observations of the United Nations High Commissioner (Navanethem Pillay) reflect not only the human rights situation of India but those of other Asian countries as well. She put in context the human rights issues at hand and the problems being encountered in implementing legal, institutional and other measures on human rights. She expressed the following statements before the members of the National Human Rights Commission of India in March 2009:³⁵

Economic liberalization and rapid economic growth have transformed many sectors of Indian society, but benefits and dividends have not always been shared equally. Poverty is still a grinding reality for millions of people in India. Deep, widespread and longstanding asymmetries in power, participation and wealth are now exacerbated by the global economic crisis. These inequalities are also compounded by the persistence of gaps in the implementation of the higher courts' decisions, of the recommendations of the NHRC, and of national laws and policies that promote and protect human rights and seek to support the most vulnerable. Such gaps are reflected in the work of the NHRC and human rights defenders in various states where the administration of justice and economic development has produced uneven results.

Human rights education in the Asian school systems operates under the same context and therefore faces similar challenges. The positive or optimistic projection of the human rights situation by Asian governments has to be tempered by an honest admission that there are many more tasks to do after the general problems have been identified and some measures have been laid out. Much of the work relates to the determination of governments to fully

implement these measures, including those in the field of human rights education, persistently over time and despite limitation of resources. Human rights education in the school system requires much more than policy statements. Government commitment much translate into appropriate curriculum, teaching-learning material, teacher-training, and extra-curricular support. Governments have to spearhead efforts to ensure that the education officials, school administrators, teachers and even parents properly understand human rights.

Next Move

A considerable amount of interest has been generated by the decision of the Association of Southeast Asian Nations (ASEAN) to establish a human rights body. Governments in Southeast Asia, however, are not yet in full agreement about the powers and functions of such a mechanism. A number of these governments use the “national sovereignty” argument to prevent the assumption of such mechanism of the power to investigate human rights violations cases in the member-countries and hold accountable the governments found to have committed such violations. Nevertheless, the governments have not closed the possibility of reaching the stage of having a subregional human rights mechanism that functions in ways closer to similar mechanisms in Europe, Americas and Africa. As one government official commented:³⁶

Therefore in dealing with this issue, ASEAN has adopted what we have called “an evolutionary approach”. At each point we will have to agree on what will be the next step, without specifying what will be our final destination for this body. The pace will not always please all observers; it may not even please all ASEAN Member States. But we all recognise that this is not a static situation and that attitudes and policies towards hu-

man rights in ASEAN will continue to develop. The ASEAN human rights body will accordingly continue to evolve. The TOR for the ASEAN human rights body cannot, and is not intended to, exhaustively determine every single detail of ASEAN’s approach to human rights in advance. Over time, the body will have to build up its own practices and positions in a way analogous to case law. Ultimately, the effectiveness of the ASEAN human rights body will depend, not just on the TOR but on our evolution as an ASEAN Community and our growing sense of a common destiny. We hope that year by year, as we become an ever closer community, the layers and best practices that we accumulate and hold in common as ASEAN will grow. The role and stature of the ASEAN human rights body will grow in tandem with this process.

The challenges facing human rights education in the school system are akin to the obstacles that hinder the agreement on an effective ASEAN human rights body. There is no other option but to take the “evolutionary approach,” based on the belief that “attitudes and policies towards human rights” education by some governments will become more supportive over time. In the meantime, educators have to continue their human rights education work, no matter how limited, if only to contribute to the accumulation of experiences that prove its value.

Endnotes

¹ Quoted by Vicente Rafael, “Foreignness and Vengeance: On Rizal’s *El Filibusterismo*,” in 2002 UCLA Center for Southeast Asian Studies Colloquium Series (Los Angeles: University of California), pages 12-13. The novel was written in Spanish. The quotation is Rafael’s translation of the Spanish text.

² Jose Rizal was accused by the Spanish colonial authorities of involvement in the Filipino revolution against colonial rule and was executed in 1896. His novels and other writings are widely seen as significantly contributing to the movement for an independent

Philippines in late 19th century.

³ The same idea was expressed by Kartini in her 1903 letter about education (*Give The Javanese Education!*) in the then Dutch-ruled Indonesia, in *Letters from Kartini: An Indonesian Feminist 1900-1904*, translated by Joost Coté (Clayton, Victoria: Monash Asia Institute, 1992).

⁴ Teodoro M. Kalaw, editor, *A Letter to the Young Women of Malolos* by Jose Rizal (Manila: National Library, 1932).

⁵ See F. Landa Jocano, *Growing Up in a Philippine Barrio, Case Studies in Education and Culture Series* (New York: Holt, Rinehart and Winston, 1969).

⁶ Weihe Hu, "I Have a Green Dream" in *Pacific Journal* 32/2007 (2) (Honolulu, Anthroposophical Society), page 13.

⁷ Philip Lim, "Madrasahs find following in Singapore," *The Daily Yomiuri*, 24 February 2009.

⁸ Note prepared by Professor Chiam Heng Keng for the Osaka Conference on Human Rights Education - Dialogue Among Asian Educators, 17-19 November 2006, Osaka, Japan organized by HURIGHTS OSAKA.

⁹ Keiko Shoji, "Current Problems in Japanese Middle School Education," in Kotaku Ishido and David Myers, editors, *Japanese Society Today* (Rockhamton: Central Queensland University Press: 1995), page 77.

¹⁰ Minako Sato, "'JUKU BOOM' Cram schools cash in on failure of public schools," *The Japan Times*, 28 July 2005.

¹¹ "Cram school lessons taught at middle school," *The Daily Yomiuri*, 30 December 2008.

¹² Ibid.

¹³ Ibid.

¹⁴ The website of the Programme for International Student Assessment (PISA) has the following explanation: PISA is an "internationally standardised assessment that was jointly developed by participating countries and administered to 15-year-olds in schools. xxx xxx Tests are typically administered to between 4,500 and 10,000 students in each country." (www.oecd.org/pages/0,3417,en_32252351_32235907_1_1_1_1_1,00.html)

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¹⁷ "Children's academic abilities unchanged," *The Daily Yomiuri*, 31 April 2009.

¹⁸ Suvendrini Kakuchi, "Alternative schools offer hope for 'drop-outs' in Japan," Inter Press Service,

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¹⁹ Ibid.

²⁰ Ibid.

²¹ Won-il Heon, "Human Rights Education in Korean Schools" and Soon-Won Kang, "Human Rights Education in South Korea," *Human Rights Education in Asian Schools* 2/70.

²² In-Suk Cha, "Hermeneutics and Education for Human Rights" in World Peace Centre MAEER's MIT, *Human Rights Education - Social Change and Human Values* (Pune: World Peace Centre MAEER's MIT, 2000), page 65.

²³ See also Kalpana Kannabiran, "Ragging as human rights abuse?" in Infochange News & Features, an online magazine in India, for a discussion of bullying in the form of ragging, a rite of passage for university students. Available at <http://infochangeindia.org/200903237667/Education/Analysis/Ragging-as-human-rights-abuse.html>

²⁴ "Children's diaries: corporal punishment must stop," *The Hindu*, 19 April 2009, circulated by the Human Rights News Bulletin of the Indian Social Institute, number 27, 21 April 2009.

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²⁶ "Call for guidelines to deal with child sexual abuse in schools," *Times of India*, 16 April 2009, circulated by the *Human Rights News Bulletin* of the Indian Social Institute, number 27, 21 April 2009.

²⁷ Ibid.

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³³ Statement by H.E. Dr. N. Hassan Wirajuda, Minister of Foreign Affairs of the Republic of Indonesia at the 10th Session of the Human Rights Council, Geneva, 3 March 2009.

³⁴ Statement by H.E. Dr. Shin, Kak-soo, Vice Minister of Foreign Affairs and Trade, Republic of Korea at the 10th Session of the Human Rights

Council, Geneva, 3 March 2009.

³⁵ Statement by Navanethem Pillay, High Commissioner for Human Rights at the National Human Rights Commission of India (New Delhi, 23 March 2009).

³⁶ Response of Mr. George Yong-Boon Yeo, Minister for Foreign Affairs of Singapore, during the Singaporean Parliamentary session on 23 March 2009

on the questions of Mr. Siew Kum Hong regarding Singapore's position on the draft terms of reference for the proposed ASEAN Human Rights Body; and (b) what is the progress of the work of the High Level Panel. Order Paper No. 73 of 2009, Question for Oral Answer. This paper is available at http://app.mfa.gov.sg/2006/press/view_press.asp?post_id=4934