

ASEAN Intergovernmental Commission on Human Right (AICHR)

Thematic Study on Right to Education: Promoting of Access to Tertiary Education in ASEAN

Prepared by SEAMEO Regional Centre for Community Education Development

Vientiane, August 2019

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List of abbreviations

AHRD ASEAN Human Right Declaration

AICHR ASEAN Intergovernmental Commission on Human Rights

AQRF ASEAN Qualifications Reference Framework

ASCC ASEAN Socio-Cultural Community

ASEAN Association of Southeast Asian Nations

ASED ASEAN Education Minister's Meeting

MoEYS Ministry of Education, Youth and Sport (Cambodia)

MOOC Massive Open Online Courses

PDR People's Democratic Republic

PSLD Center for the Study of Service for Disabilities (PSLD) of Brawijaya

University Malang (Indonesia)

OOSCY Out of school children and youth

SDGs Sustainable Development Goals

SEAMEO Southeast Asian Ministers of Education Organization

SOM-ED ASEAN Senior Officials on Education

SHARE European Union Support to Higher Education in ASEAN Region

StuFAPs Student Financial Assistance Programs (Philippines)

TESDA Technical Education and Skills Development Authority (Philippines)

TTT Train the Trainer

TVET Technical and Vocational Education and Training

UAQTE Act Universal Access to Quality Tertiary Education Act (Philippines)

UDHR Universal Declaration of Human Rights

Executive Summary

The right to education is one of the most widely accepted rights and critical element of development in contemporary societies. As a recognised human right, the right to education is also an empowering right – a primary means by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Enshrined in Article 26 (1) and 26 (2) of the Universal Declaration of Human Right and Article 31 of the ASEAN Human Right Declaration, the ASEAN community has established an ambitious agenda to support regional cooperation and the achievement of access to quality tertiary education. ASEAN member states have developed a series of laws, policies and strategies to promote access to tertiary education including in some instances explicit constitutional recognition. However, how these rights are realized in practice have been mediated by specific sociopolitical factors unique to each member state.

ASEAN has great diversity of tertiary education types and policies which is a result of the history, culture and the socio-economic situation of each ASEAN Member State. Many ASEAN nations have seen significant growth in tertiary education over the last 10 years although this growth has not addressed issues of quality and relevance, nor has it developed students to ensure the international competitiveness of ASEAN member countries. Also, despite the explicit recognition of the right to education, laws, policies and programs do not necessarily correspond or work across sectors to ensure that the right to education and access to quality and equitable education is achieved in a meaningful way.

To develop quality tertiary education graduates who can respond to the changing national, regional and global contexts, tertiary education institutions need to continue to strengthen their links with local and international employers and labour markets and likewise make necessary adjustments to their curricula and teaching and learning methods. Moreover, tertiary education curricula should aim to develop individuals with creativity, critical thinking, leadership, entrepreneurship, language skills and should promote interdisciplinary knowledge and understanding.

In order to review and plan for the development of tertiary education in ASEAN member states, the ASEAN Intergovernmental Commission on Human Rights commissioned a thematic study to review existing policies, practices and innovations within the ASEAN

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¹ NESDB (2017). Situation Analysis Report on Poverty and Inequality in Thailand 2016, National Economic Social Development Board, Bangkok (in Thai).

community. This thematic study compiles the national reports of eight ASEAN Member States, namely Brunei Darussalam, Indonesia, Lao PDR, Malaysia, Myanmar, Singapore, Thailand and Vietnam, on the Promotion of Access to Tertiary Education.

The report reviewed ASEAN laws, policies and strategies to promote access to tertiary education relative to sociopolitical factors impacting on education in ASEAN. The report assesses existing ASEAN cooperation mechanisms and frameworks to promote access to tertiary with a focus on availability, accessibility, acceptability and adaptability and provides examples of best practices, challenges and innovations from each country.

In order to address the remaining challenges of ensuring access to education the following recommendations have been made:

- **Recommendation 1:** AICHR to explore options for developing a regional declaration that specifically outlines the right to tertiary education.
- Recommendation 2: Establish ASEAN tertiary education funds to financially support students within ASEAN member states and promote mobility within the ASEAN community via scholarships and loan schemes with a specific focus on students from disadvantaged groups.
- **Recommendation 3:** Support mutual exchange and two way learning to promote the best practices of each ASEAN member country through activities such as seminars, workshops, study visits and professional secondments.
- Recommendation 4: Develop alternative pathways and channels to access tertiary education such as distance and online learning to reach students from rural areas, students with disabilities and others.
- Recommendation 5: Implement quotas for student with disabilities and develop specific inclusive education policies in tertiary education while also supporting tertiary education institutions to ensure that there is appropriate infrastructure, facilities and curricular for student with disabilities and special needs.
- Recommendation 6: Undertake studies and surveys on the labour market needs
 and disseminate the information to stakeholders including policy makers,
 tertiary education institution administrators and lecturers, students and their
 parents. Moreover, the governments should enhance the academic and career
 counseling services into the secondary schools and the university/technical
 colleges to help students make decision on their future education and career
 pathways that better match with their own preference and the labour market

needs.

- **Recommendation 7:** Develop specific inclusive programs that target specific groups such as women, ethnic minorities, low income families, immigrants and refugees and students with disabilities and special needs still have limited access to tertiary education.
- **Recommendation 8:** Empower AICHR to monitor and report on country specific implementation of key areas (such as financial support for students, alternative schooling pathways, inclusive programs, labour market analyses).
- **Recommendation 9:** Empower AICHR to foster cross-jurisdictional dialogue and learning opportunities in order to build on the existing strengths within the ASEAN region to address current gaps in access to tertiary education.
- Recommendation 10: Establish the technical working groups meetings between SEAMEO regional centres and ASEAN counterparts to share their experiences and best practices in development and implementation of policies and programmes.

I. Introduction

The right to education is one of the most widely accepted rights and critical element of development in contemporary societies. As a recognised human right, the right to education is also an empowering right – a primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.²

This right has been reaffirmed in both international and regional human rights instruments as well as in national constitutions. Article 26 (1) of the Universal Declaration of Human Right (UDHR) states that "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basic of merit."3

Article 26 (2) stipulates that "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace".4

Further, Article 13 of the International Covenant on Economic, Social and Cultural Rights which is considered to be "the most wide-ranging and comprehensive article on the right to education in international human rights law" further stipulates with regards to the right to higher education that: "Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education".5

On 1 January 2016, the 17 Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development, which were adopted by world leaders in September 2015

² UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 13: The Right to Education (Art. 13 of the Covenant), 8 December 1999, E/C.12/1999/10: 1.

³ UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III).

Ibid.

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UN General Assembly, International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and Optional Protocol to the International Covenant on Civil and Political Rights, 16 December 1966, A/RES/2200.

at a UN Summit in New York, officially came into force. SDGs' Goal 4 aims to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. SDG 4 aims to ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university by 2030 (target 4.3). Furthermore, it seeks to by 2020, substantially expand globally the number of scholarships available to developing countries, in particular least developed countries, for enrolment in higher education, including vocational training and information and communications technology, technical, engineering and scientific programs, in developed countries and other developing countries (target4.b). Through the Incheon Declaration adopted at the World Education Forum in May 2015, UNESCO, as the United Nations' specialized agency for education, was entrusted to lead and coordinate the Education 2030 agenda with its partners.⁶

Articles 26 (1) and 26 (2) of the UNDHR are reaffirmed in Article 31 of the ASEAN Human Right Declaration (AHRD) which is overseen by the ASEAN Intergovernmental Commission on Human Rights (AICHR). The AICHR provides the governance structure for the implementation of Article 31 of the AHRD and is designed to be an integral part of ASEAN organisational structure and an institution with overall responsibility for the promotion and protection of human rights in ASEAN. The ASEAN declaration on strengthening education for out-of-school children and youth (OOSCY) made following the 28th ASEAN Summit in Vientiane, further emphasises "making higher education accessible to all on the basis of capacity by every appropriate means."

The AICHR plans to conduct thematic studies for each year in the Five-Year Work Plan. The topics of the thematic studies include Corporate Social Responsibility (CSR), Migration, Trafficking in Persons particularly women and children, Child soldiers, Women and children in conflicts and disasters, Juvenile justice, Right to information in criminal justice, Rights to health (includes Reproductive health of Women), Rights to education, Right to life (includes Capital Punishment), and Right to Peace. In light of all the above developments, in accordance with the mandate and functions as enshrined in the terms of reference of the AICHR, Article 4.3 to enhance public awareness of human rights among the peoples of ASEAN through education, research and dissemination of

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⁶ United Nations Educational, Scientific and Cultural Organization (UNESCO), Education 2030: Incheon Declaration and Framework for Action for the Implementation of Sustainable Development Goal 4, 2016.

⁷ Association of Southeast Asian Nations (ASEAN), ASEAN Declaration on Strengthening Education for Out-of-School Children and Youth, 6 September 2016 [https://asean.org/storage/2016/09/ASEAN-Declaration-on-OOSCY ADOPTED.pdf] accessed 21 April 2019.

information and the 5 Year Work Plan of AICHR, Lao PDR undertook a baseline thematic study on the Right to Education.

In order to develop and adopt the framework for national report and concept paper, two coordination meetings were held. During the meeting, ASEAN Member States commissioned a report reviewing existing national and regional wide policies and practices directed towards achieving access to education. The thematic study involved direct input from 8 member states including Brunei Darussalam, Indonesia, Lao PDR, Malaysia, Myanmar, Singapore, Thailand and Vietnam. Each country report involved discussion of existing policy frameworks, literature and experiences of accessible tertiary education although the approaches taken varied significantly and ranged from direct and topic based research to literature reviews. The thematic study has been compiled based on 8 country reports developed by national teams formed by each country. This compilation has been developed by the Lao PDR regional consultant and draws on the information submitted by each of the member states who participated in the thematic study. Following the completion of this thematic study, the AICHR will host a Regional workshop on the Right to Education involving AICHR Representatives, regional and international experts and all relevant stakeholders in May 2019.

This thematic study focuses on the promotion of access to tertiary education in ASEAN Member States presenting the lessons learnt as well as good practices and challenges faced in promoting access to tertiary education. First, the report outlines ASEAN laws, policies and strategies to promote access to tertiary education as well as providing an overview of the sociopolitical factors impacting on education in ASEAN. Second, the report will provide details of existing ASEAN cooperation and ASEAN frameworks to promote access to tertiary education. Third, the report details of the outcome of the implementation of ASEAN framework and mechanisms to promote access to tertiary education with a focus on availability, accessibility, acceptability and adaptability. The report also includes provides examples of best practices and innovations from each countries and details existing challenges. The report concludes by collating specific recommendations made by member states to the AICHR for follow up and potential collaboration with relevant bodies, organs and key stakeholders of the ASEAN community.

II. ASEAN laws, policies and strategies to promote access to tertiary education

Regional human rights mechanisms provide a critical and tailored framework to support the human rights agenda, enable coordination and ultimately implement the right to education. Within ASEAN, Articles 26 (1) and 26 (2) of the UNDHR are reaffirmed in Article 31 of the ASEAN Human Right Declaration (AHRD) which provides that (1) Every person has the right to education (2) Primary education shall be compulsory and made available free to all. Secondary education in its different forms shall be available and accessible to all through every appropriate means. Technical and vocational education shall be made generally available. Higher education shall be equally accessible to all on the basis of merit and generally available and (3) Education shall be directed to the full development of the human personality and the sense of his or her dignity. Education shall strengthen the respect for human rights and fundamental freedoms in ASEAN Member States. Furthermore, education shall enable all persons to participate effectively in their respective societies, promote understanding, tolerance and friendship among all nations, racial and religious groups, and enhance the activities of ASEAN for the maintenance of peace.

The recognition of the right to education within the ASEAN community generates obligations within its member states to realise the attainment of equitable and accessible education in practice. Throughout the ASEAN community there are about 6,500 institutions and 12 million students in 10 member states. ASEAN has initiated a plan to develop a Common Space of Higher Education in Southeast Asia through four main priorities: (1) student mobility (2) credit transfer (3) quality assurance and (4) research clusters. As a rising regional power, the ASEAN community will need to increase regional standards of higher education accessible to all students across Southeast Asia.

In the ASEAN Socio-Cultural Community Blueprint 2025, it is stated in the Action Line E.2. Towards a Creative, Innovative and Responsive ASEAN that, among others" ii. Promote an innovative ASEAN approach to higher education, incorporating academics, community service, regional placement, and entrepreneurship incubation and support" and "iv. Provide mechanisms and enhance institutional capacity to promote greater access to basic social services for all, such as health services and education, including early childhood education and vocational education, skills training, and promotion of skills recognition." The Blueprint also emphasises equity and access and creates a mandate for shared regional action across ASCC.

[&]quot;The Rise of Glocal Education: ASEAN Countries," [http://www.qs.com/the-rise-of-glocal-education-asean-countries] accessed on 15 July 2018.

⁹ Association of Southeast Asian Nations (ASEAN) Secretariat, ASEAN Economic Community Blueprint, November 2015 [https://www.asean.org/storage/2016/03/AECBP_2025r_FINAL.pdf] accessed 20 April 2019.

For example, the ASEAN Qualifications Reference Framework (AQRF) creates a common regional reference framework that enables the comparison of education qualifications across AESAN Member States. The AQRF also aims to complement the existing region wide efforts to promote and facilitate the mobility of workers and learners, improve quality of education and training, enhance mechanism to validate non-formal and informal learning to support life-long learning and create more equitable opportunities to gainful employment for ASEAN. Similarly, the ASEAN Declaration on Strengthening Education for Out-of-School Children and Youth (OOSCY) recognises population changes and ethnic diversity and supports children and youth who do not always have access to schooling or education by creating a mandate for action across the region to address this.¹⁰

III. General Context of Education in ASEAN

ASEAN is a diverse region and is home to more than 635 million inhabitants. ASEAN is home to a great diversity of ethnic, linguistic and religious groups. Many languages spoken across region and within individual countries who have multi-ethnic populations such as Lao PDR, Vietnam, Singapore and Malaysia. At the same time, many languages share a common root or family enabling not only social and economic movement but also integration and settlement across ASEAN nations.

Over the past two decades, ASEAN has continued to maintain high economic growth rates exceeding that of other regions but performance across countries remains mixed. Within this context of intensified regional cooperation, there has also been a dramatic decline in extreme poverty in a number of ASEAN Member States alongside an expanding middle class, improved health and education, growing workforce, and a rapidly increasing urban population that generates new services and infrastructure. This phenomenal development has not been distributed evenly within the region— there are significant disparities between and within countries and tens of millions remain in extreme poverty. For example, Lao PDR has experienced a rise in inequality which is centralised among ethnic minority groups. ¹¹ Further, millions do not have access to full primary education and are also impacted by high drop-out rates.

11 Ministry of Planning and Investment (Lao PDR) and UNDP. 201, *The 5th National Human Development Report: Graduation from Least Developed Country Status*, 2017.

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¹⁰ Association of Southeast Asian Nations (ASEAN), ASEAN Declaration on Strengthening Education for Out-of-School Children and Youth, 6 September 2016 [https://asean.org/storage/2016/09/ASEAN-Declaration-on-OOSCY ADOPTED.pdf] accessed 21 April 2019.

The ASEAN population is also highly mobile as migration to and from the region as well as within the region and within countries continues to increase. Intra-ASEAN migration has increased, from 1.5 million in 1990 to 6.5 million in 2013. 12 It is estimated that one in eight migrant workers is a young person between the ages of 15 and 24. For ASEAN countries, education is core to development and contributes to the enhancement of ASEAN competitiveness. All ASEAN countries have provision for free and compulsory basic education. Primary and Secondary Education system structures vary with the 5 (elementary school) + 4 (middle school) + 3 (high school) system, is the most common in the region, followed by a 6+3+3 system. In every country, the right to education is guaranteed by government providing free and compulsory education of at least 9 years or more such as in Brunei and Cambodia. However, compulsory and free education does not extend into tertiary years, despite its clear benefits. 13 One the most significant differences between member states, has been tertiary education quality, out of school education (and access) which have been addressed through initiatives to support the harmonisation of Higher Education and TVET – as key elements to support the development and growth of the ASEAN region.

The policies adopted by each specific country represent its own specific economic and socio-political challenges and national priorities. ¹⁴ Most ASEAN countries have decentralized some functions and responsibilities to lower levels of administration but remain rather centralized, especially with regard to standard setting and teacher management. There is an increasing recognition of the association between quality of learning outcomes and enabling factors for quality education such as curriculum and assessment, quality assurance, teaching and learning time, language in education policies and teacher quality. The context of regional diversity and disparities of education among countries of the region poses challenges under the ASEAN Vision 2020

¹² Association of Southeast Asian Nations (ASEAN), 'AICHR Thematic Study on the Right to Education' (Paper presented at the Promoting access to tertiary education in ASEAN' (Paper presented at the 2nd Coordination Meeting on AICHR, Luang Prabang, Lao PDR, 1 October 2016).

¹³ Jody Heymann, Amy Raub, Adèle Cassola, Constitutional rights to education and their relationship to national policy and school enrolment, International Journal of Educational Development, Volume 39, 2014 [https://www.sciencedirect.com/science/article/pii/S0738059314000856] accessed 18 April 2019.

¹⁴ For example, Brunei has a bilingual education system that support English instruction and the Malay Islamic Monarchy: Brunei Darussalum, *Promotion of Access to Tertiary Education in Brunei Darussalam* (Country report, 5 August 2018).

for which the issue of cross-border education has emerged as a growing area of ¹⁵concern and opportunity.

IV. ASEAN Cooperation in Education Sector

Law and regulation in education

The right to education is ensured by the Constitutions or laws of every country which emphasises no discrimination based on nationality, race, sex, age, religion, ethnicity, social and economic backgrounds and disability. Education access is implemented through an act/law or policy and reviewed through national education strategies. The 1993 Constitution of Cambodia stipulates that the state shall protect and promote citizen's rights to quality education at all levels. The Education Law of 2007 further creates a legal framework for the education system. ¹⁶ Similarly, the right to education is a fundamental right of all Lao citizens under Article 22 of the Constitution of Lao PDR (2003) which states that "the State attends to developing education and implements compulsory primary education in order to build good citizens with revolutionary competence, knowledge and ability. The State and society attend to developing high quality national education, to create opportunities and conditions in education for all people throughout the country, especially people in remote areas, ethnic groups, women and disadvantaged children" and the Law on Education (2015) further ensures access to lifelong learning. 17 Likewise, in Malaysia education has been centralised for over 50 years since independence. Article 12 of the Federal Constitution ensures that all citizens are guaranteed right to education. Article 12(1) stresses that there shall be no discrimination against any citizen based on religion, race, descent or place of birth in the administration of any educational institution, the admission of students and in providing out the funds. Tertiary education is nationally recognized based on the National Philosophy of Education, expressed through the Education Act 1996.

The Kingdom of Cambodia. (1993). *The constitution of Cambodia*. Phnom Penh, Cambodia: Constitutional Council of Cambodia and *Thematic Study on the Right to Education: Promotion of Access to Tertiary Education in Cambodia*, (Country report, July 2019).

¹⁶ Education Law 2007 (Kingdom of Cambodia).

¹⁷ Constitution of the Lao People's Democratic Republic, 2003 (Lao PDR); Law on Education 2015 (Lao PDR).

Sections 1 and 2 (3) of Article XIV of the Philippine Constitution is focused on expanding access to tertiary education with specific reference to "quality education at all levels" that is "accessible to all" and "a system of scholarship grants, student loan programs, subsidies and other incentives". ¹⁸ Further governance arrangements are outlined in the Higher Education Act 1994. In Singapore, the right to education is considered to be a fundamental liberty in Article 16(1) of the Constitution. ¹⁹ Education is valued as a means of supporting Singapore's national economic competitiveness and has been the second-largest budget item in the government's annual budget for over 50 years.

In other member states, the right to education is supported through national laws and policies. The Thai Constitution (adopted in 2017) does not make any specific reference to the right to tertiary education but the National Education Act of 1999 (revised in 2002) stipulates that "all individuals shall have equal rights and opportunities to receive basic education provided by the State for the duration of at least 12 years" and that such education shall be of quality and free of charge, and be provided nationwide. Similarly, under Vietnam's Education Law, every citizen has equal learning opportunities, regardless of ethnicity, religion, gender, family background, social status and economic conditions. To achieve social equity in education, the Government of Vietnam creates learning conditions for everyone – with priority given to ethnic minorities, children from socio-economically disadvantaged families, and people with disabilities – to implement their learning rights and obligations.

In each ASEAN country, the Ministry of Education is a government organization at central level that is responsible for national policy, strategy and framework to promote the access to tertiary education. Under the ministry of education, the responsibilities for implementing, assessment, monitoring and impact of the framework fall under the organizations that are in charge of tertiary/higher education. These ministries are embedded in diverse political structures and economic circumstances with varying degrees of stability. In Cambodia, the education system is decentralized with the central, provincial and district governments responsible for education management. The Ministry of Education, Youth and Sport is responsible for developing regulations, strategic plans and monitoring education in Cambodia based on the long-term strategies and proposals of the National Supreme Council of Education which is chaired by the

Constitution of the Republic of the Philippines 1987 (Philippines).

19 Constitution of the Republic of Singapore 1965 (Singapore).

20 National Education Act, 1999 (Thailand), section 10.

Prime Minister. The Ministry of Labor and Vocational Training (MoLVT) has oversight of non-formal and tertiary education. The education system still faces significant challenges and has been primarily focused on increased enrolment numbers and policy programs to equalize access to education. ²¹ Similarly, despite its phenomenal growth, this trajectory is not guaranteed for Vietnam which remains dependent on 'sustained levels of foreign direct investments, political stability, infrastructure development, and the modernization of a stifling regulatory system plagued by corruption.' Moreover as the country moves towards an industry and service based economy, there are increased demands on upskilling the existing labour force a key priority of Vietnam's current Socio-economic development strategy for 2011-2020.

For instance, in Singapore, there is Higher education Group comprising four divisions namely Policy Division, Operations Division, Academic Research Division, Skills Future Division, and a Planning Office. In Malaysia, there are National Council on Higher Education, several departments under the MOE such as the Curriculum Development Centre and Educational Planning and Research Division and some set up special task force or committees that carry out exercises on monitoring and evaluation. For the quality of higher education, it is assured through the Malaysian Qualifications Agency (MQA) which undertakes the implementation of the Malaysian Qualifications Framework (MQF) and is responsible for quality assurance and the accreditation of courses and other related functions.

In the Philippines Constitutional recognition covers tertiary education and is overseen by the Commission on Higher Education which formulates and develops policies and programs on higher education with a focus on ensuring access, equity and global excellence in higher education.²³ The commission works in partnership with the Department of Education and the Technical Education and Skills Development Authority (TESDA). Likewise, in Lao PDR, as tertiary education covers higher education, technical and vocational education, and teacher education, the responsibilities are shared between three departments and one center within the Ministry of Education and Sports namely Department of Higher Education, Department of Technical and Vocational

Ministry of Education, Youth and Sport (Kingdom of Cambodia), *Education strategic plan 2014-2018*, 2014.

²² Vu Cong Giao, *Access to Tertiary Education in Vietnam*, (Country report Vietnam National University, 20 August 2018).

UNIFAST Secretariat, *Thematic Study on the Right to Education: Promotion of Access to Tertiary Education in ASEAN*, (Country report: Philippines, 2019).

Education, Department of Teacher Training and Quality Assurance Center. During 2006-2015, the Ministry and Education and Sports, Lao PDR carried out the National Education Sector Reform following the resolution of the 8th Party's Congress in 2006 which stated that to release the country from the status of least developed country in 2020, the education should be placed as a core of human resources development, the national education system should be reformed hurriedly in order to improve quality and standard of education. ²⁴ To implement the Reform, four key areas were identified (1) Increase the length of general education to 12 years with 5+4+3 formula for the primary, lower secondary and upper secondary levels; (2) Access expansion and a quality and relevance to education improvement program; (3) Implementation of Teacher Education Strategy and Action Plan; and (4) The expansion of technical schools and vocational training.

In Brunei, to monitor the impact of national framework implementation, the system has been continuously reviewed through various channels by different stakeholders. Within the MOE, the Department of Planning, Development and Research is responsible for compiling and publishing educational statistical information annually that has been used to support education planning and directions as well as to meet with other requirements. In 2014, the Supreme Council for the Wawasan was formulated to monitor the nation's progress in achieving the Wawasan Brunei 2035 (or Brunei Vision 2035). High participation in post-secondary education has been identified through the monitoring, thus resulting in an intensive and systematic monitoring of access to tertiary education to be in place.

In Myanmar, there surrounding socio-political context has a significant impact on the education system which has since its independence, has been emphasizing on the all-round development of the education sector to match international standards. Many of these changes have had an impact on language learning which previously supported Indigenous and Burmese language teaching that was substantially changed following independence in 1948 where there was only one language of instruction. This centralisation of languages has had a significant impact on education development. There is a motto "education for all" from the Ministry of Education in Myanmar and

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²⁴ Ministry of Education and Sports (Lao PDR), *National Education Sector Reform Strategy 2006-2015*, 2008.

²⁵ Kyi Shwin National Report of the Thematic Study on the Right to Education: Promotion of Access to Tertiary Education in ASEAN: Myanmar (Country Report, Yangon University of Foreign Languages, 26 September 2018).

according to the motto, every school aged child in Myanmar must have an access to education. To raise the national educational level, a special four-year plan was implemented beginning from 2000-2001 to 2003-2004 financial year. Then again a thirty-year national education plan was initiated from 2001-2002 till 2030-2031 financial year and now five short-term planning periods have been implemented. This plan is one of the ambitious of the plans focused on six key areas including the 'Development of human resource', 'Utilization of technology', 'Expansion of research', 'Development of a lifelong learning society', 'Promotion of the quality of education' and 'Preservation of national identity and national values'. ²⁶

General cooperation mechanisms throughout ASEAN

Education lies at the core of ASEAN's development process, creating a knowledge-based society and contributing to the enhancement of ASEAN competitiveness. Education also underpins ASEAN community building — to raise ASEAN awareness and create a sense of belonging to the ASEAN Community and understanding of the richness of ASEAN's history, languages and culture and common values. In 2007, all ten member countries signed the ASEAN Charter, and by 2008, all member countries had ratified the ASEAN Charter that "confers a legal personality to ASEAN and determine the functions, develop areas of competence of key ASEAN bodies and their relationship with one another in the overall ASEAN structure".²⁷ The most important outcome of the ASEAN Charter was the creation of the ASEAN Intergovernmental Commission on Human Rights (AICHR). In 2009, the 14th ASEAN Summit in Cha-Am, Hua Hin declared that various actions needed to be taken to strengthen the role of education in building the ASEAN Community which lead to the development of a number of initiatives including the ASEAN 5-Year Work Plan on Education (2011-2015), adopted in 2011.

The ASEAN 5-Year Work Plan on Education (2011-2015) (5-Year Work Plan) addressed the importance of universal access to basic education of high quality, provided by teachers who are well educated and able to teach knowledgeably about the history and heritage of their nation. The 5-Year Work Plan also addressed the need for technical and vocational education and training (TVET) to be responsive to economic needs, and for

²⁶ Ibid.

²⁷ Association of Southeast Asian Nations (ASEAN), *Kuala Lumpur Declaration on the Establishment of the ASEAN Charter*, 12 December 2005 [https://asean.org/asean/asean-charter/kuala-lumpur-declaration/] accessed 18 April 2019.

higher education to focus on delivering world-class teaching, learning and research. In recognition of the role of higher education as catalyst for achieving economic and socio-cultural goals of ASEAN, ASEAN Leaders adopted the Kuala Lumpur Declaration on Higher Education at the 27th ASEAN Summit (Kuala Lumpur Declaration) in 2015. The Kuala Lumpur Declaration stresses the importance of cooperation among ASEAN Member States towards formation of the ASEAN Community that is politically cohesive, economically integrated and socially responsible and also promotes global influence through leadership in education.

ASEAN cooperation on education is overseen at the Ministerial level by an ASEAN Education Ministers Meeting (ASED) and the implementation of the programs and activities for education matters is carried out by the ASEAN Senior Officials on Education (SOM-ED), which reports to the ASEAN Education Ministers Meeting. At the Ninth ASEAN Education Ministers Meeting (ASED), held on 25 May 2016 in Selangor, Malaysia, the Ministers adopted the ASEAN Work Plan on Education 2016-2020 which will guide cooperation in education in the next five years, and will unify all collaboration efforts on education with ASEAN Dialogue Partners and international organizations and other entities that support ASEAN.

The ASEAN Work Plan on Education focuses on eight areas including heightening awareness of ASEAN through strengthening Southeast Asian history and indigenous knowledge, ensuring quality and basic access to education for all, especially marginalized groups, using information and communications technology in education, TVET and lifelong learning, education for Sustainable Development, higher education development and quality assurance mechanisms, university-industry partnerships, as well as capacity building for teachers and the education community.

Anchored on the ASEAN Socio-Cultural Community Blueprint 2025, The ASEAN Work Plan on Education 2016-2020 includes as key priorities the strengthening of higher education sector through the implementation of Robust quality assurance mechanisms, and fostering the role of higher education in the area of socio-economic development through university-industry partnership. The Work Plan on Education also expands education cooperation in ASEAN towards development of a more coordinated, cohesive and coherent ASEAN position and its contribution to global education goals, including in higher education.

Almost all of ASEAN member states, except Brunei Darussalam, has signed and ratified the United Nations Convention on the Rights of Persons with Disability. The convention

affirms the rights of students with disability to be included in higher education. ²⁸ The convention also requires universities "to remove barriers, provide reasonable accommodation, and to create support services" in order to ensure that students with disabilities are not excluded in mainstream education. ²⁹ ASEAN member states have also declared a commitment to provide equal rights to persons with disability in the Bali Declaration on the Enhancement of the Role and Participation of the Persons with Disabilities in ASEAN Community. ³⁰ The ASEAN Socio Cultural Community (ASCC) targeted comprehensive regional partnership in social welfare and people with disabilities as part of the establishment of ASEAN Community by 2015.

Cooperation on higher education in ASEAN has gained momentum with implementation of the European Union Support to Higher Education in ASEAN Region (SHARE). The SHARE is a flagship project of the ASEAN Education Sector that aims to promote harmonisation of higher education, and introduce an ASEAN scholarship inspired by the EU's Erasmus Mundus to create space for higher education in ASEAN. The ASEAN Secretariat supports coordination of sectorial activities through the Education, Youth and Sports Division (EYSD) and liaises with the SEAMEO Secretariat as well as with ASEAN Dialogue Partners and international organisations. More recently in 2019, a technical working group was established between the SEAMEO Secretariat and the ASEAN Secretariat to ensure coordination in education development in the ASEAN region.

The Southeast Asian Ministers of Education Organization (SEAMEO) was established in 1965 among governments of Southeast Asian countries to promote regional cooperation in education, science and culture in the region. There are currently 11 member countries and 26 regional centres focused on education, science and culture.

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²⁸ The Asia-Pacific region has the lowest level of Convention ratification: United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), Building Disability-Inclusive Societies in Asia and the Pacific Assessing Progress of the Incheon Strategy, 2018,

[https://www.unescap.org/sites/default/files/publications/SDD%20BDIS%20report%20A4%20v14-5E.pdf] accessed 19 April 2019.

²⁹ Akihiro Nishio, Sachi Tomokawa, Jun Kobayashi, Tetuya Mizoue,
Ryo Horita and Mayumi Yamamoto, Research Note Inclusive Education in Association of Southeast
Asian Nations (ASEAN): Literature Review from 1995-2015, School Health, Volume 13, 2017, 21.

³⁰ Association of Southeast Asian Nations (ASEAN), *Bali Declaration on the Enhancement of the role and participation of the persons with disabilities in ASEAN community*, 17 November 2011 [https://www.asean.org/uploads/2012/05/Bali_Declaration_on_Disabled_Person.pdf] accessed 20 April 2019.

Two ASEAN bodies focus specifically on education, the ASEAN University Network (AUN) and the ASEAN Quality Assurance Network (AQAN). ASEAN and SEAMEO have very similar priorities for education and cultural development across the region with many cross sectorial concerns such as higher education and research.

V. ASEAN framework and mechanism to promote the access to tertiary education

This section analyzes the ASEAN member states' government policies to promote access to education that ensure the right to education by taking into account Katarina Tomasevski's 4As scheme that covers Availability, Accessibility, Acceptability and Adaptability of education. ³¹ Availability refers to the availability of sufficient educational institutions and programs that include free education, safe buildings, sanitation facilities, trained teachers, teaching and learning materials and other facilities. Availability is generally measured in fiscal allocations matching human rights obligations as well as appropriate schools to match school aged children and teacher quality (as reflected in education and training, trade union freedoms and recruitment). Accessibility refers to accessibility of education to all and no discrimination over gender, disability and so on to include the most marginalized groups in education. It is reflected via the elimination of legal, administrative and financial barriers, and removing discrimination or obstacles such as fees and schooling distance. Acceptability relates to the relevance and quality of education. It is evidenced through parental choice of education, language instruction, freedom from censorship. Finally, Adaptability means the adaptability of education to the student's needs, local context and changing needs of society. Adaptability also includes recognition of Indigenous and minority children, students with disabilities and migrants (cross sectorial issues that are reflected in all 4As.)

As noted by Tomasevski education "operates as a multiplier, enhancing the enjoyment of all individual rights and freedoms where the right to education is effectively guaranteed, while depriving people of the enjoyment of many rights and freedoms

³¹ Katarina Tomasevski, Human rights obligations: making education available, accessible, acceptable and adaptable, Right to Education Primers, No. 3, 2001 [https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski_Primer%203.pdf] accessed 18 April 2019. See also Committee on Economic, Social and Cultural Rights, in its General Comment No. 13, has elaborated a useful framework to understand what the right to receive an education entails: UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 13: The Right to Education (Art. 13 of the Covenant), 8 December 1999, E/C.12/1999/10: 3.

where the right to education is denied or violated". 32 The 4As are integrated whereby success in one area can also contribute to positive outcomes in another.

Availability

ASEAN Member States promotes access to tertiary education by providing multiple pathways for secondary education graduates from formal and non-formal education to continue in tertiary education including technical education stream and higher education stream. Cambodia, Singapore, Vietnam and Thailand and Lao PDR have seen an increase in tertiary education enrolments over the last decade based on a number of different strategies including increasing the development and number of types of tertiary institutions.³³ Types of tertiary education institution in ASEAN are quite diverse. In some countries such as Brunei, Malaysia and Singapore, the types of institutions are more varied. There are sixth form, junior colleges, community colleges, polytechnics and university colleges. For example, in Thailand, there were 310 tertiary institutions and branches in 2015. These include different types of tertiary institutions including public and private universities offering undergraduate and post-graduate degree programs; two-year colleges, community colleges, specialized colleges under different Ministries, Information Technology (IT) Campuses (those using distance learning facilities), and branches of colleges. There are also additional vocational institutions which offer diploma programs at both secondary and post-secondary level. There are also various pathways for TVET graduates to further in higher education such as provision of bridging and continuing programs in higher education, credit transfer and recognition of prior learning. Further, the MoEYS in Cambodia developed a Life Skills Education Policy in 2006 to address life skills shortages in addition to TVET programs to prepare students with career as well as general life skills via its Local Life Skills Programme. (LLSP).

Apart from the government, private sector and foreign higher education institutions are also encouraged to provide tertiary education.³⁴ Private sector investment has

³² Ibid.

³³ In Lao PDR according to 5th National Human Development Report (NHDR) 2017, the literacy rate rose from about 75% to 83%, net enrolment at the primary school level increased from around 84% in 2005-06 to about 98% in 2013-14. The poverty reduction has been improved recently with the poverty rate reduce by half from 1992-93 to 2012-13. With this progress, Lao PDR seems on track to graduate from its LDC status: Ministry of Planning and Investment (Lao PDR) and UNDP. 201, The 5th National Human Development Report: Graduation from Least Developed Country Status, 2017.

³⁴ See for example Prime Minister Office (Lao PDR), Prime ministerial decree on Private Education, No. 64/PM, dated on 14/08/1995 and Lawrence Arokiasamy and One Seng Fook, The roles of private

contributed to the development of higher education in ASEAN countries and has been supported by specific Private Education Act/Law/Decrees that promote and governs private education. However, it is noted that, in some countries such as Lao PDR and Vietnam, the fields of education provided by private higher education institutions are still relatively narrow and are limited to Business Administration, Information Technology and studies in English language. In contrast, for Malaysia, a key policy to increase accessibility has been to support the formation of private teritiary institutions, develop online learning through massive open online courses (MOOCs) provide technical and vocational education and training (TVET) programs. The Philippines also offers both universities based and vocational programs with legislated free tertiary education. In other countries however, teritiary education requires self funding and is unafforable or scholarship programs too competitive. Teacher training and quality was also listed as a key priority by all countries but there was limited information on specific programs.

Accessibility

In order to promote equity access to tertiary education and ensure the financial affordability to students from low-income families, student financial support systems such as scholarships, loan schemes and education funds are created in ASEAN countries. These scholarships target socio-economic disparities and students with disabilities. For example, in Brunei there is a specific education policy adopted in 1997 that includes students with special needs in mainstream education. ³⁶

The Royal Government of Cambodia has been focused on access and equity with the development of national action plans that are aimed at institutional reform with a clear focus on decentralization. As a result of this effort, the higher education system in Cambodia has transformed over the last 10 years with an increase in both private and state-owned universities – expanding opportunities for a larger number of students.³⁷

higher educational institutions in promoting formal lifelong education in Malaysia, Journal of International Social Research, Volume 1 (4), 2008, 77-87.

- 35 The *Private Higher Education Institutions (Amendment) Act 2009* (Malaysia) makes provision for private universities, university colleges, branch campuses of foreign universities and upgrading existing colleges to universities.
- 36 Brunei Darussalum, *Promotion of Access to Tertiary Education in Brunei Darussalam* (Country report, 5 August 2018).
- Ministry of Education, Youth and Sport, Congress on education, youth and d sport for academic year 2015-2016 and objectives for academic year 2016-2017, 2017.

Other measures have included fully funded and expanded scholarships for poor students and merit students, a loan scheme, learning services and health program for student welfare. The Philippines also has similar programs with the additional of exemptions for fees or free TVET programs and affirmative action programs to to enhance access of disadvantaged students, "such as Lumads, Muslims, and other indigenous peoples; persons with disabilities; students from public schools; and students from depressed areas."³⁸

In Singapore, accessibility has been progressively achieved over the last decade via the improvement of education standards at primary, secondary and pre-university levels with a focus on teaching quality and pedagogies. This achievement has been reflected in high student pass rates for national examinations which in turn contributes to educational mobility.³⁹ In Vietnam there are special measures such as grants, exemptions and subsidies for ethnic groups socio-economically disadvaatged groups to support education access in Vietnam.⁴⁰ Also, in order to develop the human resources of the ethnic minorities, the Government has established 4 pre-university institutions, 11 central-level boarding schools, 48 provincial-level boarding schools, 266 district- level boarding schools and 680 semi-boarding schools. Other children from ethnic minority groups, socio-economically disadvantaged and rural areas also benefit from slightly lower entrance requirements resulting in a reduction in the gap between ethnic minority students and the rest of the population.⁴¹

In Lao PDR, scholarships are reserved for talented students and those in the disadvantaged groups such as students from poor families, ethnic minorities and females to study in tertiary education. However, accessibility remains a challenge for the national development. The poverty varies between areas of living and ethnic groups.⁴² The Philippines has similar issues of equity and access and has implemented

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UNIFAST Secretariat, *Thematic Study on the Right to Education: Promotion of Access to Tertiary Education in ASEAN*, (Country report: Philippines, 2019).

³⁹ Ministry of Education (Singapore), *Progression of school leavers after the national examinations and CET, (*Parliamentary reply July 11, 2018).

⁴⁰ These measures have been implemented with changes to the fee paying system introduced in 1987.

⁴¹ Vu Cong Giao, *Access to Tertiary Education in Vietnam*, (Country report Vietnam National University, 20 August 2018).

⁴² The 5th NHDR 2017 reports that poverty is markedly higher in rural area than in urban areas and the non Lao-Tai ethnic groups have higher poverty rate than the Lao-Tai groups: Ministry of Planning and

national legislation – the Unified Financial Assistance System for Tertiary Education (UniFAST) Act⁴³ – to promote social justice by providing access to quality education via the unification and harmonization of existing scholarships and loan programs.⁴⁴ The legislation also provides for three different forms of Student Financial Assistance Programs (StuFAPs) including scholarships, grant-in-aid and student loans in order to support "democratic access" on the basis of not only poverty but also scarcity (or remoteness).⁴⁵ More notably, the Office of Planning and Knowledge Management develops policies in recognition of the cost of tuition relative to the poverty threshold.

In Myanmar, the government implemented the strategy to promote equal access to higher education by providing students with stipends and awarding students scholarships in States and Regions. In Singapore, there are a variety of financial assistance schemes available at the Institute of Technical Education, polytechnics and publicly-funded universities, namely the Ministry of Education's financial assistance schemes, loan schemes, bursaries, and publicly- and privately-funded scholarships. ⁴⁶ In Brunei, the government and private companies award scholarships to qualified Brunei citizens to continue their study in local institutions or in abroad. Alternatively, Ministry of Education offers Education Loan Assistance for those who do not meet the requirements for the scholarships. In Malaysia, there are currently two main student support mechanisms in the country, namely student loans and scholarships funded by the government. In Thailand, to enable students from disadvantaged and low- income families to have access to higher education, an Education Loan Fund was set up by the Cabinet Resolution in 1995. Later in 2004, another loan scheme known as Income-

Investment (Lao PDR) and UNDP. 201, The 5th National Human Development Report: Graduation from

Least Developed Country Status, 2017.

⁴³ Republic Act No. 10687 (R.A. No. 10687).

Loan schemes have a specific focus on "promot[ing] an environment conducive for the development of bright and talented students to serve the public good and enlarge the pool of world-class Filipino researchers, artists, innovators, thinkers, and leaders": under the UNIFAST Secretariat, *Thematic Study on the Right to Education: Promotion of Access to Tertiary Education in ASEAN,* (Country report: Philippines, 2019) [2.1.2.1].

For example, the national University of the Philippines' tuition fees is about 7 times larger than the income of a poor household of 5 people: UNIFAST Secretariat, *Thematic Study on the Right to Education: Promotion of Access to Tertiary Education in ASEAN,* (Country report: Philippines, 2019), [2.1.3].

⁴⁶ Ministry of Education (Singapore), *Financial assistance for ITE students* (Parliamentary reply, 11 July 2018).

contingent Loan (ICL) was set up to enable every students at the tertiary level to take out study loan and repay when they start working.

Some countries have adopted specific policies to support students with disabilities. Indonesia has ratified that Convention in its domestic legislation and conducted specific research to examine rights to higher education for people with disability in Indonesia. ⁴⁷ The Indonesian government has also supported the establishment of the Center for the Study of Service for Disabilities (PSLD) of Brawijaya University Malang which provides policy advocacy as well as disability services for students. A number of policies were developed in Thailand to support education for persons with disabilities under the 10th Higher Education Development Plan (2007-2011) included measures to enable persons with disabilities to access higher education by providing appropriate facilities and services. Moreover, in 2008 the Education Provisions for Persons with Disabilities Act was passed (with revisions in 2013) which stipulates the rights for persons with disabilities to have access to free education with necessary facilities and educational assistance. Accordingly, a special Fund for the Promotion and Development of Education for Persons with Disabilities was set up under the Ministry of Education.

Acceptability

Despite the growth in education institutions and programs, there are increasing concerns about the quality of education offered by some institutions and programs. For example, 'some institutions and programs offering degree or diploma courses [do] not meet the required standard. There are also issues of graduates not being able to find employment in their field of study'. ⁴⁸

In every country, governments have established organizations to ensure tertiary education quality assurance in areas such as curriculum development, lecturer and Faculty staff development, educational communication materials and teaching methods, libraries and other learning resources, educational equipment and materials, learning

47 Indonesian Law no. 19/2011 and Law no. 8/2016 on regulation for disability. See also Badrus Sholeh, Access to Higher Education for People with Disability in Southeast Asia: An Indonesian Perspective (Country report, National Focal Point of AICHR Indonesia, Syarif Hidayatullah State Islamic University Jakarta, Indonesia, 1 October 2018).

48 Vachararutai Boontinand, *The Right to Tertiary Education in Thailand* (Country report, Institute of Human Rights and Peace Studies, Mahidol University, Thailand, 2018).

facilities and the educational assessment of students. This assessment is generally periodic such as the 5 year time frame in Thailand.⁴⁹

For instance, in Malaysia, the Malaysian Qualifications Agency is responsible for the implementation of Malaysian Qualifications Framework, quality assurance and the accreditation of courses and other related functions. The national qualifications framework, quality standards and other concerned laws, policies and frameworks were also created by the Malaysian government to ensure the quality of tertiary education institutions and programs. In Thailand, a number of policy documents support education quality including the National Education Act (1999), especially article 47; the Announcement of Ministry of Education on Standard for Higher Education (2006); Announcement of Ministry of Education on Standard for Higher Education (2011) and the Ministerial Regulations on System, Criteria, and Methods for Quality Assurance of Education (2010). The quality assurance system is administered and monitored by the Commission of Higher Education.

The Kingdom of Cambodia has also initiated measures to improve the quality of learning, teaching and research at higher education via its Higher Education Institution (Internal Quality Assurance System and accreditation system. These measures include a policy and capacity development program, physical infrastructure and multiple cooperation partnerships. Governance arrangements (via Higher Education Financing) have also been designed to enhance curriculum diversification and meet ASEAN standards (for engineering, architecture, medicine, dentistry, nursing, accounting, tourism professions).⁵¹

The Philippines has established offices within its Commission on Higher Education to formulate policies, standards and guidelines for specific disciplines (Office of Programs

50 Khoo Ying Hooi, *Thematic Study on the Right to Education: Promotion of Access to Tertiary Education in ASEAN* (Country Report, Department of International and Strategic Studies, Faculty of Arts and Social Sciences, University of Malaya, 25 October 2018).

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⁴⁹ See for example: Office of the Higher Education Commission (Thailand), Handbook for Internal Quality Assurance at Higher Education Level Year 2014, Committee on Quality Assurance at Higher Education Level, 2015.

Ministry of Education, Youth and Sport (Kingdom of Cambodia), *Education strategic plan 2014-2018*, 2014.

and Standards Development) and maintain institutional governance and quality (Office of Institutional Quality Assurance and Governance).⁵²

In ASEAN, most of the countries have policies to improve the relevance of tertiary education to respond to the labor market needs and socio economic development of the country. The education development strategies are updated regularly based on the current and future local and international needs on human resources/workforce skills. Vietnam has initiated reforms to establish new accreditation and quality assurance mechanisms and a national qualifications framework to incrase higher education enrollments drastically to 450 students per 10,000 people by 2020. This policy is focused on teaching quality as well as labour force development to meet national economic priorities.

Adaptability

Tertiary education in ASEAN provides multiple pathways for students to choose what is the most suitable for their needs and capabilities. In order to widen access to tertiary education and ensure equity, lifelong learning has been also offered by more and more institutions to provide students the opportunities to upgrade their skills and knowledge to respond to the labor market needs.⁵³

In the Kingdom of Cambodia, students are provided with opportunities to transfer from TVET programs to formal learning – creating greater mobility and integration within in its education sector.⁵⁴ One of its key priorities has been to improve its higher education program and increase its relevance to the current and future labour market via curriculum design, improvements in teaching and learning, financial support for research and publication and its Higher Education Quality Assurance program.⁵⁵

In the case of Malaysia for instance, lifelong learning is recognized In the Blueprint on Enculturation of Lifelong Learning for Malaysia 2011-2020 as the third pillar of human

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UNIFAST Secretariat, Thematic Study on the Right to Education: Promotion of Access to Tertiary Education in ASEAN, (Country report: Philippines, 2019).

⁵³ See further United Nations Educational, Scientific and Cultural Organization (UNESCO) *Policy Paper* (20): Equity and Quality with a Lifelong Learning Perspective, 2015.

Ministry of Education, Youth and Sport (Kingdom of Cambodia), *Education strategic plan 2014-2018*, 2014.

Ministry of Education, Youth and Sport (Kingdom of Cambodia), *Education strategic plan 2014-2018*, 2014.

capital development after the school and tertiary education system. ⁵⁶ Distance learning and massive open online courses (MOOCs) have been also used to provide alternative pathway for students in tertiary education. These courses help increase access to tertiary education while reducing costs and space constraints. The Philippines has an equivalency program implemented by higher education institutions which utilizes written tests with combined assessment methodologies to assess knowledge, experience, and achievements. ⁵⁷ Its TVET sector also has an established scheme for cross transfer to higher education and vice versa.

In Singapore, the Ministry of Education has taken several actions to enhance the adaptability of tertiary education to the student's needs. Those actions include introducing comprehensive Education and Career Guidance (ECG) curricula in all pre tertiary education institutions in order to help students to make decision about their future education and career pathway, improving admission systems and revising secondary school curricula to allow more students to further tertiary education. Further, primary and secondary students learn mother tongue languages as a core subject along with mathematics and english. Students are also provided with a diverse range of work and study options. There is also a focus on flexible admissions and SkillsFuture which has a focus on lifelong learning. Vietnam is aiming to expand English-language education and promote transnational cooperation and mutual exchange with countries like Australia, France, the United States, Japan, and Germany. Similarly, Brunei supports bilingual education to improve the international mobility of its organisation.

Thailand's strategy to increase the adaptability of tertiary education is to organize the tertiary/higher education institutions into 4 different categories such as community colleges, 4-year universities and liberal arts universities, specialized universities and comprehensive universities and finally research universities and graduate universities. Each category is expected to "become excellent in their respective missions and respond

56 See further Ministry of Higher Education (Malaysia) Blueprint *on Enculturation of Lifelong Learning for Malaysia* 2011-2020, November 2011.

UNIFAST Secretariat, Thematic Study on the Right to Education: Promotion of Access to Tertiary Education in ASEAN, (Country report: Philippines, 2019).

⁵⁸ Jason Tan, Singapore National report of the Thematic Study on the Right to Education: Promotion of Access to Tertiary Education in ASEAN, (Country report, National Institute of Education, Singapore, 2018).

⁵⁹ Ministry of Education (Singapore), Supporting aspirations, developing lifelong learners, 2018.

more effectively to the national development strategy in terms of production and adaptation of human resources in the context of rapid change". Likewise a key priority for the Singaporean government is to ensure that there is strong cooperation internationally to improve the relevance of tertiary education with current international trends. Further, under the Education Renovation Project, Vietnam aims to make fundamental changes in higher education quality and size; to improve institutional and system competitiveness; and to make higher education institutions responsive to -and operate efficiently within- the socialist-oriented market mechanism. The curriculum used in tertiary education are designed to adapt with local, regional and global trends. In some countries such as Brunei, Malaysia, Myanmar and Singapore, English is used as a language of instruction in higher education institutions in order to allow students to master English.

VI. Outcome of the implementation of ASEAN framework and mechanism to promote the access to tertiary education

The ASEAN Socio-Cultural Community (ASCC) strategy and planning mechanism, the ASCC Blueprint, implemented from 2009 to 2015, developed and strengthened the coherence of policy frameworks and institutions and increased ASCC commitment in the form of policy and legal frameworks in order implement important development outcomes. Each of the member states who participated in the study have developed functioning educational institutions and programs although the quantity and focus areas do not match student demand. Further despite emphasis on teaching quality there were few distinctive programs that can be applied regionally. There were however, significant initiatives to address OOSCY and provide access to MOOCs although educational mobility (and access to these courses) appears to be confined nationally rather than shared across the ASEAN community. Almost all countries cited issues with

60 Ministry of Education (Singapore), *IAAP commends Singapore's university sector as forward-looking,* and calls for more holistic evaluation of university impact, 2018, [moe.gov.sg] accessed 13 July 2018.

⁶¹ Vu Cong Giao, *Access to Tertiary Education in Vietnam*, (Country report Vietnam National University, 20 August 2018).

⁶² This has been shown to be effective in the past in terms of for example the Declaration on Non-Communicable Diseases in ASEAN and the Declaration on Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN: Association of Southeast Asian Nations (ASEAN), Declaration on Non-Communicable Diseases in ASEAN and the Declaration on Elimination of Violence Against Women and Elimination of Violence Against Children, 13 June 2004.

accessibility in terms of financial support and specific policies for students from marginalised backgrounds – especially in response to growing disparity between poor and developing populations within the ASEAN region. Aside from students from lowincome families, each country has specific policy for the disadvantaged groups. For example: in in Thailand there are specific policy for students with disabilities, in Brunei Gender and students with special needs and disabilities are included in policy to ensure the equity access, in Laos ethnic minorities and females are given priority in the policy. Acceptability and adaptability were highly interrelated with strong national based quality assessment programs but limited understanding of how to improve teaching and education quality to match both regional and global need. Despite many of the positive initiatives and frameworks for supporting the implementation of the 4A's Scheme, there are also significant differences between member countries including: some member countries providing free tertiary education (such as Singapore and the Philippines) while other countries charging tuition fees in higher education (such as Vietnam); low budgetary allocations for tertiary education especially where there is limited government budget; a lack of or limited financial support system (such as limited scholarships in Malaysia) and a lack of specific policy to promote tertiary education access for students from ethnic minorities and/or low socioeconomic groups or students with disabilities. Further, a lack of data or dedicated policy and research in some countries has inhibited further assessment and understanding of how to focus limited resources in order to support access to higher education.

VII. Best practices and case studies

Brunei Darussalam

In Brunei, one of the key policies to promote access to tertiary education is the government providing free tertiary education which many other ASEAN countries cannot realize due to national budget constraints. Other than that, many projects have been introduced in Brunei to improve the quality of tertiary education. One of these projects is Bridging Programmes which aims to increase student opportunities to gain entry to Bachelor Degree programmes in the universities whilst preparing them for student life in a university setting. Another project is the Literacy and Numeracy Coaching Programme aiming to assist and support teacher's capacity building and teaching methodology thus improving the quality of local English and Mathematics teachers across Brunei, especially in primary and secondary level. Finally, in strengthening the career guidance, teaching instructors were sent to attend short

courses like 'Strengthening Competence Assessment in TVET' and 'Train the Trainer (TTT)' in which these instructors then cascade the information to respective institutions.

Cambodia

The Kingdom of Cambodia has been focused on access and equity within its education system with a specific focus on non-formal education and creating mobility. Many of the reforms initiated throughout 2014-2018 have been not only aspirational but also focused on practical changes to institutional and governance arrangements that have enabled greater mobility. Changes to accountability frameworks (linking regional and international assessments) has also increased not only learning quality but also institutional capacity. For example, initiatives to increase horizontal movements between TVET programs and formal learning opportunities have enabled students to transfer to formal courses – facilitated by its 25 Provincial and Municipal Training Centres – rather than gaining a 'one off' skillset. 63 Cambodia has also fostered a strong research culture via a research grants programme with a focus on developing ASEAN regional cooperation.

Indonesia

In Indonesia, the policy for students with disabilities is strongly promoted and implemented. One concrete example is the establishment of Disability Service Study Center (PSLD of Brawijaya University Malang and Center for Disability Service (PLD) of Sunan Kalijaga Yogyakarta that inspired hundred universities in Indonesia to initiate center for students with disabilities. PSLD pioneered the movement at higher education level for students with disability to get equal access in all process of teaching and learning at universities. In May 2007, PLD also pioneered the center for students with disabilities at Ministry of Religious Affairs' universities. ⁶⁴ This center facilitated more than fifty students with disabilities supported by volunteers and lecturers by 2015 and successfully transformed the university to openly welcome students with disabilities.

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Ministry of Education, Youth and Sport (Kingdom of Cambodia) *Education strategic plan 2014-2018*, 2014.

⁶⁴ Badrus Sholeh, Access to Higher Education for People with Disability in Southeast Asia: An Indonesian Perspective (Country report, National Focal Point of AICHR Indonesia, Syarif Hidayatullah State Islamic University Jakarta, Indonesia, 1 October 2018).

Lao PDR

In Lao PDR, there are officially 49 different ethnic subgroups that are divided into four broad ethno-linguistic groups: Lao-Tai (67%), Mon-Khmer (21%), Hmong-Lu-Mien (8%) and Chine-Tibetan (3%). The non Lao-Tai groups who are mostly poor and live in the rural and remote areas often have no access and are unable to afford formal education as teaching and learning is officially conducted in Lao language which they can barely read, write or speak. In order to support the students from ethnic minorities in gaining access to tertiary education, each year the government reserves some seats in selected tertiary education institutions for ethnic minority students and provides them with scholarships. Moreover, the government established boarding schools for ethnic minorities at primary and secondary levels throughout the country, teacher training colleges for ethnic minorities and a boarding school for gifted and ethnic minorities at National University of Laos in order to equip ethnic minority students with knowledge and skills to improve their living, develop their local and prepare them to study in the university.⁶⁵

Malaysia

Malaysia has had a focus on liberalizing higher education to meet the increasing demand for tertiary education and at the same time has widened access to tertiary education. The Malaysian government promotes access to tertiary education in both TVET and academic pathway. The transformation of vocational education has successfully redesigned the landscape of the education system in the country and resulted in a significant increase in enrolment in TVET. Online learning and MOOCs and are used to provide alternative pathway to widen the access to tertiary education. Moreover, Lifelong learning is promoted through the Blueprint on Enculturation of Lifelong Learning for Malaysia 2011-2020 as the third pillar of human capital development after the school and tertiary education system. Another case study of Malaysia is higher education liberalization. In order to promote access to tertiary education, the government has actively supported development of private higher education through different strategies. For instance, the Private Higher Education Institutions (Amendment) Act 2009 that makes provision for the establishment of

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⁶⁵ Ministry of Education and Sports. 2007. Annual Student Allocation Plan 2007-2008. Vientiane: Ministry of Education and Sports.

private higher education institutions. With the government's considerable subsidy through student loans and scholarships, this resulted in a significant increase in access to tertiary education.

Myanmar

In Myanmar, in order to promote and protect the right to tertiary education, the government paid special attention to the conflict areas like Rakhine States. In 2017, two learning centers for refugees and minority groups are opened in this State for those who would like to join distance education programme of Yangon University of Distance education. Currently, 18 out of 24 students already finished the course and sat for their final examination. In 2018, more learning centers were optioned in Maung Taw and Buthi Taung in Rakhine State. More than two hundred students have already registered to attend intensive courses for distance education.

Philippines

The Philippines has initiated a series of comprehensive financial measures to address the equity gap in accessing tertiary education with the enactment of the Republic Act No. 10931 – the Universal Access to Quality Tertiary Education Act (UAQTE Act). The UACTE Act provides for free tuition at 112 state universities and colleges as well as a concurrent medical program. Similarly, there is a free TVET program focused on developing specific industries and trades. 66 Moreover there has been significant investment in building governance institutions to implement and monitor its constitutional and legislative commitments to provide access to education (including funding support). There is also a demonstrated commitment to Regional Caravans (or forums) and partnership building. One of the key achievements has been the development of an online portal to support students through the application, assessment, and scholarship assessment and disbursement process.

Singapore

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Singapore has a strong focus on financial support and subsidies. A case study of Singapore is best practice in the Singapore University of Social Sciences (SUSS). This university, formerly known as the Singapore Institute of Management University (UNISIM), has its origins in the Singapore Institute of Management (SIM) which is a

UNIFAST Secretariat, Thematic Study on the Right to Education: Promotion of Access to Tertiary Education in ASEAN, (Country report: Philippines, 2019).

totally private not-for-profit institute established in 1964 in order to provide professional leaders and managers to aid Singapore's economic development. UNISIM was set up as a private limited company in 2005 and received a degree-granting license from the Ministry of Education. UNISIM is autonomous in terms of governance and management, finance, staffing, running of programmes and quality assurance. However, some interventions are made by the Government on the programmes as the government provides financial subsidies for part-time undergraduate students and from SIM Governing Council representation on its board of trustees.

There is also the state run and funded Institute of Technical Education (ITE) where the government provides significant financial subsidies (for instance, over 90 percent of ITE course fees). The Singaporean Ministry of Education also supports an Education Endowment Fund in order to provide financial assistance to students from primary to tertiary levels. Every Singaporean child between the ages of 7 and 16 will receive annual contributions and one-off grants into their personal Edusave accounts. Their account balances will be transferred to their Post-Secondary Education Fund accounts when they are 17 years old. 8

Thailand

In Thailand, teacher development is seen as a key to ensure quality education and reduce disparity. Therefore, a project called "Diamond in the Mud" was initiated in 1986 aiming at developing new teachers by providing scholarships to potential students from rural areas and low income families to study in the faculty of education at Srinakarinwirot University and become teachers in their hometown after graduation. Other than that, there are also other scholarship schemes and Education Loan Fund scheme provided by both public and private higher education institutions to students from low-income families and others in need like students from the Deep South region of Thailand where there have been continued conflicts and violence. There is also another good practice in Thailand which is the specific policy to support students with disabilities to have access to tertiary education. The government has implemented a strategy to provide students with disabilities free tertiary education. Moreover, tertiary

⁶⁷ Ministry of Education (Singapore), *Financial assistance for ITE students* (Parliamentary reply, 11 July 2018).

⁶⁸ Ministry of Education (Singapore), *The Education Endowment and Savings Schemes annual report for financial year 2016/2017*, 2017.

education institutions with three or more students with disabilities are required to set up Disability Support Service to help them in academic and other activities that according to the survey were very satisfied by students with disabilities.

Vietnam

Vietnam has initiated a comprehensive education reform initiative that aims to meet future economic needs with a focus on teaching quality and student mobility. The Education Law also specifically recognises the needs of ethnic minorities (15 per cent of the population) and families from low socio-economic incomes (with the establishment of scholarships, exemptions and funding as well as specific schools that encourage the increase in enrollment to tertiary education). Due reforms over the last 30 years Vietnam has experienced a reduction in the gap of enrolment numbers for ethnic minorities as well as continuing to improve teaching quality and mutual exchange opportunities with overseas countries.

VIII. Challenges

Despite all the efforts made by ASEAN countries to promote the access to tertiary education, there are still some significant challenges and inequalities created by rapid expansion and growth across the region. Each country has specific policies to ensure the equity in education for the marginalized groups. For instance, in Brunei, gender and students with special needs and disabilities are included in policy to ensure the equity access. With its young population, Cambodia's youth carry the burdens and opportunity to lift the country from its Least Developed Country status and has governance challenges around ethics and attitudes towards education. In Indonesia and Thailand, there are specific policies to promote access to tertiary education of students with disabilities. In Lao PDR, ethnic minorities and females are given priority in the policy to promote access to tertiary education. In Malaysia, special considerations are given to indigenous students. However, students from disadvantaged groups such as women, ethnic minorities, low income families, immigrants and refugees and students with disabilities and special needs still have limited access to tertiary education. Moreover, accessibility programs are generally focused on socio-economic status, gender and disability as opposed to broader rights identified under the ASEAN Human Rights Declaration such as religion, political or other option, national or social origin. National security and ethnic conflict has also been a key barrier in Myanmar where ethnic groups are severely disadvantaged such as in the Rakhine State.⁶⁹

According to the reports, percentage of students from low income families represented in tertiary education is still low compared to those from high income families. Although the governments of many countries provide scholarships to students from low income families but the amount is still low and insufficient to fully support study and living expenses. Retention is a key issue in Cambodia with a high drop-out rate at the secondary and upper secondary level – before students reach tertiary education. ⁷⁰

Moreover, there is also disparity between regions, especially, the most rural and poorer regions where located the disadvantaged groups tend to have fewer tertiary education institutions. For example in Thailand, even though the Education Loan Fund scheme has been able to provide support for them to continue higher education, research has shown that the scheme could have targeted poor students more specifically by lowing the annual income margin of 150,000 Baht for eligible families. ⁷¹ Such budgetary disparity indicates that government subsidies are not necessarily benefiting the students who need it most.

Educational development corresponds to investment in the sector. With the quality and equity in tertiary education of many countries correlating with limited financial resources. The government budget allocated to tertiary education in some ASEAN countries, such as Lao PDR, Myanmar and Vietnam, is still low compared to the world's average. More specifically student loans are insufficient to cover tuition costs. Other countries such as Singapore noted that even though there was financial support for students, efforts to ensure accessibility require continued maintenance and development to respond to social and educational inequalities.

Many member countries also lack specific policies for the students with disabilities and special needs. Even in some countries with specific policies to support students with

⁶⁹ Kyi Shwin National Report of the Thematic Study on the Right to Education: Promotion of Access to Tertiary Education in ASEAN: Myanmar (Country Report, Yangon University of Foreign Languages, 26 September 2018).

Roberts, T, Why student drop out of primary school? Royal University of Phnom Penh (RUPP), 2013.

⁷¹ The Thai government spends more on supporting tertiary education in Bangkok and Central region than the Northern region and Northeastern region: Vachararutai Boontinand, *The Right to Tertiary Education in Thailand* (Country report, Institute of Human Rights and Peace Studies, Mahidol University, Thailand, 2018).

disabilities, such as Malaysia and Thailand, there were still identified barriers to access to tertiary education. Many tertiary education institutions have no infrastructure and facilities that are appropriately designed to accommodate student with disabilities or there is no specific policy for instance a quota system for student with disabilities. As noted by the Indonesian Country report, some of the main problems of access come from (1) regulations do not cover the problems of policy, and are not implemented by stakeholders, (2) infrastructure is not designed to accommodate people with disability, (3) the academic community is reluctant to learn with/from and welcome the people with disability, and (4) curriculum and teaching-learning approaches are not prepared to include people with disability.

Quality and relevance was also listed as a key issue by every country. Though there is an increase in tertiary education enrolment, it is reported that in many countries, quality and relevance of tertiary education cannot meet with the requirements. The problem of quality in tertiary education is due to the lack of qualified teachers and the curriculum that do not meet with the standards. Moreover, there is a challenge to maintain the relevance of tertiary education to meet the needs of labour market, national socioeconomic development and global trends. Some of the most valued skills of graduates in South East Asia include not only technical knowledge and skills but also problem solving and leadership skills, the ability to think creatively and to see the big picture as well as the capacity to learn new things. According to the reports, in some countries such as Thailand and Vietnam, higher education graduates have the difficulty to find jobs after their graduation due to the lack of knowledge and skills required by the employers and some have to be retrained for a certain time after being recruited. Although private institutions are highly encouraged to contribute to the development of tertiary education in many countries, it is reported that the quality of some private tertiary education institutions cannot meet with the requirements (such as in Thailand), the choice of programmes are limited and the tuition fees are sometimes too high that pose limitation on the right to education for students from low income families that cannot afford to pay for private institutions and perform less well to enroll to public institutions.

There was also marked variation in current research and policy development processes in education development (with varied sources of baseline data). Singapore also noted

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⁷² Vu Cong Giao, *Access to Tertiary Education in Vietnam*, (Country report Vietnam National University, 20 August 2018).

that the question of adaptability and acceptability in response to economic changes on a broader global level.⁷³ Similarly, Vietnam's higher education remains mismatched with the needs of industrialization, modernization and international economic integration. For example, while there has been a drastic increase in Vietnamese mobility reflecting the country's swift economic growth, this increase also exposes shortcomings of its education system. Access limitations and quality problems in Vietnam are also factors facilitating outbound mobility. Likewise, in Myanmar, human resource capacity is a key concern and correlates with financial insufficiency and limited investment in the education sector as well as economic and political relationships with other regional and international countries.⁷⁴

IX. Conclusion and Recommendations

ASEAN has great diversity of tertiary education types and policies which is a result of the history, culture and the socio-economic situation of each ASEAN Member State. Many ASEAN nations have seen significant growth in tertiary education over the last 10 years although this growth has not addressed issues of quality and relevance, nor has it developed students to ensure the international competitiveness of ASEAN member countries. The right to education of citizens is guaranteed in the Constitution, laws and policies even though the right to tertiary education was not mentioned clearly in those documents. Also, despite the explicit recognition of the right to education, laws, policies and programs do not necessarily correspond or work across sectors to ensure that the right to education and access to quality and equitable education is achieved in a meaningful way. To develop quality tertiary education graduates who can respond to the changing national, regional and global contexts, tertiary education institutions should strengthen the links with local and international employers/labour market for a better improvement of their curricula and teaching and learning methods. Some countries such as Cambodia have taken active measures to improve institutional governance and integrate international standards in tertiary education. Moreover, tertiary education curricula should aim to develop individuals with creativity, critical

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⁷³ Ministry of Education (Singapore), *IAAP commends Singapore's university sector as forward-looking, and calls for more holistic evaluation of university impact*, 2018, [moe.gov.sg] accessed 13 July 2018.

⁷⁴ Kyi Shwin National Report of the Thematic Study on the Right to Education: Promotion of Access to Tertiary Education in ASEAN: Myanmar (Country Report, Yangon University of Foreign Languages, 26 September 2018).

thinking, leadership, entrepreneurship and language skills and should promote interdisciplinary knowledge and understanding.

In order to promote equity access to tertiary education and ensure the financial affordability to students from low-income families, student financial support systems such as scholarships, loan schemes and education funds are created in ASEAN countries however, this financial support in some ASEAN member states is limited and low. Some countries such as the Philippines have taken active and legislative measures to address this. Establishment of ASEAN tertiary education funds to support the education financing of students in ASEAN using to provide scholarships, organize loan schemes... especially for women, minority ethnic and disable students will increase the access of population to tertiary education. The mobility of staff and students of ASEAN higher education institutions is one of the priorities in ASEAN Education Plan of Action 2016-2020. However, the result of the implementation of this programme shown that many ASEAN Member States especially the CLMV countries benefited less from the programme due to limited government budget and many students come from low income families. As many countries face with challenges in government funding in tertiary education, tertiary education institutions should find more financial resources other than government budget in order to have more sustainable funding for instance public-private partnership. Further, although ASEAN member states have promoted the diverse pathways and financial support for students to access tertiary education but this support is not benefiting groups such as women, ethnic minorities, low income families, immigrants and refugees and students with disabilities and special needs still have limited access to tertiary education.

ASEAN integration will contribute to providing more opportunities for collaboration between institutions (including joint research) and standard setting in the region.⁷⁵ Within this context, the AICHR plays a central role in the development of regional human rights norms and is also a critical coordinating body that can support regional dialogue to progress the development of human rights in tertiary education. In order to address the remaining challenges of ensuring access to education the following recommendations have been made:

 Recommendation 1: AICHR to explore options for developing a regional declaration that specifically outlines the right to tertiary education.

Association of Southeast Asian Nations (ASEAN) Secretariat, *ASEAN state of education report 2013*, Public Outreach and Civil Society Division, 2014.

- Recommendation 2: Establish ASEAN tertiary education funds to financially support students within ASEAN member states and promote mobility within the ASEAN community via scholarships and loan schemes with a specific focus on students from disadvantaged groups.
- Recommendation 3: Support mutual exchange and two-way learning to promote
 the best practices of each ASEAN member country through activities such as
 seminars, workshops, study visits and professional secondments.
- **Recommendation 4:** Develop alternative pathways and channels to access tertiary education such as distance and online learning to reach students from rural areas, students with disabilities and others.
- Recommendation 5: Implement quotas for student with disabilities and develop specific inclusive education policies in tertiary education while also supporting tertiary education institutions to ensure that there is appropriate infrastructure, facilities and curricular for student with disabilities and special needs.
- Recommendation 6: Undertake studies and surveys on the labour market needs and disseminate the information to stakeholders including policy makers, tertiary education institution administrators and lecturers, students and their parents. Moreover, the governments should enhance the academic and career counseling services into the secondary schools and the university/technical colleges to help students make decision on their future education and career pathways that better match with their own preference and the labour market needs.
- **Recommendation 7:** Support the development of policy and research institutions to enable appropriate administration, monitoring and evaluation.
- Recommendation 8: Develop specific inclusive programs that target specific groups such as women, ethnic minorities, low income families, immigrants and refugees and students with disabilities and special needs still have limited access to tertiary education.
- **Recommendation 9:** Empower AICHR to monitor and report on country specific implementation of key areas (such as financial support for students, alternative schooling pathways, inclusive programs, labour market analyses).

- **Recommendation 10:** Empower AICHR to foster cross-jurisdictional dialogue and learning opportunities in order to build on the existing strengths within the ASEAN region to address current gaps in access to tertiary education.
- Recommendation 11: Establish the technical working groups meetings between SEAMEO regional centres and ASEAN counterparts to share their experiences and best practices in development and implementation of policies and programmes.

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