



Republic of the Philippines
Department of Education
 REGION IV-A CALABARZON
 CITY SCHOOLS DIVISION OF THE CITY OF TAYABAS

30 JUNE 2022



DIVISION MEMORANDUM

No. 402 s. 2022

**CHILD RIGHTS POLICY:
 ADOPTING THE RIGHTS-BASED EDUCATION FRAMEWORK IN PHILIPPINE
 BASIC EDUCATION**

To: OIC-Assistant Schools Division Superintendent
 Chief Education Supervisors
 Heads, Public and Private Elementary and Secondary Schools
 Heads, Unit/ Section
 All Others Concerned

1. This Office informs the field on the issued DepEd Order No. 031, s. 2022 dated June 27, 2022, RE: Child Rights Policy: Adopting the Rights-Based Education Framework in Philippine Basic Education.
2. Attached is the copy of the said DepEd Order for information and guidance of all concerned.
3. Immediate dissemination and strict compliance of this Memorandum is desired.


NATIVIDAD P. BAYUBAY, CESO VI
 Schools Division Superintendent 



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Republic of the Philippines
Department of Education

Schools Division of Tarabas City
RECORDS SECTION

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BY: *Tacunan*
DATE: *06/20/22* TIME: *2:18*
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27 JUN 2022

DepEd ORDER
No. 031, s. 2022

**CHILD RIGHTS POLICY:
ADOPTING THE RIGHTS-BASED EDUCATION FRAMEWORK
IN PHILIPPINE BASIC EDUCATION**

To: Undersecretaries
Assistant Secretaries
Minister, Basic, Higher and Technical Education, BARMM
Bureau and Service Directors
Regional Directors
Schools Division Superintendents
Elementary and Secondary School Heads
All Others Concerned

1. The Department of Education (DepEd) issues the enclosed policy on the **Adoption of the Rights-Based Education (RBE) Framework for Philippine Basic Education** in order to guide DepEd and other stakeholders on the duty to respect, protect, fulfill, and promote all children's rights *to* and *in* education.

2. At the center of Philippine basic education is the child and learner. In pursuance of the holistic development of the child, the Department envisions child-centered and child-caring basic education schools, learning centers, and offices, which perform their duty to respect, protect, fulfill, and actively promote the education rights of children so they may lead productive and happy lives as they participate in nation-building.¹

3. In this light, the Department issued DepEd Order (DO) No. 003, s. 2021, titled Creation of the Child Protection Unit and the Child Rights in Education Desk in the Department of Education. Pursuant to DO 003, s. 2021, the CREDe, using a child rights and legal lens, is mandated to establish, and strengthen the framework to realize the rights of the child in, and through, the Department. Hence, the CREDe developed the **RBE Framework of the Department of Education (RBE-DepEd)**.

4. The RBE-DepEd acknowledges that children are persons with rights and active participants in their education and its design, development, and management, and not merely passive recipients of education services. It recognizes that children are rights-holders and adults are duty-bearers who have a corresponding obligation to uphold these rights. A framework for basic education in which DepEd performs its mandate to uphold the education rights of the child on the basis of legal obligations corresponding to those rights is a **rights-based education**.

¹ DepEd Order No. 003, s. 2021, titled Creation of the Child Protection Unit and the Child Rights in Education Desk in the Department of Education.

5. In rights-based education, duties are a matter of legal obligation, and not merely addressing needs through provision of goods and services as a matter of preference, charity, or benevolence. Thus, the establishment and strengthening of RBE-DepEd is not only a policy choice, but an embodiment of the firm commitment, and strong resolve of the DepEd, as a duty-bearer, to respect, protect, fulfill, and actively promote the rights of the child.
6. The three dimensions of RBE-DepEd, namely, the right to access education, the right to quality education, and the right to respect and well-being in the learning environment are indispensable, interrelated, and interdependent with each other. Thus, adhering to RBE-DepEd, with its three dimensions, not only strengthens the Department's compliance with its legal duties and obligations to uphold the education rights of the child, but also addresses concerns in basic education pertaining to access, quality, and learners' well-being.
7. The RBE-DepEd serves as framework and lens, which recognize that a rights-based approach to education, particularly a child rights approach, is key to nurturing happy, well-rounded, and smart learners and creating a positive learning environment where learners feel safe and socially connected.
8. All DOs and other related issuances, rules and regulations, and provisions which are inconsistent with this Order are repealed, rescinded, or modified accordingly.
9. This Order shall take effect immediately upon its issuance. Its certified copies shall be registered with the Office of the National Administrative Register (ONAR) at the University of the Philippines Law Center (UP LC), UP Diliman, Quezon City.
10. For more information, please contact the **Child Rights in Education Desk**, 3rd Floor, Mabini Building, Department of Education Central Office, DepEd Complex, Meralco Avenue, Pasig City, through email at childrights@deped.gov.ph.
11. Immediate dissemination of and strict compliance with this Order is directed.



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please scan the QR code.



DEPED-OSEC-463911


LEONOR MAGTOLIS BRIONES
Secretary

Encl.: As stated

References: DepEd Order (Nos. 003, s. 2021 and 024, s. 2022)

To be indicated in the Perpetual Index under the following subjects:

BUREAUS AND OFFICES
LEARNERS
POLICY
RIGHTS
RULES AND REGULATIONS



Rights-Based Education (RBE) Framework in Philippine Basic Education

I. RATIONALE

1. A rights-based approach to development is based on the tenet that each human being, by virtue of being human, is a holder of rights. It integrates norms, standards, and principles of national and international human rights into the entire process of development programming, including plans, strategies, and policies. These rights have corresponding duties or obligations on the part of the government to respect, protect, fulfill, and promote them. In the Philippines, the legal and normative nature of rights and the corresponding duties of government are based on constitutional and other domestic laws, international human rights treaties, and other legal standards.
2. In a few DepEd Orders, the rights-based approach to development has been cited, such as DepEd Order No. 62, s. 2011, entitled "Adopting the National Indigenous Peoples (I.P.) Education Policy Framework," which states that the Indigenous Peoples Education Program subscribes to the "rights-based approach which gives primary importance to the principles of participation, inclusion, and empowerment" (Paragraph 2). DepEd Order No. 32, s. 2015, entitled "Adopting the Indigenous Peoples Education Curriculum Framework" describes the "rights-based approach" as follows: "(A) development framework that highlights the recognition, promotion, and protection of rights as the basis for all development initiatives. It focuses on people empowerment through the introduction and use of the concept of rights as legal entitlements of the people and legal obligations of the government to its people. The National Indigenous Peoples Education (IPEd) Policy Framework subscribes to this approach. Hence, the IPEd Program is undertaken because indigenous communities have the right to an education that is appropriate to their culture, aspirations, and needs" (Page 8). DepEd Order No. 83, s. 2012, entitled "Implementing Guidelines on the Revised School-Based Management (SBM) Framework, Assessment Process and Tool (APAT)," also adopted A Child and Community-Centered Education Systems (ACCESS) "derived from the 'rights-based' education and community as 'stewards or rights-bearer' in education."² The SBM assessment tool under said DepEd Order, stated a rights-based indicator under the Curriculum and Instruction dimension as follows:

² DO 83, s. 2012, pp. 8-9.

“Stakeholders are aware of child/learner-centered, **rights-based** and inclusive principles of education.”

3. In 2021, DepEd Order No. 3, s. 2021, which created the Child Rights in Education Desk (CREDe) and the Child Protection Unit (CPU), mandated the CREDe, using a child rights and legal lens, to “[e]stablish and strengthen the framework to realize the rights of the child in, and through, the Department.” (Paragraph 11(a)). Thus, while the rights-based approach to education has been cited in a few DepEd Orders and there are some existing measures explicitly manifesting a rights-based approach undertaken by this Department, the CREDe articulated, established, clarified, and strengthened the framework for this approach to make adherence to it more purposive, comprehensive, systemic, systematic, and effective, and integrated it in the medium-term development plan of the Department.
4. In May 2022, DepEd Order No. 24, s. 2022, entitled “Adoption of the Basic Education Development Plan 2030”, was issued. The Basic Education Development Plan (BEDP) provides a strategic roadmap for the Department to improve access to, delivery and quality of basic education, and the experience of learners in basic education. The BEDP is the first medium-term plan of the Department for basic education, which covers all formal education from kindergarten, elementary, junior high school, to senior high school, as well as non-formal education in the Alternative Learning System. The BEDP integrates Rights-Based Education in the Department of Education (RBE-DepEd) while acknowledging that it is still in the process of being fully implemented. RBE-DepEd is described in the BEDP as a framework and lens providing a guide to DepEd with other stakeholders in education, as duty-bearers, to educate and nurture happy, well-rounded, and smart children enjoying their rights in schools, learning centers, and other learning environments served by a learner-centered and rights-upholding Department of Education. While the BEDP substantially integrates and discusses RBE-DepEd, this DepEd Order expounds on RBE-DepEd, its rationale, policy statement, legal basis for adoption, definition of key terms, principles of children’s rights in the context of basic education, the description and elements of RBE-DepEd, and the roles and responsibilities of different governance levels and offices of this Department in the implementation of this DepEd Order.
5. RBE-DepEd is firmly supported by the legal landscape of basic education in the Philippines, which clearly shows the anchor of basic education on

rights and obligations, beginning with the 1987 Constitution as the highest law of the land and sacred covenant of the Filipino people.

6. Under the 1987 Constitution, the Filipino people catapulted to constitutional status the right to accessible and quality basic education for all citizens in a learning environment that promotes their over-all well-being and holistic development. Article XIV, Section 1 of the 1987 Constitution enshrines this right as follows: "The State shall protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all." It should be emphasized that the right is not only to any kind of education but to quality education for all. Not all constitutions of the world enshrine a right to education, much less quality education. The 1987 Constitution also mandates that the State shall promote and protect the holistic development of the youth through the promotion of their physical, moral, spiritual, intellectual, and social well-being (Article II, Section 13).
7. The education rights of children are not only confined to the right to access education and the right to quality education, but also refer to the broad range of rights in education that should be enjoyed, exercised and inculcated among learners. The 1987 Constitution prescribes that "(a)ll educational institutions ... shall... foster love of humanity [and] respect for human rights" in its broad sense (Article XIV, Section 3(2)). Thus, the right to quality education, in its broad sense, also includes the right of children to learn, enjoy, and exercise their rights.
8. The constitutional stature of education rights in the Philippines, reinforced by the constitutional prescription that the "State shall assign the highest budgetary priority to education" (Article XV, Section 5(5)) and the constitutional policy that the "State shall give priority to education, science and technology, arts, culture and sports to foster patriotism and nationalism, accelerate social progress and promote total human liberation and development" (Article II, Section 17) no doubt reflects the collective sentiment and ethos among the Filipino people to give primacy to education in Philippine society. The 1987 Philippine Constitution provides that the State shall "establish and maintain a system of free public education in the elementary and high school levels. Without limiting the natural rights of parents to rear their children, elementary education is compulsory for all children of school age" (Article XIV Section (2)). This constitutional mandate is supplemented by Republic Act (R.A.) No. 10533 or the *Enhanced Basic Education Act of 2013*, which

states that basic education, including kindergarten, elementary education, and secondary education, is compulsory.

9. The United Nations Convention on the Rights of the Child (CRC), which forms part of the law of the land, comprehensively enshrines human rights of children. It guarantees the right of the child to an education (Article 28[1]) that aims at, among others, the “development of respect for human rights and fundamental freedoms.” (Article 29) The CRC also particularly guarantees specific rights of the child in the context of basic education, such as the right to non-discrimination, right to protection from all forms of physical or mental violence, the right to school discipline that is consistent with the child’s human dignity and the CRC, and the right to participation or the right of the child who is capable of forming his or her own views to express one’s views freely in all matters affecting the child, with the views being given due weight in accordance with the age and maturity of the child.
10. The Department, as a duty-bearer, is mandated to exert every effort to uphold the education rights of children and promote their welfare, and enhance their opportunities for a useful and happy life (R.A. No. 7610 [1992], Section 2; Presidential Decree 603 [1974], Article 1). The best interest of children shall be the paramount and primary consideration of the Department in all actions concerning children.
11. The Department recognizes that various legal instruments guarantee a *range of rights* of children to promote their overall well-being. These rights of children in basic education encompass not only the right to education, which is usually understood to cover the two dimensions of right to access education and right to quality education, but also a third dimension on the rights of the child in education, particularly the right to respect and well-being in the learning environment.³ The right to respect and well-being in the learning environment generally covers children’s right to respect for their identity, right to participation, and the right to integrity of body and mind in a child-friendly, safe, and healthy learning environment; more particularly, these general rights consist of the right to equality and non-discrimination, right to health, right of a child to express one’s thoughts, right of a child capable of forming an opinion to have one’s views heard and seriously considered in accordance with one’s age and maturity, right to religion, right to rest and play, and right to protection against all forms of violence, abuse, neglect, cruelty,

³ Adopted and adapted from the *Human Rights-Based Approach to Education for All: A Framework for the Realization of Children’s Right to Education and Rights within Education* (UNESCO, UNICEF, 2007).

exploitation, and maltreatment, among other rights. Given the place of rights *to* and *in* education and the corresponding obligations in the Philippine legal landscape, a framework for rights-based education in DepEd is not only desirable but necessary.

12. The establishment and strengthening of the rights-based education framework in basic education is thus not only a policy choice, but an embodiment of the firm commitment and strong resolve of the Department, as a duty-bearer, to respect, protect, fulfill, and promote the rights of the child in the context of basic education. Such a framework for basic education, which upholds the rights of the child *to* education and the rights of the child *in* education on the basis of legal obligations corresponding to the rights of the child, is a **rights-based education**. In rights-based education, education is a matter of right of children as rights-holders and a corresponding legal obligation of adults as duty-bearers to uphold it; education is not merely a matter of addressing needs through the provision of goods and services as a matter of preference, charity, or benevolence.
13. Thus, in RBE-DepEd, programs pertaining to child protection, student governance and participation, health and nutrition, and gender sensitivity, for example, are not viewed as extra, disparate or peripheral programs in basic education. Instead, these programs are cohesively and consistently treated as an integral part of basic education where the right to access education, right to quality education, and right to respect and well-being in the learning environment are indispensable, interrelated, and interdependent, and should all be realized through both the performance of obligations by duty-bearers, and the active participation of children as rights-holders.
14. The establishment and strengthening of RBE-DepEd not only enhances the Department's compliance with its legal duties and obligations to uphold the education rights of the child, but also addresses concerns in Philippine basic education pertaining to access, quality, and learners' well-being, with a view to improving the experience of children in education so they may be more encouraged to enroll and remain in schools and learning centers, learn more effectively, grow holistically, and lead happy and productive lives as they contribute to nation-building.
15. Some of those concerns in basic education were shown in the results of the Program for International Student Assessment (PISA) conducted in 2018, which the Philippines joined for the first time with

78 countries. While the 2018 PISA result surfaced significant concerns in terms of quality of education in the Philippines, it also pointed to the *relationship between the learning environment and how the learners feel towards school on the one hand, and access to education as well as the quality of education, on the other hand*. Among the countries which participated in PISA 2018, the information reported by learners indicate that the Philippines has the highest incidence of bullying. A study by the Philippine Institute for Development Studies (PIDS) revealed that bullying in relation to being overage affects access to education. The study found that “when children are older than their cohorts, they lose interest and motivation because they are embarrassed and at risk of being bullied and of developing attitude issues as they progress to the higher grades.” (PIDS Policy Notes No. 2018-17) It is also acknowledged that the quality of the learning environment and strategy for addressing different forms of violence against children affect the quality of student learning. PISA 2018 measured the students’ perceptions about their performance in reading and their feelings towards school, and found that learners who reported sometimes, or always feeling joyful at school scored at least 53 points higher in reading than other learners.

16. Evidence-based studies show that in basic education schools adopting a rights-based approach to education, a positive school climate or learning environment is promoted, and the approach has resulted in the improvement of the learners’ self-esteem and well-being, behavior and relationships which reduced bullying and increased school attendance, attitudes toward diversity and support for global justice, and engagement in discussing, planning and reviewing their own learning. The studies also point to a greater degree of satisfaction of teachers in their work, and parents’ support for the values and principles of the CRC as they see the beneficial effect of their children’s adoption of rights-respecting language and behavior.⁴

17. Rights-based education is a shared responsibility. It takes the whole-of-school, whole-of-DepEd, whole-of-government, and whole-of-society approaches to truly uphold rights-based education, and provide children a complete and happy experience of basic education. In a rights-upholding environment, duty-bearers and rights-holders, the children themselves, all learn to become respectful of the dignity and rights of each person, thereby creating a more respectful and positive learning environment where learners feel safe and socially connected. In

⁴ Child Rights Education Toolkit: Rooting Child Rights in Early Education, Primary and Secondary Schools, First Edition (UNICEF Private Fundraising and Partnerships Division: Geneva 2014) pp. 73-74.

turn, teaching and learning become more effective, and there is a greater chance of success in education.

18. Thus, by creating a positive and rights-upholding school climate and culture where learners are respected and their safety and well-being are promoted, learners' experience of basic education become more holistic and nurturing, and educators can more effectively support teaching and learning for all learners. This kind of school and learning center nurtures happy, well-rounded, and smart learners.⁵

II. LEGAL BASIS

19. The duty to respect, protect, fulfill, and promote the rights of the child to and in education is based on the following laws and rules, as well as commitments, among others:
 - a. The 1987 Philippine Constitution provides that "[t]he State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all" (Article XIV, Section 1). The Constitution further provides that the State shall "[e]stablish and maintain a system of free public education in the elementary and high school levels. Without limiting the natural rights of parents to rear their children, elementary education is compulsory for all children of school age." (Article XIV, Section 2(2)). The State shall also "[e]ncourage non-formal, informal, and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs particularly those that respond to community needs" (Article XIV, Section 2(4)) and "[p]rovide adult citizens, the disabled, and out-of-school youth with training in civics, vocational efficiency, and other skills" (Article XIV, Section 2(5)). The 1987 Constitution also prescribes that "(a)ll educational institutions ... shall... foster love of humanity [and] respect for human rights" of all (Article XIV, Section 3(2)).
 - b. The 1987 Constitution provides that the "State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being" and "shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs." (Article II, Section 13) The

⁵ Paragraph 15 of DepEd Order No. 21, s. 2019, entitled "Policy Guidelines on the K to 12 Basic Education Program", states that the goal of the K to 12 curriculum is for "all learners have the opportunity to become **well-rounded, happy, and smart individuals** who are confident to pursue their chosen paths." (Emphasis added)

Constitution further obliges the State to “defend...[t]he right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development” (Article XV Section 3(2)).

- c. R.A. No. 9155 or the Governance of Basic Education Act provides that the Department is “vested with authority, accountability and responsibility for ensuring access to, promoting equity in, and improving the quality of basic education” (Section 6). It declares the State policy “to protect and promote the right of all citizens to quality basic education and to make such education accessible to all by providing all Filipino children a free and compulsory education in the elementary level and free education in the high school level.” (Section 2) It further provides that “such education shall also include alternative learning systems for out-of-school youth and adult learners” (Section 2) and that the goal of basic education shall be to provide the learners “with the skills, knowledge and values they need to become caring, self-reliant, productive and patriotic citizens.” (Section 2) Among the functions and responsibilities of the Secretary under R.A. No. 9155 is to enhance “the total development of learners through local and national programs and/or projects.” (Section 7(A)(7))
- d. R.A. No. 10533 or the Enhanced Basic Education Act of 2013 states that basic education, which includes one (1) year of kindergarten, six (6) years of elementary education, and six (6) years of secondary education, is compulsory. (Section 4) Basic education also includes alternative learning systems for out-of-school learners and those with special needs. (Section 3) R.A. No. 10533 also mandates that every learner shall be given “an opportunity to receive quality education that is globally competitive based on a pedagogically sound curriculum that is at par with international standards” (Section 2(a)) and that the State shall make education learner-oriented and responsive to the different needs and capacities of the learners. (Section 2(c)) It also states that the basic education curriculum shall, among others, be learner-centered, inclusive and developmentally appropriate (Section 5(a)), and gender- and culture-sensitive (Section 5(c)).
- e. Executive Order No. 292 or the Administrative Code of 1987, mandating the State to “protect and promote the right of all citizens to quality education at all levels” and further giving the Department of Education the responsibility over the “formulation, planning, implementation and coordination of the policies, plans, programs and projects in the areas of

formal and non-formal education at the basic education level,⁶ supervise all educational institutions, both public and private, and provide for the establishment and maintenance of a complete, adequate and integrated system of education relevant to the goals of national development.”

- f. P.D. No. 603 or The Child and Youth Welfare Code recognizes the right of every child “to an education commensurate with his abilities and to the development of his skills for the improvement of his capacity for service to himself and to his fellowmen.” (Article 3(6))
- g. Batas Pambansa Blg. 232 or the Education Act of 1982, mandates the State to promote the right of every individual to relevant quality education, regardless of sex, age, creed, socio-economic status, physical and mental conditions, racial or ethnic origin, political or other affiliation. The State shall therefore promote and maintain equality of access to education as well as the enjoyment of the benefits of education by all its citizens. (Section 3) It further provides that the State recognizes its responsibility to provide, within the context of the formal education system, services to meet the special needs of certain clientele. (Section 24)
- h. R.A. No. 11510 or the Alternative Learning Systems Act declares the State policy to “promote the right of all citizens to quality education at all levels and take the appropriate steps to make such education accessible to all. The State shall likewise give the highest priority to the enactment of measures that promote human development and the acceleration of social progress, thereby reducing social, economic and political inequalities.” (Section 2) It further provides that “towards this end, the State shall provide the out-of-school children in special cases and adults with opportunities to improve their knowledge, values, life skills and readiness for higher education, work or self-employment through a system of nonformal or indigenous education, or both, which are tailored to respond to their learning needs and life circumstances.”
- i. R.A. No. 11560 or the Instituting a Policy of Inclusion and Services for Learners with Disabilities in Support of Inclusive Education Act declares as a policy that the State shall “protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all. It shall recognize, protect, and promote the rights of all learners with disabilities, including those

⁶ As amended by R.A. No. 7727, otherwise known as the “Higher Education Act of 1994” and R.A. No. 7796, otherwise known as the “Technical Education and Skills Development Act of 1994.”

belonging to ethnic, religious or linguistic minorities or persons of indigenous origin to education based on equal opportunity, make such education compulsory and accessible to them by ensuring that no learner with disability is deprived of the right of access to an inclusive, equitable, and quality education, and promote lifelong learning opportunities for them.” It also mandates the Secretary of Education to issue policies and guidelines for implementation at all governance levels of the DepEd to protect the learners with disabilities within the Inclusive Learning Resource Center of Learners with Disabilities and school premises against neglect, abuse, cruelty or exploitation, bullying, discrimination, and other acts or conditions prejudicial to their physical and psychosocial well-being and development. (Section 25)

- j. R.A. No. 7277 or the Magna Carta for Persons with Disabilities, as amended by R.A. No. 9442, states that persons with disabilities are part of Philippine society, thus the State shall give full support to the improvement of the total well-being of persons and their integration into the mainstream of society. Toward this end, the State shall adopt policies ensuring the rehabilitation, self-development and self-reliance of persons with disabilities. It shall develop their skills and potentials to enable them to compete favorably for available opportunities.” (Section 2) It emphasizes that persons with disabilities have the same rights as other people to take their proper place in society and their rights must never be perceived as welfare services by the Government. The Magna Carta specifically provides for the right of persons with disabilities to the provision of adequate access to quality education and ample opportunities to develop their skills, and the corresponding duty of the State to ensure this right. It demands that special requirements of persons with disabilities be considered by the State in the formulation of education policies and programs, including matters such as school facilities, class schedules, physical education requirements, among other pertinent considerations. The Magna Carta makes it a duty of the State to promote the provision of auxiliary services that will facilitate the learning process for learners with disabilities (Sec. 12).
- k. R.A. No. 8371 or The Indigenous Peoples Rights Act of 1997 provides that “[t]he State recognizes its obligations to respond to the strong expression of the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) for cultural integrity by assuring maximum ICCs/IP participation in the direction of education, health, as well as other services of ICCs/IPs, in order to render such services more responsive to the needs and desires of these communities. (Section 2(f)) It also provides that “[t]he State shall provide equal access to various cultural opportunities to the ICCs/IPs

through the educational system, public or cultural entities, scholarships, grants and other incentives without prejudice to their right to establish and control their educational systems and institutions by providing education in their own language, in a manner appropriate to their cultural methods of teaching and learning. Indigenous children/youth shall have the right to all levels and forms of education of the State.” (Section 30)

- l. R.A. No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act declares the State policy “to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation, and discrimination and other conditions, prejudicial to their development; provide sanctions for their commission and carry out a program for prevention, and deterrence of, and crisis intervention in situations of child abuse, exploitation, and discrimination.” It also provides that “[t]he State shall intervene on behalf of the child when the parent, guardian, teacher or person having care or custody of the child fails, or is unable to protect the child against abuse, exploitation and discrimination, or when such acts against the child are committed by the said parent, guardian, teacher or person having care, and custody of the same.” (Section 2)
- m. R.A. No. 10627 or An Act Requiring All Elementary and Secondary Schools to Adopt Policies to Prevent and Address the Acts of Bullying in their Institutions directs all elementary and secondary schools to adopt policies to address the existence of bullying in their respective institutions. (Section 3)
- n. R.A. No. 11188 or the Special Protection of Children in Situations of Armed Conflict Act provides for the State policy “to provide special protection to children in situations of armed conflict from all forms of abuse, violence, neglect, cruelty, discrimination, and other conditions prejudicial to their development, taking into consideration their gender, cultural, ethnic, and religious background.” (Section 2) It also declares children as Zones of Peace, which means that the child shall be treated in accordance with R.A. No. 7610, and that “the community, governmental authority and, if appropriate, religious leadership shall preserve the peaceful integrity of children, exemplify mutual respect and nonviolent behavior in the presence of children, and share their resources to further peace and cooperation.” (Section 6)
- o. R.A. No. 11313 or the Safe Spaces Act provides that it is a State policy “to value the dignity of every human person and guarantee full respect

for human rights. It is likewise the policy of the State to recognize the role of women in nation-building and ensure the fundamental equality before the law of women and men. The State also recognizes that both men and women must have equality, security and safety not only in private, but also on the streets, public spaces, online, workplaces and educational and training institutions.” (Section 2) It also mandates all schools, whether public or private, to designate an officer-in-charge to receive complaints regarding violations of the Safe Spaces Act, and shall ensure that the victims are provided with a gender-sensitive environment that is both respectful to the victims’ needs, and conducive to truth-telling. It also mandates every school must adopt and publish grievance procedures to facilitate the filing of complaints by students and faculty members. (Section 21)

- p. R.A. No. 9344 or the Juvenile Justice and Welfare Act of 2006, as amended by R.A. No. 10630, provides that “[t]he State recognizes the vital role of children and youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being.” (Section 2(a)) It also provides that “[t]he State shall protect the best interests of the child through measures that will ensure the observance of international standards of child protection, especially those to which the Philippines is a party...The participation of children in the program and policy formulation and implementation related to juvenile justice and welfare shall be ensured by the concerned government agency” (Section 2(b)) It also states that “The State...recognizes the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, and exploitation, and other conditions prejudicial to their development.” (Section 2(c))
- q. R.A. No. 11307 or the Masustansyang Pagkain para sa Batang Pilipino Act provides that “[t]he state recognizes the vital role of the youth in nation-building, and shall promote, and protect their physical, moral, spiritual, intellectual, and social well-being. In recognition of the demonstrated relationship between food and nutrition, and the capacity of students to develop and learn, the State shall establish a comprehensive national feeding program that will address the problem of undernutrition among Filipino children.” (Section 2)
- r. R.A. No. 11036 or the Mental Health Act provides that “[t]he state affirms the basic right of all Filipinos to mental health as well as the fundamental rights of people who require mental health services. The state commits itself to promoting the well-being of people by ensuring that mental

health is valued, promoted and protected; mental health conditions are treated and prevented, timely, affordable, high quality, and culturally-appropriate mental health care is made available to the public; mental health service are free from coercion and accountable to the service users; and persons affected by mental health conditions are able to exercise the full range of human rights, and participate fully in society and at work free from stigmatization and discrimination.” (Section 2) It also mandates the integration of mental health into the educational system, including age-appropriate content pertaining to mental health in the curriculum at all educational levels. (Section 23(a))

- s. R.A. No. 10354 or The Responsible Parenthood and Reproductive Health Act of 2012 provides that “[t]he State recognizes and guarantees the human rights of all persons including their right to equality and nondiscrimination of these rights, the right to sustainable human development, the right to health which includes reproductive health, the right to education and information, and the right to choose and make decisions for themselves in accordance with their religious convictions, ethics, cultural beliefs, and the demands of responsible parenthood.” (Section 2)
- t. R.A. No. 11166 or the Philippine HIV and AIDS Policy Act provides that “[t]he State shall respect, protect, and promote human rights as the cornerstones of an effective response to the country’s HIV and AIDS situation. Hence, HIV and AIDS education and information dissemination should form part of the right to health.” (Section 2)
- u. R.A. No. 7160 or the Local Government Code of 1991 mandates local governments to perform functions in relation to education, specifically, the provision of school buildings and other facilities for public elementary and secondary schools by the municipalities and cities (Section 17(2)(viii), Section 17(4)(ii); support for education services and facilities by cities (Section 17(4)); child and youth welfare, and community-based rehabilitation programs for street children and juvenile delinquents by municipalities (Section 17(2)(iv)). The Code also provides for the establishment of local school boards in every province, city, or municipality. (Section 98) One of the functions of the local school board is to determine the annual supplementary budgetary needs for the operation and maintenance of public schools within their jurisdiction, and the supplementary local cost of meeting such needs. (Section 99(a)).
- v. DepEd Order No. 43, s. 2013 or the Implementing Rules and Regulations (IRR) of R.A. No. 10533 provides for the inclusiveness of enhanced basic

education, which shall mean the implementation of programs designed to address the physical, intellectual, psychosocial, and cultural needs of learners. (Section 8)

- w. DepEd Order No. 21, s. 2019 or the Policy Guidelines on the K to 12 Basic Education Program provides that this Department, in pursuit of the K to 12 program, shall adhere to the principle that the curriculum shall be learner-centered, inclusive, developmentally relevant and appropriate. Among others, it shall also adhere to the principle that the curriculum shall be relevant, responsive and research based, culture-sensitive, contextualized, and global (Section V(13)). It further provides that inclusive education is the core principle of the K to 12 Basic Education Program, which promotes the right of every Filipino to quality, equitable, culture-based and complete basic education. (Section V(16))
- x. DepEd Order No. 40, s. 2012 or the DepEd Child Protection Policy enunciates this Department's zero tolerance against all forms of abuse, violence, exploitation, neglect, discrimination, and all other forms of maltreatment against learners. It states that "this Department aims to ensure such special protection from all forms of abuse and exploitation and care as is necessary for the child's well-being, taking into account the primary rights and duties of parents, legal guardians, or other individuals who are legally responsible and exercise custody over the child. DepEd recognizes the participatory rights of the child in the formulation and implementation of policies, and in all proceedings affecting them, whether they be victims or aggressors, either directly, or through a representative."
- y. DepEd Order No. 55, s. 2013 or the Implementing Rules and Regulations of R.A. No. 10627, otherwise known as the "Anti-Bullying Act of 2013" further defined various forms of bullying and their examples, provided for intervention programs to address bullying, provided mechanisms and procedures in handling bullying incidents in schools, which state the roles of the Central Office, Regional Offices, Schools Division Offices, schools, teachers and other school personnel, students and the Child Protection Committee as the Anti-Bullying Committee, and provides for rules of confidentiality for bullying-related information.
- z. DepEd Order No. 18, s. 2015 or the DepEd Guidelines and Procedures on the Management of Children-at-Risk (CAR) and Children in Conflict with the Law (CICL) states that incidents of violence involving learners were being reported to DepEd, including physical and sexual violence,

gang-related and fraternity violence, drug, and alcohol abuse, and other similar acts. There being no integrated system to respond to these, this Department issued DepEd Order No. 18, s. 2015. Further, this Department is a member-agency of the Juvenile Justice and Welfare Council (JJWC) and is mandated to issue appropriate guidelines for the implementation of the "Juvenile Justice and Welfare Act of 2006" or R.A. No. 9344, as amended by R.A. No. 10630. DepEd Order No. 18, s. 2015 was thus issued to assist schools and learning centers on the management of CICL and CAR. DepEd Order No. 18, s. 2015 also explained the rights of CICL as stated in R.A. No. 9344, as amended, recognized the roles and responsibilities of the different governance levels, and established prevention, and intervention programs, and procedures in the management of cases of CAR and CICL.

- aa. DepEd Order No. 57, s. 2017 or the Policy on the Protection of Children in Armed Conflict was issued in recognition of the negative impact of armed conflict to the development and well-being of children, and to reaffirm the child's rights, including the right to education, and the role of the education sector in protecting its learners and school personnel, during situations of armed conflict. (Section 2) It is grounded on the guiding principle that learners are zones of peace, which means that there should be respect for the human rights of children in situations of armed conflict from all forms of abuse, violence, neglect, cruelty, discrimination, and other conditions prejudicial to their development, consideration of the best interest of children, respecting their dignity as human beings, and treating all of those involved in, affected by, or displaced by armed conflict, and recognition and respect of all other rights of children in armed conflict. (Section 4)
- bb. DepEd Order No. 32, s. 2019 or the National Policy Framework on Learners and Schools as Zones of Peace is anchored on the concept of a just and comprehensive peace as laid down in EO No. 3, s. 2001, and defines and operationalizes the concept of Learners and Schools as Zones of Peace (LSZOP). Under this policy, Learners as Zones of Peace means that (a) their human rights are fully recognized and respected even in situations of armed conflict, and (b) in the exercise of their rights, they actively participate and contribute to building a culture of peace in the school, community, and country. (Section VI(C)(1)) Schools as Zones of Peace means that, among others, schools are recognized as effective instruments in building a culture of peace, and, individually, schools working closely with their respective communities shall serve as centers from which the culture of peace shall emanate outward, reaching out to adjacent schools and communities. (Section VI(C)(2))

- cc. DepEd Order No. 3, s. 2021 or the Creation of the Child Protection Unit and the Child Rights in Education Desk in the Department of Education states that this Department “fully recognizes the rights of the child and takes proactive measures to uphold not only the right of the child to special protection but also the other rights of the child in the context of basic education. (Section I(6)) It was issued “to strengthen the implementation of the DepEd Child Protection Policy and to help ensure that the rights of the child in the basic education context are respected, protected, promoted and fulfilled in, and by, this Department. (Section I(7)) Hence, this Department created two separate mechanisms that will coordinate with one another, the Child Protection Unit (CPU), to strengthen the implementation of the DepEd Child Protection Policy, and the Child Rights in Education Desk (CREDe) to help ensure that the rights of the child in basic education are respected, protected, promoted, and fulfilled in, and by, this Department.
- dd. The Universal Declaration of Human Rights provides that “[e]veryone has the right to education. Education shall be free, at least in the elementary and fundamental stages.”⁷ (Article 26(1)). It also states that “[e]ducation shall be directed to the full development of the human personality, and to the strengthening of respect for human rights and fundamental freedoms.” (Article 26(2))
- ee. The United Nations (U.N.) Convention on the Rights of the Child (CRC) mandates that primary education be “compulsory and free to all” (Article 28 1(a)) and for secondary education to be “available and accessible to every child.” (Article 28(1)(b))⁸ Further, the aims of education, according to the CRC, includes “[t]he development of the child’s personality, talents and mental and physical abilities to their fullest potential,” (Article 29(1)(a)), and “[t]he development and respect for human rights and fundamental freedoms” of all. (Article 29(1)(b))
- ff. The U.N. Committee on the Rights of the Child in its General Comment No. 1 entitled “Article 29(1): The Aims of Education” discusses further the aims of education and highlighted the holistic nature of the right to education. The aims of education promote, support and protect the core value of the CRC, i.e., that the human dignity innate in every child and his or her equal and inalienable rights. (Paragraph 1) It emphasizes that the aims of education articulated in Article 29 (1) of the

⁷ As stated above, under the 1987 Constitution and R.A. No. 10533, primary and secondary education in the Philippines are compulsory and shall be made available free.

⁸ *Ibid.*

CRC, among others, “insists upon the need for education to be child-centered, child-friendly and empowering.” Further, the goal of education is “to empower the child by developing his or her skills, learning other capacities, human dignity and self-confidence.” (Paragraph 2)

gg. The CRC provides for specific rights of children, which are relevant to the context of education. The rights to education include the following:

- The right of the child to access education (Article 28)
- The right to quality of education (aims of education) (Article 29)

The rights in education include the following:

- The right to life, survival and development (Article 6)
- The right to express their views freely in all matters affecting the child, and for those views to be given due weight in accordance with the age and maturity of the child (Article 12(1))
- The right to be heard in any judicial or administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law (Article 12(2))
- The right to freedom of expression (Article 13)
- The right to freedom of thought, conscience and religion (Article 14)
- The right to freedom of association and to freedom of peaceful assembly (Article 15)
- The right to privacy (Article 16)
- The right to access to information from a diversity of national and international sources (Article 17)
- The right to protection (Article 19)
- The right to special protection and assistance, and to alternative care (Article 20)
- Rights related to seeking refugee status (Article 22)
- The right of mentally or physically disabled children to special care (Article 23)
- The right to the enjoyment of the highest attainable standard of health (Article 24)
- The right to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development (Article 27)
- The right of a child belonging to a minority to enjoy his or her culture, to profess and practice his or her own religion, or to use his or her own language (Article 30)

- The right to rest and leisure, to engage in play and recreational activities, and to participate freely in cultural life and the arts (Article 31)
- The right to be protected from economic exploitation (Article 32)
- The right to be protected from illegal drugs (Article 34)
- The right to be protected from all forms of sexual abuse and exploitation (Article 34)
- The right to be protected from abduction, sale or traffic (Article 35) and other forms of exploitation (Article 36)
- The right not to be subjected to cruel, inhuman or degrading treatment, and arbitrary detention (Article 37)
- The rights related to armed conflict and international humanitarian law (Article 38)
- The right of children victims to physical and psychological recovery and social reintegration (Article 39)
- The rights of children alleged as, accused of, or recognized as having infringed penal law (Article 40)

hh. The CRC also obligates the government, including this Department, “to make the principles and provisions of the CRC widely known, by appropriate and active means, to adults and children alike.” (Article 42)

ii. The International Covenant on Economic, Social and Cultural Rights (ICESCR) which applies to all Filipino children and all children in Philippine territory, or otherwise under Philippine jurisdiction, provides that primary education “shall be compulsory and available free to all” (Article 13(2)(a) and Article 14) and secondary education “shall be made generally available, and accessible to all by every appropriate means.” (Article 13(2)(b))⁹ Similarly, the ICESCR also provides that “education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms” (Article 13(1)), and that it “shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups.” (Article 13(1))

jj. The Committee on Economic, Social, and Cultural Rights in its General Comment No. 13, entitled “The Right to Education (Art. 13)”, emphasized the function of education in empowering the citizens, especially the children, stating that “[e]ducation is the primary vehicle by

⁹ *Ibid.*

which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities." It states that "a well-educated, enlightened, and active mind, able to wander freely and widely, is one of the joys and rewards of human existence." (Paragraph 1)

kk. The ICESCR, apart from the right to education (Articles 13 and 14), also provides for rights *in* education, including the following:

- Right to special protection and assistance, including protection from economic and social exploitation (Article 10)
- The right to adequate standard of living (Article 11(1))
- The right to be free from hunger (Article 11(2))
- The right to enjoyment of the highest attainable standard of physical and mental health (Article 12)
- The right to take part in cultural life, enjoy the benefits of scientific progress and applications, and to benefit from the protection of the moral and material interests from any scientific, literary or artistic production of which he is the author (Article 15)

ll. The International Covenant on Civil and Political Rights (ICCPR), which applies to all Filipino children and other children in Philippine territory or otherwise under Philippine jurisdiction, also provides for rights *in* education, which include:

- Right to life (Article 6)
- Right against torture or cruel, inhuman or degrading treatment or punishment (Article 7)
- Right not to be held in slavery or in servitude (Article 8)
- Right to liberty and security of person (Article 9)
- Right of persons deprived of their liberty to be treated with humanity and with respect for the inherent dignity of the human person (Article 10)
- Right not to be imprisoned on the ground of inability to fulfill a contractual obligation (Article 11)
- Right to liberty of movement (Article 12)
- Right of aliens not to be expelled without due process (Article 13)
- Right to equality before courts and tribunals (Article 14)
- Right to recognition everywhere as a person before the law (Article 16)
- Right to privacy (Article 17)
- Right to freedom of thought, conscience, and religion (Article 18)
- Right to hold opinions without interference and the freedom of expression (Article 19)
- Right to peaceful assembly (Article 21)
- Right to freedom of association (Article 22)
- Right to take part in public affairs (Article 25)

- Right to equal protection of the law (Article 26)
 - Right of minorities to enjoy their own culture, profess and practice their own religion, and use their own language (Article 27)
- mm. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provides for the obligation to “take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education.” (Article 10).
- nn. The International Convention on the Rights of Persons with Disabilities (CRPD) provides for the recognition of the right of persons with disabilities to education (Article 24(1)). This includes ensuring an inclusive education system at all levels and lifelong learning directed to, among others, “[t]he full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity.” (Article 24(1)(a)) It also mandates, among others, that “[p]ersons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live”. (Article 24(2)(b))
- oo. The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) provides for the obligation “to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law,” notably in the enjoyment of, among others, the right to education and training. (Article 5(v))
- pp. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CRMW) provides that “[e]ach child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned.” (Article 30)
- qq. The ASEAN Human Rights Declaration affirmed the commitment of all ASEAN Member States to promoting human rights and declared that “primary education shall be compulsory and made free to all” while “secondary education shall be available and accessible through every appropriate means.”¹⁰ (par. 31(2)) It further declares that education “shall strengthen respect for human rights and fundamental freedoms” and “enable all persons to participate effectively in their respective societies.” (par 31(3))
- rr. The Philippines has also committed to Sustainable Development Goal (SDG) No. 4 to ensure quality education for all. This includes, among others, attaining universal primary and secondary education

¹⁰ *Ibid.*

(Target 4.1), early childhood development and universal pre-primary education (Target 4.2), gender equality and inclusion (Target 4.5), universal youth and adult literacy (Target 4.6) and effective learning environments (Target 4.a).

III. SCOPE

20. This policy provides the overall framework for realizing the rights of children in, and through, the Department. The Department shall respect, protect, fulfill, and promote all child rights *to* and *in* education pursuant to its legal obligations under the 1987 Constitution, other domestic laws and rules, and international law, primarily the CRC.
21. This policy shall be observed by all governance levels of the Department in the Central Office, Regional Offices, Schools Division Offices, public schools, and community learning centers, and stakeholders working with the Department. Private schools are highly encouraged to adopt and implement this policy on the RBE framework and align it with their plans, programs, activities, and processes.
22. This policy lays down the rationale, policy statement, legal basis for adopting the RBE-DepEd, definition of key terms in RBE-DepEd, principles of children's rights in the context of basic education, the description and elements of RBE-DepEd, and the roles and responsibilities of different governance levels and offices of this Department in the implementation of this DepEd Order.

IV. DEFINITION OF TERMS

23. ***"Alternative Learning System (ALS)"*** refers to a parallel learning system that provides a viable alternative to the existing formal education instruction. It encompasses both nonformal and informal sources of knowledge and skills (R.A. No. 11510, Section 4(g))
24. ***"Basic Education"*** refers to a program of instruction intended to meet the basic learning needs which provide the foundation on which subsequent learning can be based. It encompasses kindergarten, elementary and secondary education of all learners, including those with disabilities, as well as Alternative Learning Systems (ALS) as provided in R.A. No. 11510 and R.A. No. 10533. (R.A. No. 11650, Section 4(a))
25. ***"Child" or "Children"*** refers to any person below eighteen (18) years of age and those 18 years of age or over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty,

exploitation or discrimination because of a physical or mental disability or condition. (R.A. No. 7610, Section 3(a)). For purposes of this DepEd Order, the term also includes learners in basic education who may be eighteen (18) years of age or older.

26. ***“Community Learning Center (CLC)”*** refers to a physical space to house learning resources and facilities of a learning program for out-of-school children in special cases and adults or the alternative learning system. It is a venue for face-to-face learning activities and other learning opportunities for community development and improvement of the people’s quality of life. (R.A. No. 11510, Section 4(j))
27. ***“Learner”*** refers to an individual, regardless of age, sex, gender, disability, ethnicity, cultures, and religion, enrolled in basic education to enhance his/her knowledge, skills, and values to improve the quality of his/her life and to develop his/her potentials. (DepEd Order No. 44, s. 2021, par. III (O); see also DepEd Order No. 21, s. 2019, par. 14)
28. ***“Duty to respect, protect, fulfill and promote rights”*** refers to the following legal obligations: (1) “respect” means the negative obligation by the State and its organs or agents, such as this Department, to refrain from violating, interfering, or curtailing the enjoyment of human rights; (2) “protect” means the positive obligation of the State to ensure that human rights are not violated by others such as other private individuals or corporations; (3) “fulfill” means the positive obligation to take action to facilitate the enjoyment of human rights such as through the adoption of international human rights law into national law and policies.; and (4) “promote” is similar to “ fulfill” and means the positive obligation to actively advocate for human rights and its advancement and implementation.
29. ***“Rights-based Education Framework in DepEd (RBE-DepEd)”*** refers to a cohesive and consolidated framework and lens to guide the DepEd and other stakeholders in education, as duty-bearers, to educate and nurture happy, well-rounded, and smart children enjoying their rights in schools, learning centers, and other learning environments served by a learner-centered and rights-upholding Department of Education. The framework recognizes that children are *rights-holders* with the indispensable, interrelated, and interdependent right to access education, right to quality education, and right to respect and well-being in the learning environment, and adults are *duty-bearers* with the legal obligation to uphold those rights.

30. **“School”** refers to an educational institution, private and public, undertaking educational operation with a specific age-group of pupils or students pursuing defined studies at defined levels, receiving instruction from teachers; usually located in a building or a group of buildings in a particular physical or cyber site. (R.A. No. 9155, Section 4(l))

V. POLICY STATEMENT

31. In pursuance of the holistic development of the child, with the aim of educating and nurturing happy, well-rounded, and smart children, this Department envisions leaders and personnel, offices in all governance levels, basic education schools and learning centers, which perform their duty to respect, protect, fulfill, and promote the rights of all children *to and in* basic education.
32. This Department adheres to the principles of inclusion, responsiveness to rights, and sensitivity and responsiveness to context (DepEd Order No. 21, s. 2019, Paragraph 13). Further, this Department adheres to the CRC principles of non-discrimination, best interest of the child, survival and development, and respect for the views of the child. For this purpose, the Department introduces, articulates, and implements the RBE-DepEd in Philippine basic education.
33. The implementation of RBE-DepEd will strengthen DepEd's fulfillment of its duty to respect, protect, fulfill, and promote the rights of the child *to and in* basic education with greater sense of accountability as duty-bearers. Thus, this policy aims at learners being served by a Department of Education that adheres to RBE-DepEd in all governance levels, which can be realized through these main outcomes: children's rights are integrated in the design of all DepEd policies, plans, programs, projects, processes, and systems; and children know their rights and have the life skills to exercise these rights in a learning environment that upholds their rights and well-being.

VI. THE RIGHTS-BASED EDUCATION FRAMEWORK OF THE DEPARTMENT OF EDUCATION (RBE-DEPED)

34. RBE-DepEd provides a cohesive and consolidated framework and lens to guide the DepEd and other stakeholders in basic education, as duty-bearers, to educate and nurture happy, well-rounded, and smart children enjoying their rights in schools, learning centers, and other learning environments served by a learner-centered and rights-

upholding Department of Education. This framework recognizes that children are *rights-holders* with the right to access education, right to quality education, and right to respect and well-being in the learning environment, and adults are *duty-bearers* with the legal obligation to uphold those rights.

35. RBE-DepEd guides DepEd and its stakeholders on how to formulate, implement, monitor, evaluate, review, and organize policies, programs, plans, and activities to respect, protect, fulfill and promote the indispensable, inter-related, and interdependent three substantive dimensions of rights in basic education: right to access education, right to quality education, and right to respect, and well-being in the learning environment. These rights cover not only the rights *to* access quality education itself, but also the broad range of rights *in* education, or collectively, all the rights in the context of basic education.
36. RBE-DepEd embraces the child rights approach to basic education, which recognizes children as persons and subjects, and not objects, with dignity and rights including the right to actively participate in the design, development, and management of their education. As children learn, experience, and enjoy their rights in the context of basic education, they themselves become rights-respecters and rights advocates not only of their own rights, but also of the rights of others. They become such advocates at present as children, and in the future when they themselves become adults and duty-bearers, thereby strengthening not only a rights-upholding school but also a rights-upholding society.
37. The child rights approach:
 - a. Considers children as active agents and not passive recipients of services, thus building the capacity of children as rights-holders to claim and exercise their rights in a positive manner and the capacity of duty-bearers to fulfill their obligations.
 - b. Advances the realization of the rights of the child as laid down in the 1987 Constitution and other domestic laws and rules, as well as international laws such as the CRC, ICESCR, ICCPR and other international instruments; and
 - c. Uses child rights standards and principles from the 1987 Constitution and other domestic laws, the CRC, ICESCR, ICCPR and other international laws to guide policies, programs, projects, actions, and conduct.

38. RBE-DepEd adheres to the CRC principles of non-discrimination, best interest of the child, survival and development, and respect for the views of the child. The principle of non-discrimination states that all children's rights must be upheld without discrimination of any kind, irrespective of the child's parents or legal guardian, race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, poverty, disability, birth or other status. (CRC, Article 2) The CRC also provides that in all actions pertaining to children, the best interest of the child shall be a primary consideration (Article 3). The right to survival and development mandates that the survival and development of the child must be ensured to the maximum extent possible. (Article 6(2)) The right to respect for the views of the child entails the assurance that the child who is capable of forming his or her own views has the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age, and maturity of the child. (Article 12(1))

39. The child rights approach is consistent with the rights-based approach to development which is informed by the following principles:

- Universality and inalienability. All individuals have human rights that cannot be taken away from them.
- Indivisibility. All human rights are inherent to the dignity of every person, and thus have equal status.
- Interdependence and interrelatedness. The realization of one right depends, wholly or in part, on the realization of others.
- Equality and non-discrimination. All individuals are equal as human beings. They are entitled to their rights without discrimination of any kind.
- Participation and inclusion. Every person is entitled to active, free, and meaningful participation in, contribution to, and enjoyment of life and development, whether civil, economic, social, cultural, or political.
- Empowerment. Every person should be able to demand, claim, and use their human rights for their development.
- Accountability and respect for the rule of law. Rights-holders are empowered to claim their rights, and duty-bearers are capacitated to meet their obligations, thereby increasing the level of accountability and promoting respect for the rule of law.¹¹

¹¹ *A Human Rights-Based Approach to Education for All: A Framework for the Realization of Children's Right to Education and Rights within Education* (UNESCO, UNICEF, 2007).

40. Although there may be learners who are no longer “children” below 18 years old, in view of the age requirements for entry into kindergarten at five years old under R.A. No. 10533 and the alternative learning system under R.A. No. 11510, DepEd applies the RBE-DepEd to all learners enrolled in basic education, in accordance with the definition of “children” in this DepEd Order. Human rights laws such as the ICESCR, ICCPR, CEDAW, CRPD, and CERD, among others, apply also to persons 18 years old and above.
41. RBE-DepEd aims to support all personnel in DepEd offices, schools, and community learning centers, and basic education stakeholders to be constructive and respect, protect, fulfill, and promote the rights of the child; build a positive school climate, culture, and learning environment; and foster positive relationships between and among learners, teachers, other DepEd personnel, and stakeholders of basic education.

A. Three Substantive Dimensions of RBE-DepEd

42. RBE-DepEd has three substantive dimensions: (a) right to access education, (b) right to quality education, and (c) right to respect and well-being in the learning environment. In its broad sense, the constitutional, statutory, and international right to quality education cover the third dimension but for purposes of organizing and giving emphasis to the various education rights of the child, RBE-DepEd comprises three dimensions. The three substantive dimensions pertain to particular rights and their corresponding elements. These three dimensions are indispensable, interrelated, and interdependent. Respect and well-being of children in the learning environment affect their right to access education and right to quality education. RBE-DepEd requires that the broad range of rights of the child in these three dimensions in the context of basic education are respected, protected, fulfilled, and actively promoted. It also requires that this Department continuously enrich and articulate RBE-DepEd as it is implemented, monitored, and evaluated.

a. Right to access education is the right of every child to education that is available for, accessible to, and inclusive of all children. Various measures, including but not limited to legislation, policies, and programs must be proactively pursued to realize the right to access education, as mandated by the 1987 Constitution, R.A. 10533, R.A. 9155 and the CRC (Article 28), among others. A comprehensive, consolidated, and systematic strategy and plan with clear responsibilities and

accountabilities to ensure universal access to basic education should be in place. The right to access education has the following elements:

i. **Education throughout all stages of childhood and beyond**

This element relates to the stages of development in a child's educational journey. Learning is a lifelong process. A rights-based approach to education aims to build opportunities for children to realize their full potential throughout their childhood and beyond. These opportunities include early childhood care and development; basic education consisting of kindergarten, primary and secondary education; and education beyond basic education. Basic education is compulsory, with effective transitions at each stage of a child's life.

R.A. No. 10533 mandates that children at least five (5) years old should attend kindergarten as a prerequisite to Grade 1. K to 12 education encompasses kindergarten, six (6) years of elementary education, four (4) years of junior high school, and two (years) of senior high school education. (Section 4) This element entails that this Department ensure transitions between the different stages of education of the child are effective, and that children are prepared to move up to the grade levels appropriate for their age and development.

ii. **Availability and accessibility of education**

Each child must be provided with an available school, community learning center, or other learning environment with adequate resources including those for learners with disabilities and qualified teachers. All learning environments must be accessible physically and economically for every child, including the most marginalized, such as but not limited to those in extreme poverty and isolated or remote areas, children with disabilities, children in situations of emergency and armed conflict, children in conflict with the law, and children from minority and disadvantaged groups. Schools and community learning centers shall be within safe physical reach or accessible through technology.

The 1987 Constitution and R.A. 10533 prescribe that basic education shall be available free and affordable to all. The government should sufficiently invest in basic education. In

situations when resources are scarce, there is a need to increase the budget allocation to ensure that basic education is available and accessible for all children. For example, this Department should continue to fill the gaps in resources and facilities in Last Mile Schools and schools in geographically isolated and disadvantaged areas (GIDA).

iii. Equality of opportunity

Availability and accessibility of schools, community learning centers, and other learning environments are a first step to realize the right to access education but do not guarantee equality of opportunity.

Equal opportunity can only be achieved by removing barriers in schools, community learning centers, and communities. These barriers are usually economic, social, and cultural in nature, such as household poverty, ethnicity, status, gender, and health. They include the lack of awareness about the right to education, lack of qualified teachers for all types of learners, and unequal distribution of learning materials and facilities, among others. Schools and community learning centers should also not indirectly impede access of children by promoting a gender-stereotypical environment, allowing violence and bullying, and hindering access to hygiene and sanitation. Specific measures such as stipends and subsidies should be available when necessary to remove economic barriers to education. Schools should also have the required infrastructure and equipment for children with disabilities.

Reliable educational information systems shall be established to provide disaggregated data for planning, budgeting, and assessment of performance against standards. Data on enrollment, attendance, completion, and attainment must be disaggregated according to disability, gender, socioeconomic status, ethnicity, geographic location, among others, to provide information, insight, and analysis on intended and unintended discrimination where the right of marginalized children to access education is overlooked and not realized.

One of the means undertaken by the Department, which promotes equality of opportunity is the Government Assistance to Students and Teachers in Private Education (GASTPE) where

qualified learners are able to pursue high school education in private schools through financial assistance extended by the government.

b. **Right to quality education** is the right of every child to a quality education that enables him or her to fulfill his or her fullest potential, realize opportunities for employment, entrepreneurship, higher education, technical education, and develop life skills, as mandated by the 1987 Constitution, RA 10533, RA 9155 and the CRC (Article 29), among others. Education shall be child- and learner-centered, relevant, embracing a broad curriculum, and appropriately resourced and monitored. The right to quality education has the following elements:

i. A broad, relevant, and inclusive curriculum

The curriculum must enable every child to acquire the basic knowledge, skills, values and attitudes, including essential 21st century and life skills, that will equip them to face all of life's challenges, build meaningful relationships, and be productive citizens.

The aims of education, according to the 1987 Consitution (Article XIV, Section 3) and the CRC (Article 29(1)), include fostering respect for human rights and fundamental freedoms. Thus, child rights education is a necessary component of the K to 12 curriculum. Human rights education, and more particularly, child rights education, should be adequately part of the intended, implemented and assessed curriculum. The curriculum should have sufficient space for children to learn rights in a structured and guided environment. Child rights education should be taught through developmentally appropriate facilitation by trained and motivated educators. Children's experiences inside and outside the classroom, in the wider school and learning environment, at home and in the community, should reinforce and enrich what they learn about rights.

The curriculum should be relevant to the child's social and cultural environment and economic context, and to his or her present and future needs, taking into consideration the evolving capacities of the child. The curriculum must also be inclusive and suitable to the needs of children in difficult and

different circumstances, and free from gender, racial, religious, disability, and other bias.

ii. **Rights-based learning and assessment**

The child rights approach shall be applied to pedagogy or the theory and practice of teaching and assessment. The manner in which children are provided with learning opportunities is equally important as what children learn. Children learn rights in a culture or learning environment of respect for rights. Pedagogy should respect the agency of children or their active participation and contribution to their learning and should not simply silence children. It should also recognize and respect the evolving and differing capacities of children and involve various interactive methodologies that create stimulating and participatory environments. It acknowledges that teaching and learning is not simply transmission of knowledge, but instead involves participatory learning that is child-friendly and conducive to optimum development of children's capacities.

Assessment of learning is essential as it allows identification of learning needs and development of targeted initiatives to provide support to children. It also enables the government to assess whether the educational objectives are being met, and whether it is necessary to adjust policy and resources. Thus, accountability and transparency of assessment are crucial. Classroom-based assessments and system assessments, as identified in DepEd Order No. 21, s. 2019 entitled, "Policy Guidelines on the K to 12 Basic Education Program" (Paragraphs 39-41) should be transparent and sensitive to the differing circumstances and capacities of children. Assessment of learning should employ sensitive and constructive methods of appraising and monitoring children's work that consider their differing abilities and do not discriminate against those with particular learning needs.

iii. **Appropriate quality learning resources**

Physical and technological resources for learning are also important to reach the goal of rights-based education. Learning resources such as books, modules, gadgets and software, tools and equipment for learners, and training materials for teachers, should be of the highest quality,

developmentally appropriate, and adequate. All learning resources should also be free from gender stereotypes and from harmful or negative representations of any ethnic, indigenous, religious or minority/disadvantaged groups. Learning resources should be thoroughly reviewed to ensure that they are free from errors, obscenity, or anything inappropriate for children.

Resources such as Braille materials or the use of sign language, and other accessible means of communication and education should be employed to enable children with disabilities to fulfill their potential.

c. Right to respect and well-being in the learning environment involves all other children's rights within basic education to promote the best interest of the child in a learning environment that seeks to ensure their optimum development. It is the right of children to respect for their inherent dignity and worth. It has the following elements:

i. **Respect for identity**

The different facets of a child's identity, such as culture, religion, ethnicity, sexual orientation, gender identity, and expression, among others, should be respected. Children should not be discriminated against in any way on the basis of their identity.

This element includes the following rights under the CRC and similar rights under other relevant laws:

- Right against discrimination (Article 2)
- Right to identity (Article 8)
- Right to freedom of thought, conscience, and religion (Article 14)
- Rights of a child belonging to minorities or an indigenous child (Article 30)

The schools should, therefore, be safe spaces for children to be free from discrimination and harassment based on gender, culture, religion, or other characteristic. The Indigenous Peoples Education Program (IPED) and Madrasah education programs of this Department promote respect for a child's identity and should be further supported and enhanced.

ii. **Right to participation**

This element is directly connected to Article 12 of the CRC on the right of the child to express his or her views on matters of concern to him/her, and to have those views seriously considered, according to the age and maturity of the child. Participation rights do not simply extend to the teacher-student relationship, but also to interactions across the school and community learning centers, and the development and management of their education through legislation, policies, programs, projects, and activities in all governance levels of DepEd.

Thus, systems and mechanisms for consultation and participation of children throughout schools and community learning centers and at all governance levels of DepEd, and with other government agencies and education stakeholders, should be established and strengthened. These systems and mechanisms can take various forms such as group time for teachers and students in the classroom, child-led assemblies where children are given the opportunity to choose and present issues that concern them, comments box for children to make suggestions, student governments, school organizations and clubs, and multi-stakeholder school councils where children participate in school research, planning, implementation, monitoring, and evaluation of school management and development.

This element includes the following rights under the CRC and similar rights under other relevant laws:

- Right to freely express and be heard in their views on matters concerning children and for their views to be given weight in accordance with their age and maturity (Article 12)
- Right to freedom of expression (Article 13)
- Right to freedom of association, and to freedom of peaceful assembly (Article 15)

This Department should constantly review its policies on school-based management and student governments to ensure that child participation is optimized through these

mechanisms. The different governance levels at the Central Office, regional offices and schools division offices should also formulate ways to consult learners directly on matters that affect them. Policies, programs, and activities should, as far as necessary and appropriate, be formulated after soliciting the views of the learners.

iii. **Right to integrity of body and mind in a child-friendly, safe, and healthy learning environment**

This element emphasizes the obligation to give primacy to the best interests of children and to ensure their optimum development. To do so, children must learn in environments that are nurturing, gender-sensitive, healthy, safe, and protective. Measures contributing to the children's safety, health, and well-being should consider the differing needs of children. Policies, programs, facilities, and services to promote the physical and mental health and safety of children with the active participation of the local community should be provided. Obstacles to health and safety should be removed. A healthy environment should also provide safe and stimulating opportunities for play and recreation.

Respect for integrity demands not only that children should be protected from all forms of violence, but also that school discipline is administered in a manner consistent with the child's dignity. Child protection applies not only to relationships between adults and children, but also among children or peers in both the physical and cyber worlds. Measures to ensure the right to integrity include advocating and implementing legislation, policies, training, and practice to eliminate physical and humiliating punishment of children, ensuring that disciplinary rules and practices are consistent with the dignity of the child; support and training for teachers on positive discipline and strategies for non-violent resolution of conflict; comprehensive child protection policies and programs; creating and maintaining positive and rights-respecting school climate and ethos; detection and early intervention for all forms of violence against children; safe and accessible reporting and complaints mechanisms, and external referral to appropriate agencies and services such as social welfare and medical services where appropriate.

Measures also include legislation, policies, and implementing mechanisms for the identification of minimum health and safety standards in education; setting an adequate number and frequency of interventions of schools/community learning centers to ensure conformity with these standards; knowledge of schools/community learning centers with respect to requirements on health and safety of buildings, play areas, first aid and child protection systems; provision of health care packages or programs pertaining to nutrition, screening and diagnosis, health checks, disease prevention, attention to children affected by HIV/AIDS; emergency preparedness and disaster risk reduction; water, sanitation and hygiene programs; sustainable use of resources and waste management; equitable and safe use of the internet.

This element includes the following rights under the CRC and similar rights under other relevant laws:

- Right to protection and care (Article 3)
- Right to life and the right to survival and development (Article 6)
- Right to privacy (Article 16)
- Right to access to information (Article 17)
- Right to protection (Article 19)
- Right to health (Article 24)
- Right to rest, leisure, and play (Article 31)
- Right to be protected from economic exploitation (Article 32)
- Right to protection from all forms of sexual exploitation and sexual abuse (Article 34)
- Right to protection against abduction, sale, trafficking and all other forms of exploitation (Article 35 and 36)
- Rights under international humanitarian law (Article 38)
- Right to physical and psychological recovery and social reintegration of a child victim (Article 39)
- Rights of the child alleged as, accused of, or recognized as having infringed the penal law (Article 40)

Existing Department policies addressing the right to protection and other rights are the DepEd Child Protection Policy (DepEd Order No. 40, s. 2012), policy against bullying (DepEd Order No. 55, s. 2013), policies on the rights of

children in situations of armed conflict (DepEd Order No. 57, s. 2017 and DepEd Order No. 32, s. 2019), and policy on the creation of CREDe and CPU (DepEd Order No. 3, s. 2021). Also relevant are programs such as the Adolescent Reproductive Health Program and the Preventive Drug Education Program. These policies and programs should be strengthened and more programs pertaining to the rights of the child to respect and well-being in the learning environment should be introduced.

B. RBE-DepEd and Its Experiential Components

43. Through RBE-DepEd, children learn, experience and enjoy their rights in four experiential components: learning *as* a right, learning *about* rights, learning *through* rights, and learning *for* rights. The components also show how education should be provided to every child.¹²

a. Learning *as* a right

Learning *as* a right pertains to the RBE dimension on the right to access education. Kindergarten, elementary and secondary education are compulsory and should be available free. The other rights in the basic education system will not be of value to a child if he or she is not enrolled in basic education.

b. Learning *about* rights

Learning *about* rights covers all three dimensions of RBE. Child rights and human rights education should be given space within the curriculum for children to learn about their human rights and children's rights in a structured and guided environment. At the same time, children should learn these rights not only in the curriculum, but also in co-curricular and extra-curricular programs. Child rights clubs as well as classroom, school, community, intra-school, inter-community, and inter-country programs on child rights enrich children's learning of their rights.

c. Learning *through* rights

Learning *through* rights encompasses the two dimensions of the right to quality education and the right to respect and well-being in the

¹² Adapted from the Child Rights Education Toolkit: Rooting Child Rights in Early Childhood Education, Primary and Secondary Education (First Edition, UNICEF, 2014).

learning environment. It is about transforming the learning environment and ensuring that children learn in schools and community learning centers that are rights-respecting and rights-upholding. Children learn rights through knowledge, valuing, experience, and exercise of these rights.

d. Learning *for* rights

Learning *about* rights and *through* rights naturally leads to learning *for* rights. This involves children actively claiming one's own rights, and promoting respect for the rights of others within and beyond the learning environment, to transform the broader domestic and global environment toward a sustainable future.

Figure 1 presents a diagram of the Three Substantive Dimensions and Four Experiential Components of the RBE-DepEd.

Figure 1
RBE-DepEd: Substantive Dimensions and Experiential Components



C. Implementation of RBE-DepEd

44. Measures implementing RBE-DepEd shall include, but not be limited to, the following:

- a. Incorporation of RBE-DepEd in all policies, programs, activities, and projects

All offices, bureaus, services, divisions, schools, and community learning centers of the Department shall adhere to RBE-DepEd and

embrace the child rights approach in all policies, programs, activities, and projects. This means that all these shall be anchored on child rights and integrated within the RBE framework of DepEd.

b. Capacity-building of all personnel

The Department shall progressively enhance the education, training, and capacity of all officials and personnel of the Department on human rights and child rights, especially those pertaining to education and this DepEd Order. The CREDe, in cooperation with the relevant offices, bureaus, services, schools and learning centers of the Department, shall develop and progressively implement relevant training programs with learning resources for all teaching and non-teaching personnel of the Department to adhere to RBE-DepEd and employ the child rights approach in policies, plans, programs, projects, processes, and systems.

c. Human and child rights education

The Department, through the Curriculum and Instruction Strand, in cooperation with CREDe and the Legal Affairs Strand, and other relevant offices, bureaus, services, schools and learning centers of the Department shall strengthen integration of child rights in the K to 12 curriculum, instruction, and assessment, extra- and co-curricular programs, and in the culture and learning environment of the school, community learning center and other learning modalities. This also means regularly reviewing the K to 12 curriculum, instruction, and assessment to include and continuously enhance appropriate standards, competencies and lessons on human rights and child rights, especially the rights to and in education.

d. Child participation in basic education management and development processes

Opportunities and mechanisms shall be created and/or strengthened where children are consulted, and their views are seriously considered, in accordance with their age, level of maturity, and evolving capacities, and they are able to meaningfully participate in the design, planning, implementation, monitoring, and evaluation of basic education through basic education management and development processes in the school/learning center, division, regional and central office levels. This means

learners and student leaders are capacitated to exercise and claim their rights in a positive manner, including their right to participation, and adults as duty-bearers are correspondingly capacitated to uphold and facilitate the enjoyment of these child rights.

- e. Creation and/or strengthening of Rights-Upholding Learning Environments (RULE), including Rights-Upholding Schools (RUS) and Rights-Upholding Community Learning Centers (RUCLC)

Spearheaded by CREDe, policies shall be issued to guide schools and community learning centers on the creation and/or strengthening of schools and community learning centers with learning environments that uphold the rights of children *to and in* education, and supporting, monitoring, and evaluating their adherence to RBE-DepEd. Parents of learners and other education stakeholders shall be capacitated and oriented to participate in the creation and/or strengthening of such schools and community learning centers.

VII. ROLES AND RESPONSIBILITIES

- 45. All governance levels in the Department have roles and responsibilities in implementing this DepEd Order.

A. Central Office

The Central Office shall have the following duties and responsibilities:

- i. Develop and review policies in furtherance of the implementation of child rights in basic education, RBE-DepEd, and this DepEd Order;
- ii. Spearheaded by CREDe, develop guidelines to facilitate and strengthen implementation of RBE-DepEd and this DepEd Order, including an RBE-DepEd monitoring and evaluation system with standards and procedures for monitoring, evaluation, reporting, and preserving reports on the implementation of RBE-DepEd and this DepEd Order in a central repository. The Legal Affairs Strand, through the CREDe, shall regularly monitor, report, and evaluate the implementation of children's rights in DepEd policies, programs, activities, and projects, including budget allocation and

utilization for children's rights in education, in meetings of the Executive Committee and Management Committee, and other relevant fora;

- iii. Spearheaded by CREDe, flesh out and articulate standards and meaning of child rights in education, as embodied in various legal instruments;
- iv. Spearheaded by the Curriculum and Instruction Strand, in coordination with CREDe, review and revise the curriculum to continuously strengthen integration and teaching of child rights and RBE-DepEd;
- v. Conduct nationwide information dissemination and education on RBE-DepEd, child rights, and this DepEd Order;
- vi. Design and conduct training and capacity-building for teaching and non-teaching personnel on RBE-DepEd, child rights and this DepEd Order;
- vii. Through the CREDe and other relevant offices, bureaus, and services, devise programs, campaigns, and activities, especially through child rights education, to raise consciousness, mobilize, and educate children, parents, guardians, caregivers, community members, local government units, other national government agencies and their regional or local counterparts, and other education stakeholders for the implementation of RBE-DepEd and this DepEd Order;
- viii. Through the CREDe and all other relevant offices, bureaus, and services, contribute to the development of legislation, policy, standards, and rules to enhance respect for, protection, promotion, and fulfillment of child rights in, and by, this Department;
- ix. Spearheaded by CREDe, initiate and coordinate cooperation or partnership activities within the Department and with other national government agencies, local government units, non-government organizations, civil society organizations, international organizations, the children and youth, and other key education partners and stakeholders in the policy formulation, monitoring, and reporting of child rights implementation in this Department, and building awareness and advocacy of these rights, through various mechanisms including the creation of an inter-office child

rights committee with consultation venues for education stakeholders;

- x. Provide funding for CREDe, RBE-DepEd and child rights to and in education;
- xi. Through CREDe, the Bureau of Human Resources and Organizational Development, and other relevant offices, facilitate the creation of plantilla positions and ensure adequate staffing of CREDe to perform its mandate, in accordance with applicable laws, rules and guidelines; and
- xii. Perform all other functions necessary or appropriate for the implementation of RBE-DepEd and this DepEd Order.

To integrate CREDe in the Services of the DepEd, CREDe is hereby transferred from the Office of the Undersecretary for Legal Affairs to the Legal Service under the direct supervision of the Office of the Director **effective June 28, 2022.**

B. Regional Offices

The Regional Offices shall have the following duties and responsibilities:

- i. Designate the Attorney IV or Head of the Legal Unit of the Regional Office as focal person and *ex-officio* Head of the Regional Office-CREDe (RO-CREDe) pursuant to DepEd Order No. 3, s. 2021¹³ and this DepEd Order. Where a Schools Division Office under the jurisdiction of a Regional Office has no lawyer item, the Attorney IV or Attorney III of the Regional Office shall perform the functions of the Head of the CREDe of such Schools Division Office;
- ii. Implement policies, plans, programs, and projects and spearhead the coordination of all efforts of the Regional Office in operationalizing RBE-DepEd and this DepEd Order in the region, with emphasis on the key activities listed in Section VI.C;
- iii. Spearheaded by the RO-CREDe, provide guidance and technical assistance to Schools Division Offices and schools in implementing RBE-DepEd and this DepEd Order at their level;

¹³ Pursuant to Part V, item 14 of DepEd Order No. 3, s. 2021, CREDe counterparts in the Legal Units in the Regional Offices and Schools Division Offices may be organized upon the issuance of a Department Order for this purpose.

- iv. Spearheaded by the RO-CREDe, conduct, encourage, and support IEC and advocacy campaigns, capacity-building and partnership building activities on the implementation of RBE-DepEd and this DepEd Order;
- v. Provide funding for RO-CREDe, RBE-DepEd and child rights *to and in* education;
- vi. Give recommendations to the Central Office through the Regional Director on the policies, programs, and services that will strengthen the implementation of RBE-DepEd and this DepEd Order;
- vii. Monitor and evaluate the implementation and enforcement of RBE-DepEd and this DepEd Order in the region; and
- viii. Perform all other functions necessary or appropriate for the implementation of RBE-DepEd and this DepEd Order.

C. Schools Division Offices

The Schools Division Offices shall have the following duties and responsibilities:

- i. Subject to Section VII(B)(i), designate the Attorney III or Head of the Legal Unit of the Schools Division Office as focal person and *ex-officio* Head of the Schools Division CREDe (SDO-CREDe) pursuant to DepEd Order No. 3, s. 2021¹⁴ and this DepEd Order;
- ii. Implement policies, plans, programs and projects, and spearhead coordination of all efforts of the Schools Division Office in operationalizing RBE-DepEd and this DepEd Order in the division, with emphasis on the key activities listed in Section VI.C;
- iii. Spearheaded by the SDO-CREDe, provide guidance, technical assistance and support to the Schools Division Office, schools and learning centers in implementing RBE-DepEd and this DepEd Order at their level;

¹⁴ Pursuant to Part V, item 14 of DepEd Order No. 3, s. 2021, CREDe counterparts in the Legal Units in the Regional Offices and Schools Division Offices may be organized upon the issuance of a Department Order for this purpose.

- iv. Spearheaded by the SDO-CREDe, conduct, encourage, and support IEC and advocacy campaigns, capacity-building and partnership building activities on the implementation of RBE-DepEd and this DepEd Order in the division;
- v. Provide funding for RO-CREDe, RBE-DepEd and child rights *to and in* education;
- vi. Give recommendations to the Central Office and regional office through the Schools Division Superintendent on the policies, programs, and services that will strengthen the implementation of RBE-DepEd and this DepEd Order;
- vii. Perform all other functions necessary or appropriate for the implementation of RBE-DepEd and this DepEd Order.

D. Schools and Community Learning Centers

The School Heads and their equivalent in the community learning centers shall have the following duties and responsibilities:

- i. Ensure that all children effectively learn child rights, RBE-DepEd and this DepEd Order;
- ii. Ensure that all school personnel are knowledgeable and skilled in child rights, RBE-DepEd and this DepEd Order;
- iii. Conduct, encourage, and support IEC and advocacy campaigns, capacity-building, and partnership building activities on the implementation of RBE-DepEd and this DepEd Order;
- iv. Design and implement co-curricular and extra-curricular activities for children, and appropriate activities for school personnel, parents and guardians, and other education stakeholders towards greater understanding, appreciation and implementation of RBE-DepEd and child rights, especially the rights *to and in* education;
- v. Foster a rights-upholding learning environment (RULE), and culture in the schools and community learning centers through any and all appropriate means accessible and available to the schools and community learning centers;

- vi. Report to the SDO-CREDe on the implementation of RBE-DepEd and this DepEd Order; and
- vii. Perform all other functions necessary or appropriate for the implementation of RBE-DepEd and this DepEd Order.

VIII. MONITORING AND EVALUATION

- 46. The Central Office CREDe shall have overall responsibility for the monitoring and evaluation of this DepEd Order.
- 47. Spearheaded by the Central Office CREDe, a Monitoring and Evaluation (M & E) System shall be established, integrating the monitoring and evaluation functions of the various CREDe offices as provided for in Section VII of this DepEd Order.
- 48. The M & E System shall generally aim to generate and process relevant information and feedback to the Central Office CREDe, RO-CREDe and SDO-CREDe from various stakeholders on the implementation of RBE-DepEd and this DepEd Order for use in management and decision-making, policy enhancement, continuous improvement of operations, organizational learning, and knowledge management, upholding accountability, and sustaining stakeholder interest and support relative to the implementation of RBE-DepEd.
- 49. Specifically, the aims of the M & E System shall be as follows:
 - a. Track progress in the implementation of RBE-DepEd and this DepEd Order;
 - b. Identify implementation bottlenecks, issues, challenges, and provide recommendations to address them; and
 - c. Measure, evaluate as well as communicate to various stakeholders the results, outcomes and impact of RBE-DepEd and this DepEd Order.

IX. EFFECTIVITY

- 50. This policy shall take effect immediately upon issuance and publication on the DepEd website, and shall remain effective and in force until revoked, repealed, or superseded by relevant law, rules and regulations or new issuances of this Department. Certified true copies of this DepEd Order shall be filed with the Office of the National Administrative Register (ONAR) at the University of the Philippines Law Center (UP LC), UP Diliman, Quezon City.

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