

***On the Requirement of All Students Enrolling in Schools to  
Submit a Police Clearance and Drug Test***

The Commission on Human Rights has been informed that some schools require a police clearance for new enrollees and for transferees from other schools. The police in turn require a clearance from the Narcotics Command (NARCOM) for a drug test.

There is no legal impediment for a requirement of a police clearance as a reasonable precautionary measure of school new enrollees. The requirement of the Philippine National Police (PNP) of a drug test before a police clearance is issued makes the drug test mandatory. This additional requirement might be a restriction on the human rights of every person to education.

Pertinent provisions of Article 13 of the International Covenant on Economic, Social and Cultural Rights, which the Philippines have ratified, reads:

1. *The State Parties to the Covenant recognize the right of everyone to education. They agree 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. They further agree that education 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, and further the activities of the United Nations for the maintenance of peace.*
2. *The State Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:*
  - a. *Primary education shall be compulsory and available free to all;*
3. *Secondary education in its different forms, including technical and vocational and secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education".*

Article 14 of the Covenant also reads:

*"Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in a plan, of the principle of compulsory education free of charge for all."*

Article 14, Section 1 and 2 of the Philippine Constitution also reads:

*"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."*

The State shall:

1. *Establish, maintain and support a complete, adequate and integrated system of education relevant to the needs of the people and society;*
2. *Establish and maintain a system of free public education in the elementary and high school levels. Without limiting the natural right of parents to rear their children, elementary education is compulsory for all children of school age.*

The mandatory additional requirement of submission for a drug test might unduly burden new

enrollees and their parents. It is suggested that a more reasonable precautionary measure is for a school physician to examine prospective enrollees to determine who among them should be required to undergo a drug test.

A finding that a student takes drugs should not be used as a justification to deprive him/her of attending school. Rather, a child found to be drug addict should be confined to a rehabilitation institution so that he/she may later be more fit to pursue his/her education. The child must be admitted to school upon recommendation of the rehabilitation institution after the child has been rehabilitated.

The Commission on Human Rights, pursuant to its constitutional function of monitoring the Philippine Government's compliance with international instruments respectfully addresses this Human Rights Advisory to the Secretary of Education, Culture and Sports, the Philippine National Police and the Narcotics Command (NARCOM) for their guidance.

*Quezon City, 18 June 2001*