

Philippine Coalition on the U.N. Convention on the Rights of Persons with Disabilities

A submission to the United Nations Human Rights Council on the
Universal Periodic Review

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SUMMARY

Human rights violations of Filipinos with disabilities in the context of the U.N. Convention on the Rights of Persons with Disabilities revolve around the human rights of education, social protection and work. Particularly compelling among other violations are those consisting of inhuman treatment and violence against women and children with disabilities. These are perpetuated by noncompliant domestic legislation, many of which are also not even fully implemented. These are further compounded by multiple exclusion in areas needing participation and accessibility. As a result, there continues to be serious impact on access to justice, independent living, inclusive education for all, poverty reduction and political participation - all undermining the inherent dignity and worth of Filipinos with disabilities.

Key Words: Persons with disabilities, education, social protection, work, inhuman treatment, violence, participation, accessibility, access to justice, independent living, poverty reduction, political participation

KEY RECOMMENDATIONS

**Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities.
Revise or abolish domestic laws discriminatory to persons with disabilities.**

1. On the right to full and effective participation including political participation and the right to vote:

Ensure full participation of persons with disabilities in all legislative, policy-making, electoral and budget proceedings.

2. On the right to language and culture:

Protect the cultural and linguistic identity of children with disabilities and actively employ teachers with disabilities.

3. On the right to education:

Ensure fully accessible learning environments to children with disabilities according to the principles of Universal Design.

4. On the right to work:

Remove discriminatory barriers to persons with disabilities in formal and informal employment.

5. On accessibility, particularly the rights to personal mobility, liberty of movement and information and communication:

Ensure full accessibility to the physical environment, transportation, information and communication for all persons with disabilities in urban or rural areas.

6. On the right to live independently and be included in the community:

Ensure full enjoyment to live and participate in the community for all persons with disabilities.

7. On the right to an adequate standard of living and social protection:

Ensure disability-specific social protection measures which address the needs of persons with disabilities and their families, particularly those in extreme poverty.

8. On the right to integrity of the person:

Protect persons with psychosocial disabilities from all forms of violence, and investigate and prosecute allegations of torture or inhuman treatment.

9. On the right to protection against violence:

Address the root causes of violence against persons with disabilities, particularly considering the intersection of disability with gender and age.

10. On the right and access to justice

Protect and ensure access to justice by persons with disabilities, specially for law enforcement, and in courts and prisons.

ABOUT THE COALITION

1 The Coalition was initially organized in 2010 and formally constituted in February 2011. The core group is currently comprised of eighteen disabled people's organizations (DPOs) and nongovernment organizations (NGOs), covering nine disability constituencies, and several national federations. The Coalition as a whole represents over 65,000 Filipinos with disabilities.

2 Communication within and among these national organizations / federations on disability rights has been going on informally for decades. However, it is only in the past year, with the creation of the Coalition, that these consultations have been formalized. Ongoing regional / provincial consultations across the 7,000 islands are a major activity of the Coalition. Aside from these grassroots workshops, feedback from remote areas are done through internet and mobile phone communications. Other prominent activities of the Coalition include: policy review of domestic law in the context of international commitments, disability budget analysis, engagement with various national and local government agencies for participation in public finance, and legislative lobbying with Congress and Senate. Individual disability member organizations also participate in local projects, programmes and services directly impacting their constituency.

OVERALL HUMAN RIGHTS SITUATION IN THE PHILIPPINES

3 The framework for human rights for all Filipinos is anchored in the Philippine Constitution, from which the executive, legislative and judicial branches of government draw their mandates and scope of responsibilities. The Constitution also provides for the creation of the independent Commission on Human Rights to monitor government compliance.

4 There have been at least twelve disability related laws and executive orders since the 1950s. However, these have faced challenges of implementation, monitoring and budgetary appropriations (1).

5 The Philippine Human Rights Committee was also directed to formulate the National Human Rights Action Plan. Human rights entities down to the grassroots include inter-agency councils (on trafficking, juvenile justice, violence against women and children, and others), offices in the Armed Forces, Philippine National Police (including Women's & Children's Desks), barangay human rights action centers. The *Katarungang Pambarangay* (Village Justice System) assists in dispute settlement under the Local Government Code. Particular justice systems are also present for Indigenous Peoples and Muslim Filipinos.

6 The Philippines has also ratified U.N. core treaties including the Optional Protocols of the CEDAW and CRC. It must be noted that the Optional Protocol of the U.N. Convention on the Rights of Persons with Disabilities (UNCRPD) has not been ratified. The National Human Rights Action Plan was formulated two years ago but it has not been approved by the current administration. The government has also legislated human rights laws pertaining to the rights of other vulnerable sectors such as women, children, indigenous peoples, migrant workers, and older persons.

7 The Philippines has a vibrant human rights movement comprised of many NGOs and peoples' organizations covering a wide range of advocacies. Civil society is a strong political force as vanguards of human rights as well as providers of programs and services. Within the sector of persons with disabilities, civil society entities are frequently the frontlining and / or sole advocates for policy reform and sustainable, grassroots development which are targeted through innovative and nonbureaucratic strategies.

OVERALL SITUATION OF PERSONS WITH DISABILITIES IN THE PHILIPPINES

8 *Statistics on persons with disabilities* According to the 2000 census, there are 942,098 Filipinos with disabilities who make up 1.23% of the population. This includes the following impairments: visual, hearing, speech, mobility, intellectual, psychosocial, extensive and various low incidence impairments. Half of the sector are female, and children and youth comprise significant proportions. Through the past three decades however, the incidence of disability has been reported variably by different entities leading to serious doubts on overall accuracy. National statistics have been a longstanding concern as national / local legislation and policy rely heavily on documented numbers of disadvantaged Filipinos to justify appropriations for programs, activities and services. In a developing country where public finances are subject to many limitations, budgets for various vulnerable sectors will at times, compete with each other, and other national priorities.

9 The majority of persons with disabilities are in the rural areas. The poverty threshold in 2007 for persons with disabilities in Metro Manila (in the National Capital Region) was reported to be approximately US\$442; or about \$1/day. In this independent study of poverty in Metro Manila, the proportion of employed persons with disabilities households below the poverty threshold was reported to be 36.5% in the sample (2). Tracking of poverty incidence by the National Statistics Coordination Board from 2006 to 2009 sets national incidence at approximately 20%, with a specific estimate for the National Capital Region at 2.6% (3). Data from the rural areas is still being gathered.

10 The only existing social protection mechanisms are: disability benefits / pensions for those who are employed and who acquired their disability while working; Philippine health insurance, generally afforded only by persons with disabilities who have employment; and a 20% discount on transportation, medicine, medical services, and services in eating and cultural establishments. Persons with disabilities are presumed to be greater risks and are charged higher premiums for insurance. There are no disability-specific allowances or interventions, considering the much higher cost of living of households with members who have a disability. The majority of persons with disabilities are unemployed and so are not eligible for these benefits / pensions and insurance. Furthermore, since many of them are also poor, they would not even have the minimum capacity to purchase medicine, medical services, etc. in the first place so that they can avail of the 20% discount. This 20% discount is not available in areas where there are no establishments mandated to provide such discounts. Also, labor market programs for persons with disabilities have not been systematic enough to have a significant impact.

11 *Data collection on persons with disabilities* Throughout the years, persons with disabilities have remained largely invisible because of discrimination. This invisibility has been the cause of continual marginalization. Thus, there is a dire lack of documentation for even the most fundamental information about Filipinos with disabilities. The fact that there is no mention of any disability rights, nor any participation by the sector in the 1st UPR are clear evidences of this. The proposed Freedom of Information Bill hopes to address difficulties in accessing data for the effective participation of all, including persons with disabilities.

12 This lack of attention to the human rights situation of the sector is demonstrated in access to justice. In 2007, the Commission on Human Rights conducted a survey of 41 national government agencies regarding persons with disabilities. It reported 57 victims of human rights violations during 1987-2006 (roughly three cases a year), 17.5 % of whom involved children (4). These statistics viewed relative to the cases documented for a single disability alone for only the past five years, totaling 250 (see Human Rights Situation among persons with disabilities) point to great disparities in national documentation.

13 Data have not been gathered sufficiently nationwide, e.g., regarding the number of rape cases against persons with disabilities. For instance, reported rape cases of all other women have largely been documented only for the National Capital Region.

14 By and large, there is no way to systematically secure information about cases in trial courts except for those which have reached the Supreme Court. Request for assistance by civil society from the Supreme Court – Office of the Court Administrator to track and follow-up cases involving deaf parties for instance, have yielded only a few responses from the lower courts. Without information on the status of these cases, or mechanisms to secure this information, the pursuit of justice by persons with disabilities becomes very difficult and pushes them even deeper into marginalization.

15 *Legislation* Aside from the generally inadequate implementation of disability related laws, a National Plan of Action for the Philippine Decade for Persons with Disabilities (2003-2012) formulated by the (then) National Council for the Welfare of Disabled Persons, which is based on the Biwako Millenium framework, has not been fully implemented.

16 *Accessibility* Accessibility in various areas particularly transportation, the physical environment, information and communication are major concerns of the different disability constituencies in both urban and rural locations.

17 *Rehabilitation* Regional and provincial hospitals, provide some rehabilitation services including the provision of assistive devices. However, the 2010 Regional Conference on ASEAN and disability reports that less than 1% of persons with disabilities in the National Capital Region are able to access center-based rehabilitation services. Furthermore, since most service facilities are concentrated in the capital i.e., Metro Manila, many persons with disabilities living in rural and isolated communities have limited access to any form of rehabilitation or health services (5).

HUMAN RIGHTS SITUATION OF PERSONS WITH DISABILITIES

18 Describing the overall situation of human rights reveals violations of civil, political, cultural and economic rights as undeniable realities in the lives of many persons with disabilities. These violations of specific rights on participation, language and culture, education, work, personal mobility, liberty of movement, independent living, adequate standard of living, social protection, integrity and protection against violence, and access to justice are unrelentingly experienced in the home, school, the workplace, with mass media, in trial courts, places of recreation and leisure, and other spaces. Exclusion and discriminatory practices have been so rampant and have existed for such a long time that it has covered the entire sector with a shroud of invisibility which has to date been very difficult to overcome.

19 The snapshot of the current human rights situation among persons with disabilities in the Philippines is particularly provocative in the few, or even *single* reports of disturbing, heinous incidents. One set of these incidents almost always involve women and young girls: rape to the point of death; gang rape by as many as ten men; rape cases of girls five years old and younger; years-long incest regularly by fathers; sexual violence under threat of deadly weapons, and rape by a religious figure or teacher.

20 Another set of disturbing incidents involve cruel and inhumane treatment particularly of children with disabilities. There are several reports of children being battered and physically abused while being restrained, chained or caged by their own parents.

21 Persons with disabilities being put up on display in public fairs as objects of novelty because of their physical disfigurement has been decreasing, but still exists.

22 Persons with psychosocial disabilities are kept in institutions in inhuman and despicable conditions which takes place in both national and local facilities.

23 Women and children with disabilities who live on the streets, or face sexual assault on a daily basis, including several prostituted women have been reported. Women with disabilities have been trafficked. They have been victimized by e-VAW (electronic Violence against Women), lured into online pornographic exposure of their physical condition for economic reasons.

24 The figures on gender-based violence unearthed among deaf women and girls in the past five years, and particularly this last year epitomize the *tip of the iceberg* situation that likely exists across all the disabilities. Some human rights violations are experienced by thousands or millions of persons with disabilities while other heinous incidents are experienced by one or a few persons with disabilities. Systematic efforts for data gathering and documentation on a national basis have been so very meager and this has caused continuing cycles of increasing powerlessness and marginalization.

25 Recommendations

- Ratify the Optional Protocol to the CRPD
- Review the proposed National Human Rights Action Plan, closely consulting the persons with disabilities sector on the CRPD

Main issues of concern

Discriminatory domestic laws

26 There has been no systematic, comprehensive review of domestic laws to harmonize these with the UNCRPD. This includes laws which do not recognize persons with disabilities as being legally competent in articles of the Civil Code on Contracts (6), Succession (7); several Rules of Court (8, 9) concerning guardianship; and mandated national and local government appropriations for persons with disabilities programs and activities (10).

27 This is true as well for local government ordinances in the provinces, cities, municipalities and barangays (villages).

28 Recommendation

- Beginning in 2012, do a comprehensive policy review and revise or abolish laws and policies which are discriminatory on the basis of disability.

The right to full and effective participation including political participation and the right to vote

29 Persons with disabilities have seriously limited opportunities to participate in governance and the conduct of public affairs. They have not been given opportunities to participate in the formulation of critical legislation, e.g., Magna Carta for Women, Magna Carta for Small Enterprises; drafting of critical policy such as Executive Order 33 transferring the National Council for Disability Affairs from the Office of the President to the Department of Social Welfare and Development; or on the formulation of programs such as the Conditional Cash Transfer program for poverty reduction. The sector has no representation in Congress and last year, its party list was arbitrarily disqualified from participation in the election.

30 The right to vote, and participation in elections by persons with disabilities have been hindered by discriminatory provisions in the Omnibus Election Code and widespread accessibility issues such as lack of sign language interpreting; physical inaccessibility, and non-guarantee of privacy / confidentiality at the polling places.

31 Recommendations

- Beginning 2012, conduct comprehensive and continuing awareness raising campaigns on disability with national and local government.
- Ensure full and consistent participation of persons with disabilities throughout the entire calendars of the crafting of legislation and budget planning.
- Review and revise portions of the Omnibus Election Code that are discriminatory to persons with disabilities.
- Particularly for the 2013 election, engage with the Commission on Elections according to constitutional and electoral law provisions to ensure communication and physical accessibility to persons with disabilities.

The right to language and culture

32 Deaf children have been denied of recognition and support of their cultural and linguistic identity including sign language and deaf culture. Despite international commitments to the Salamanca Statement and Framework for Action for Special Needs in Education as well as the UNCRPD, comprehensive access to the national sign language for deaf children in school has not been given (11-13). Existing national policy that Filipino Sign Language (14) be used in deaf education has not been implemented. On the contrary, an oral approach and the use of artificial sign systems (15) has been promoted. This has resulted in extremely low literacy for the few deaf students who are able to go to school, and in turn, further decreases their opportunities for employment. This also affects overall quality of life and ability to live independently, resulting in further isolation from society and culture.

33 Recommendations

- Recognize and support the specific cultural and linguistic identity of Filipino children with disabilities, including Filipino Sign Language.
- Beginning schoolyear 2012, create fully accessible learning environments for children with disabilities as guided by the principles of Universal Design.
- Institute affirmative action policy for the hiring of teachers with disabilities, including the Deaf, through language- / culture-fair testing and licensing of prospective teachers by the next Licensure Examination for Teachers in 2012.

The right to education

34 Children with disabilities throughout the country are unable to fully access inclusive, quality primary education. State education is focused largely only on formal special education programs and weakly on inclusive education. Furthermore, most educational facilities are in urban areas whereas most children with disabilities are in the rural areas. There is frequent denial of reasonable accommodation as well as a serious lack of systemic support for inclusion.

35 About 1.9M Filipino children were enrolled in pre-school in public and private schools in 2010, and an additional 21% (or 2.5 million children) is targeted for 2011. From 2007-2008, the Department of Education reports that ninety-seven percent of children with disabilities aged 7-12 years old are not enrolled. For those who are enrolled, the majority (156,270 students) are in formal Special Education programs. This contrasts with only 3,028 who are mainstreamed in elementary and high school (16, 17). Furthermore, majority of these Special Education programs and schools are located in urban areas.

36 Children with disabilities who are unable to be part of inclusive education become seriously disadvantaged in the development of their full potential, and their sense of dignity and self-worth.

37 Recommendations

- Review, institute, and assess support services necessary for inclusion of children with disabilities into the mainstream beginning schoolyear 2012.

- Update numbers of children with disabilities in both formal schools and alternative community-based programs semestrally and yearly.

The right to work

38 Despite some existing government programs, there is a lack of effective employment policies for persons with disabilities. There are numerous discriminatory barriers in hiring and continuance of employment as well as career advancement and conditions of work.

39 Thus, persons with disabilities are unable to enter the mainstream employment public/ private pools and have to make do with unstable, informal forms of livelihood. These programs along with mandated hiring quotas of persons with disabilities in government agencies have not been implemented sustainably, nor monitored consistently. Hiring has also been limited only to casual, contractual and emergency positions only for certain government agencies providing social services.

40 Unfair policy exists such as recent requirements for unreasonable educational and licensing requirements for blind massage therapists (18). This neglects the reality of their very limited access to formal education in the first place, and so, effectively discriminating their niche in a well-entrenched industry (19).

41 Recommendations

Beginning 2012 for both urban and rural settings:

- Set comprehensive national labor targets for persons with disabilities to be monitored annually at the regional and local levels.
- Remove discriminatory barriers to persons with disabilities in formal and informal employment and entrepreneurship.
- Implement widely mandated quotas for hiring of persons with disabilities at national and local levels

Accessibility particularly the rights to personal mobility, liberty of movement and information and communication

42 Despite international and local legal obligations for ensuring accessibility of facilities and services, transportation is largely inaccessible. Even in urban areas, mass public transport is not accessible leaving options only for costly taxis. Persons with disabilities who use wheelchairs are unable to use public vehicles such as buses, jeepneys, and even light rail transit facilities in cities. Despite the existence of Batas Pambansa 344, physical accessibility is still largely unimplemented.

43 Options for inter-island travel by sea or air throughout the 7,000-island archipelago is available only to some persons with disabilities. Aside from this, there have been several incidents of discrimination among wheelchair users, and those with intellectual disability. Also ten Deaf individuals were not allowed to continue on a domestic flight as a group (20, 21). A Deaf man

bound for Qatar for training and employment was prevented by the Bureau of Immigrations from leaving just because he was deaf (22, 23).

44 Despite the National Plan of Action mandated for the Philippine Decade for persons with disabilities (2003-2012), no national system for sign language interpreting has been instituted for the 2007 target. Government owned and run TV stations have no interpreting or captioning for newscasts despite a section on telecommunications in the Magna Carta for Persons with Disabilities. The scope and implementation of policy on court interpreting is seriously inadequate (see Access to Justice).

45 Without comprehensive accessibility measures in all aspects of daily living, persons with disabilities experience isolation and exclusion. They are not enabled to become productive citizens.

46 Recommendations

- Craft and implement policy based on Universal Design for the physical environment, transportation and information and communication.
- Immediately and fully implement the National Plan of Action for the Decade of Persons with Disabilities (2003-2012).
- Immediately impose penalties on violators of accessibility laws widely and consistently without exception, whether public services providers and facilities or private companies.

The right to live independently and being included in the community

47 Despite the Philippines' commitment to implement the World Programme of Action Concerning Disabled Persons, and the ratification of the CRPD, Filipinos with disabilities continue to face numerous barriers to their right to live independently and be included in the community. They are still denied the ability to make their own decisions, and constantly face barriers in information and communication. Because of discrimination, they are also continuously denied of their right to work, a vital step toward living independently. Barriers to personal mobility include inaccessible transportation, lack of accessible and inclusive educational settings which respect school preferences, and the lack of access to cultural, recreational, leisure and sports activities. All these prevent persons with disabilities from being included, and from interacting in daily community life.

48 Presently, there are no available in-home, residential or other community support services such as personal assistance service to support independent living and inclusion in the community. The services and facilities available for the general population are unresponsive to the needs of persons with disabilities. The lack of specific support for an adequate standard of living denies persons with disabilities the choice of where they would like to live, and with whom they want to live.

49 Recommendation

- Craft clear strategies for implementing Article 19 of the CRPD, closely consulting and actively involving DPOs, particularly the Independent Living Centers.

The right to an adequate standard of living and social protection

50 The majority of persons with disabilities live in poverty and have no access to social protection. (24, 25). However, the National Anti-Poverty Commission has not included persons with disabilities in their priority agenda. There are minimal provisions to address the needs of persons with disabilities even in development plans (26) and budget implementation (27). Poverty reduction through the State's centerpiece Conditional Cash Transfer (CCT) program incidentally notes over 97,000 PWD members in the beneficiary households. However, disability is not considered as a proxy variable in targeting / identifying who the poor are (28, 29). Thus, it does not effectively address the needs of persons with disabilities, particularly those in extreme poverty, and those with extensive, multiple, intellectual and psychosocial disabilities. It must be noted that the proposed budget for 2012 for social services reduces over 90% of appropriations of the previous year from persons with disabilities, accompanied by staggering increases towards CCT (30).

51 It should be noted as well that there are no other national appropriations which comprehensively and directly address disability-specific needs distinct from the basic needs of food, clothing and housing.

52 Recommendations

- In the next budget cycle, provide for the targeting of disability in poverty reduction programs.
- Beginning 2012, institute general disability-specific mechanisms for social protection, and in particular, for those persons with disabilities in extreme poverty, and including persons with extensive, multiple, intellectual and psychosocial disabilities.

The right to integrity of the person

53 Little, if any, attention has been given to recognizing and protecting the physical and mental integrity of Filipinos with psychosocial disabilities. The Coalition views the importance of ratifying the CAT - Optional Protocol as it adopts the position of the World Network of Users and Survivors of Psychiatry that institutional electroconvulsive therapy with forced drugging as practiced in the country (31) violates the rights of persons with psychosocial disability, notwithstanding proposed legislation on the Mental Health Care Act (32, 33)

54 Recommendations

- Immediately halt forms of violence against persons with psychosocial disabilities, and investigate and prosecute those responsible for alleged torture or ill treatment in mental health facilities, and in the community, including homes.
- In the next national planning and budget formulation, explore and initiate broad-based community support services for independent living and inclusion in the community.
- Legislate the proposed Mental Health Care Act as a domestic law consistent with the CRPD.

The right to protection against violence

55 The longstanding problem of gender-based violence against women and children with disabilities is a complex situation compounded by barriers in accessibility to the legal and judicial systems. Rape is the most commonly documented form of violence but other reports include battering, sexual harassment, trafficking, and electronic violence against women (e-VAW). A largely overlooked and undocumented area is the widespread sexual abuse of boy-children with disabilities.

56 There are occasional reported Supreme Court cases of violence among women and girl-children with intellectual disability, and psychosocial disability. Unpublished NGO data from eight regions report that: one out of two to three deaf women are raped, while as high as 65-70% of deaf children are victims of sexual violence. Case monitoring (34) for deaf parties have documented over 240+ cases in 14 regions for the past five years, three quarters of which were documented only in the past year. Half of the cases are in the rural areas. The majority of all the cases are rape cases, at least sixty-five cases involving children complainants.

57 Widespread gender-based violence seriously undermines the dignity and worth of individuals as well as their families. It has far-reaching consequences on their full development and advancement.

58 Recommendations

Beginning 2011:

- Address the root causes of gender-based violence among women and children with disabilities through concerted and participatory engagement between government and various stakeholders
- Mainstream reporting and monitoring of cases of violence against women / children with disabilities into national databases and mechanisms.

The right and access to justice

59 As a whole, the justice system is characteristically slow, tedious and expensive. Furthermore, disability-, gender- and/or age- appropriate accommodations in law enforcement, prosecution, courts and prisons have not been provided. Less than a fifth of documented cases of deaf parties have court-appointed sign language interpreters, of which none have been compensated by the Supreme Court for the past five years (34).

60 Existing Supreme Court policies (35, 36) only deal broadly with compensation of interpreters but have no guidelines on the qualifications and ethical conduct of interpreters. There is no designated item in the national budget appropriations in the Judiciary specifically for sign language interpreting in courts (37). Consistent appointment of interpreters is not done, as well as the appointment of Court Appointed Special Advocates / Guardian ad litem (CASAGAL) for children as prescribed by the Rules of Court in the Examination of Child Witnesses. These systemic inadequacies all underlie the basis of a 2011 Communication through the CEDAW-Optional Protocol for the rape case of a deaf minor (38).

61 Cases at the local government level with the *Katarungang Pambarangay* (village justice system) are rarely documented. However, an ongoing complaint of two deaf women who were mauled by ten hearing residents in a barangay have been fraught with oppressive and discriminatory attitudes of the barangay officials, and an absence of provision for interpreting (34).

62 Staff of police stations, prisons, and public shelters are largely unaware of disability needs and issues. Physical accessibility is a major concern, as well as that for information and communication, including sign language interpreting (34).

63 Because of the above situation, women and children with disabilities who are victims of violence suffer further trauma with their families in the face of barriers to accessibility. This in turn, hinder personal growth and productivity in society. For some, these barriers lead to further victimization such as prostitution and trafficking, or multiple trauma leading to psychosocial disability.

64 Recommendations

- Beginning 2012, raise the awareness of the Department of Justice and the Judiciary regarding disability rights in legal proceedings, and institutionalize comprehensive case monitoring
- Beginning 2012, Conduct sensitivity training on gender-, age- and disability –appropriate practices at the national and local levels.
- Starting in the 2011 Bicameral Committee meeting on national appropriations and henceforth, institutionalize mandated appropriations to the Department of Justice and the Judiciary to comply with accessibility needs of persons with disabilities
- Pass House Bill 4631 requiring sign language interpreting for all public hearings during the 15th Congress of the House of Representatives

OTHER RECOMMENDATIONS

65 Statistics and data collection

- Ensure regular conduct and appropriations for the national census, particularly relating to data collection on persons with disabilities:
 - Resolve methodological issues on definitions of disabilities, enumerators during field data collection
- Beginning 2012, require all national government agencies to collect and disseminate statistics and research data within their specific mandate that pertains to persons with disabilities:
 - Data should be disaggregated, transparent and accessible
 - The information should be assessed annually and be disseminated widely to national and local branches of government at the start of the budget cycle so that these serve as the basis for policies, activities and programs.

66 International Cooperation

- Beginning 2012, in partnership with international and regional organizations, facilitate and support capacity-building of duty-bearers and claim holders at the national and local levels, specially in the rural areas:
 - Ensure full participation of persons with disabilities in negotiation and planning with multilateral funding institutions.
 - Promote the understanding of the intersection of disability rights with women's rights and children's rights
- Within the next five years, maximally utilize Special Procedures for the promotion of the rights of persons with disabilities established by the Human Rights Council, by engaging with the Special Rapporteur on Disability.
- By 2012, follow-up implementation in response to the Report of the Special Rapporteur on The Right to Education of Persons with Disabilities which includes the Philippines (submitted to the Human Rights Council in 2007)

67 National Monitoring and Implementation

- Beginning 2012, annually assess and strengthen performance of designated coordination / independent mechanisms such as the National Council on Disability Affairs, and the Commission on Human Rights, in the implementation of the UNCRPD:
 - Ensure full accessibility and effective participation of the claim holders in this annual assessment
 - Disseminate the findings and recommendations to the public.

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 Philippine Association of Children With Learning and Developmental Disabilities
 Philippine Chamber for Massage Industry for Visually Impaired
 Philippine Deaf Resource Center
 Philippine Federation of the Deaf
 Punlaka
 Quezon City Federation of Persons With Disabilities
 Tahanang Walang Hagdanan
 Women with Disabilities Leap To Social and Economic Progress

Sources

- (1) Disability Rights Promotion International. 2009. Monitoring the human rights of persons with disabilities: laws, policies and programs in the Philippines. <http://www.yorku.ca/drpi/files/PhilippinesLawsRep.pdf>
- (2) Mori, S, C. Reyes, T. Yamagata. Poverty Reduction for the Disabled in the Philippines.- Livelihood analysis from the data of PWDs in Metro Manila. Joint Research Program Series 151. Institute of Developing Economies. <http://www.ide.go.jp/English/Publish/Download/Jrp/151.html>
- (3) Virola, R. 2011. 2009 Official poverty statistics www.nscb.gov.ph/poverty/2009/Presentation_RAVirola.pdf
- (4) Commission on Human Rights. 2007. Rights of Persons with Disabilities in accessing the Justice System. http://www.chr.gov.ph/MAIN%20PAGES/about%20hr/advisories/pdf_files/FINAL%20fullPWDreport.pdf
- (5) Asian Development Bank. 2005. Disabled people and development: Philippines Country Report <http://www.adb.org/documents/reports/disabled-people-development/philippines.pdf>
- (6) Civil Code of the Philippines. Contracts. Art. 1327. <http://www.chanrobles.com/civilcodeofthephilippinesbook3.htm>
- (7) Civil Code of the Philippines. Succession. Art. 820 <http://www.chanrobles.com/civilcodeofthephilippinesbook4.htm>
- (8) Rules of Court. Rule 92. http://sc.judiciary.gov.ph/rulesofcourt/RULES%20OF%20COURT.htm#rule_92
- (9) Rules of Court. Rule 101. http://sc.judiciary.gov.ph/rulesofcourt/RULES%20OF%20COURT.htm#rule_101

- (10) Statement from the Persons With Disabilities Sector on the proposed 2012 Budget. 2011.
- (11) Resolution of the Philippine Federation of the Deaf regarding compliance to the use of Filipino Sign language in Special Education. 2011.
- (12) Philippine Deaf Resource Center. Advocacy Statement on the use of Filipino Sign Language in formal education. 2011.
- (13) Philippine Coalition on U.N. CRPD. Statement. 2011.
- (14) Department of Education. 1997. Policies and Guidelines for Special Education.
- (15) Dialogue between the deaf community and the Dept of Education. 2011. <http://vimeo.com/28876614>
- (16) Bureau of Elementary Education, Special Education Division <http://www.deped.gov.ph/quicklinks/quicklinks2.asp?id=34>
- (17) Morada, C. Special Children - Get them to the Mainstream. http://www.deped.gov.ph/e_posts.asp?id=641
- (18) Department of Health Administrative Order 2010-0034
<http://home.doh.gov.ph/ao/ao2010-0034.pdf>
- (19) Philippine Chamber of Massage Industry for Visually Impaired. Letter of protest.
- (20) Pangalangan, R. 08/28/2009. Continuing travails of disabled Filipinos. Philippine Daily Inquirer.
<http://opinion.inquirer.net/inquireropinion/columns/view/20090828-222352/Continuing-travails-of-disabled-Filipinos>
- (21) Pangalangan, R. 04/11/2008. Disability rights, forgotten human rights. Philippine Daily Inquirer.
<http://opinion.inquirer.net/inquireropinion/columns/view/20080411-129635/Disability-rights-forgotten-human-rights>
- (22) Deaf man prevented from boarding plane to Qatar. Abs-cbnNEWS.com.10/07/2010
<http://www.abs-cbnnews.com/global-filipino/10/06/10/deaf-man-prevented-boarding-plane-qatar>
- (23) Cruz, T. Oct 06, 2010. Immigration scandal at the Ninoy Aquino international airport
<http://asiancorrespondent.com/41174/deaf-filipino-illegally-refused-by-immigration-officers-in-manila-international-airport/>
- (24) Yap, J. et al. 2009. Preliminary Results of the Survey on persons with disabilities Conducted in Selected Metro Manila Cities. Discussion Paper Series N0. 2009-25. <http://www3.pids.gov.ph/ris/dps/pidsdps0925.pdf>
- (25) Tabuga, A. D., et al. 2011. Persons with Disability in Rural Philippines: Results from the 2010 Field Survey in Rosario, Batangas. DP 2011-06
<http://publication.pids.gov.ph/pubdetails.phtml?code=DP%202011-06>
- (26) National Economic Development Authority
<http://devplan.neda.gov.ph/about-the-plan.php>
- (27) Department of Budget & Management – National Economic Development Authority. Joint Circular 01-2011.
http://www.neda.gov.ph/econreports_dbs/MDGs/downloadables/DBM-NEDA%20JMC%20Guidelines%20Intitutionalizing%20Reporting%20of%20MDG%20B&E%20-%20for%20Dissime.pdf
- (28) Department of Social Welfare and Development. 2011. Pantawid Pamilyang Pilipino Program. Program Implementation Status Report.
<http://www.dswd.gov.ph/index.php/pantawid-pamilya-accomplishment-report>
- (29) Personal communication. 2011. Vincent Andrew T. Leyson, National Project Manager, National Household Targeting System for Poverty Reduction (NHTS-PR)
- (30) Social Protection Cluster. 2011. Paggugol ng matuwid: Kasama ang tao. Social Watch Philippines / Alternative Budget Initiative. Alternative Budgets. <http://www.socialwatchphilippines.org/>
- (31) Doctor to Doctor has been involved in number of kinds of activities
<http://www.d2d.org/whatwedo.html>
- (32) The Proposed "National Mental Health Act of 2009": A Critical Evaluation.
<http://mentalhealth-ph.wikispaces.com/>
- (33) Personal communication. Tina Minkowitz 2011. Center for the Human Rights of Users and Survivors of Psychiatry
- (34) Philippine Deaf Resource Center. In progress. Access to Justice: Case monitoring by the Philippine Deaf Resource Center: 2006-2011
- (35) Supreme Court Office of the Court Administrator Memorandum 59-2004. <http://www.ncda.gov.ph/disability-laws/memorandum-order-no-59-2004/>
- (36) Supreme Court Office of the Court Administrator Circular 104-2007. <http://www.ncda.gov.ph/disability-laws/oca-circular-no-104-2007/>

(37) Persons with disabilities cluster. 2011. Paggugol ng matuwid: Kasama ang tao. Social Watch Philippines / Alternative Budget Initiative. Alternative Budgets. <http://www.socialwatchphilippines.org/>

(38) Human Rights Online. Press release 2011.

<http://hronlineph.wordpress.com/2011/05/22/press-release-women-claiming-rights-with-the-united-nations-accessing-the-optional-protocol-of-the-cedaw-and-the-iccpr/>