

Report of the Philippine Disabled People's Organization in the Implementation of the Covenant on Economic, Social and Cultural Rights, September 2016

I. Introduction

- 1) The Philippines ratified the International Covenant on Economic, Social and Cultural Rights in 1974 and the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol on 13 May 2009. It is clear that the human rights standards of the ICESCR and the CRPD intersect and reinforce each other when it comes to the rights of persons with disabilities. Throughout this submission, in addition to provisions of the ICESCR, some references will be made to related CRPD provisions as the latest articulation of the human rights of persons with disabilities.
- 2) The parallel report¹ produced by the Philippine Coalition on the UNCRPD in 2013 exposes how persons with disabilities are in a disadvantaged situation. Like other marginalized groups, persons with disabilities are not visible in data collection and reporting. Thus, the government and society are not aware of the full scope of inequalities that result from laws and policies that do not address structural barriers hindering full inclusion and effective participation of persons with disabilities in the society.
- 3) Persons with disabilities face numerous barriers that hinder inclusion and participation in community life. These barriers are encountered in practically all stages of life – when accessing health services, getting an education, obtaining employment, earning a living, starting a family, to securing retirement, among others.
- 4) The latest World Health Organization (WHO) figures showed that persons with disabilities comprise 15% of the total population. In the Philippines, **the 2010 Census of Population and Housing (2010 CPH) indicated that out of the 92.1 million household population in the country, 1,443,000 persons or 1.57 percent had disability.** The 2010 Philippine census may be erroneously low because of many factors but nonetheless, with around 100M Filipinos, the 1.57% estimate still translates to 1,500,000 Filipinos with disabilities. However, using the WHO estimate of 15% of the population, prevalence should be about 15,000,000 Filipinos with disabilities. This large difference is risking persons with disabilities being excluded from disability-targeted policies and programmes.
- 5) Even without looking at statistical data and population demography, it is not hard to imagine that the sector of persons with disabilities has the following characteristics:
 - Lower educational achievements
 - Lower levels of employment

¹Phil. Coalition on the UNCRPD, A Parallel Report submitted to the Committee on the Rights of Persons with Disabilities on the Implementation of the Convention in the Republic of the Philippines from 2008 – 2013

- Poorer health outcomes
- Higher rates of poverty
- Increased dependency and reduced participation

II. General Concerns

Data Disaggregation

- 6) The invisibility of persons with disabilities in government data is proof that the government is not seriously addressing the needs of persons with disabilities.
- 7) “If you’re not counted, you don’t count!” In every situation, decisions are always based on what do you know, in the case of the government, the available data that tells the narrative. Persons with disabilities are rarely counted in different levels of government data collection. In the 2000 census, there are 942,098 persons with disabilities or 1.23%² of the total population of Philippines. Using the same tool that was used in the 2000 census, the latest census done in 2010 reported that 1.57%³ (1.443 million) of the population had a disability. This seriously puts questions on the tools used for collecting the data because Philippine data on disability is not reflecting the World Report on Disability.⁴ The World Report on Disability says that around the world, there is 15.6% prevalence rate of disability for aged 18 and above. If data is not being collected in accordance to the best available data collection tools, many persons with disabilities will be left out. This will result to inequalities because the barriers for inclusion of all persons with disabilities will remain unaddressed. Laws and policies largely contributed to this situation. Political will to allocate sufficient funds to implement International laws and commitments are not there. Because of this, the State continuously creating and enlarging the inequalities that person with disabilities are in. Huge inequalities in terms of poverty incidence, educational attainment, access to healthcare services, livelihood and employment, social protection programs, and many others will continue to exist unless the State take appropriate action to stop this from happening.
- 8) **Recommendation.** Take concrete measures to systematically include persons with disabilities in data collection (censuses, household surveys and administrative data) and for national and administrative, ensure data collection, capacity building and disaggregation of data by disability. Further, integrate the Washington Group module⁵ short set of questions into national censuses, labor force surveys and other household surveys, which will require *all* persons with disabilities to be registered at birth; *all* persons with disabilities to be included in and have access to public services, *all* persons with disabilities to be represented in key decision-making bodies and processes

Accessibility

²2010 Census, Reference Number: 150

³www.census.gov.ph/content/persons-disability-philippines-results-2010-census, Reference Number: 2013-05

⁴WHO and The World Bank, World Report on Disability, 2011

⁵National Center for Health Statistics http://www.cdc.gov/nchs/washington_group/wg_questions.htm

- 9) Accessibility is prerequisite to enable persons with disabilities to live independently and participate fully in all aspects of life. However, existing laws and policies are focusing only on physical accessibility undermining accessibility to information and communication including transportation. This lack of accessibility prevents persons with disabilities to enjoy full enjoyment of their human rights and fundamental freedoms on an equal basis with others. Moreover, the lack of accessibility burdens persons with disabilities and their family because persons with disabilities spent more money and time to overcome barriers created by the lack of accessibility. For instance, inaccessible public transportation forces persons with disabilities using wheelchair to take taxi which is very expensive compared to buses and other affordable public transportation. Meanwhile, those who cannot afford taxi will have to roll their wheelchair in the streets. This waste the time of persons with disabilities that could have been used for other productive purposes. Furthermore, it fatigues persons with disabilities and causes inefficiency in their socio-economic activities such as when going to school or workplace.
- 10) **Recommendation.** Amend existing accessibility law to include accessibility of information and communication including transportation.

Support services

- 11) No one can argue that government data exists to show that persons with disabilities benefits from programs, projects and activities of different government agencies. However, we are concern of persons with disabilities that need personal assistance service, sign language interpretation service who continuously experience discrimination. The absence of system to provide personal assistance service and sign language interpretation service denies this group of people to benefit from opportunities available to the public. Moreover, persons with disabilities experiences difficulty to acquire affordable and appropriate assistive devices and technology to help them become more functional.
- 12) **Recommendation.** Formulate a comprehensive strategy with short term and long term goals to address needs of persons with disabilities to develop system to provide personal assistance services and sign language interpretation service for deaf persons.

III. Issues relating to general provisions of the Covenant

Article 2 (1) – Maximum available resources

- 13) From 2012, data available from government proposed national expenditure program and approved general appropriations act shows the government spending. The first graph shows the annual agency budget of Department of Social Welfare and Development and the second graph shows the specific budget for persons with disabilities and senior citizens. Though persons with disabilities benefit from mainstream program, persons with disabilities suffer from lack of budget to support disability-specific needs such as access to appropriate assistive devices, personal assistance service, sign language interpretation service, etc.

- 14) Annually, the General Appropriations Act is enacted by the Philippine Congress. In the general provisions, all government agencies are mandated to formulate plans, programs and projects intended to address the concerns of persons with disabilities. By far, this provision has been very difficult to track and monitor.
- 15) Through Presidential Proclamation No. 240, the government committed itself to be bound by a mandatory 1% allocation by all government agencies of their budgets to disability-related programs and services. This was supposed to have been implemented annually for the 2nd Decade of Persons with Disabilities from 2003 to 2012, **however no steps have been taken to ensure this budget commitment for disability related programs and services were not implemented properly**. Until now, no data is available to manifest fulfilment of the said pronouncement.
- 16) Government funding is not open enough to allow innovation in public spending that promotes genuine poverty reduction programs and improvement of social services. With social innovation, public spending can be directed from dole out poverty-related programs to poverty reduction programs that generate jobs that contribute to improvement of social services. For instance, poor people will stop seeking for financial assistance if they are employed and earning enough. Personal assistance service and sign language interpretation service will generate more jobs for unemployed and underemployed people. Thus, reducing the incidence of unemployment and underemployment leading to reduction of poverty incidence.

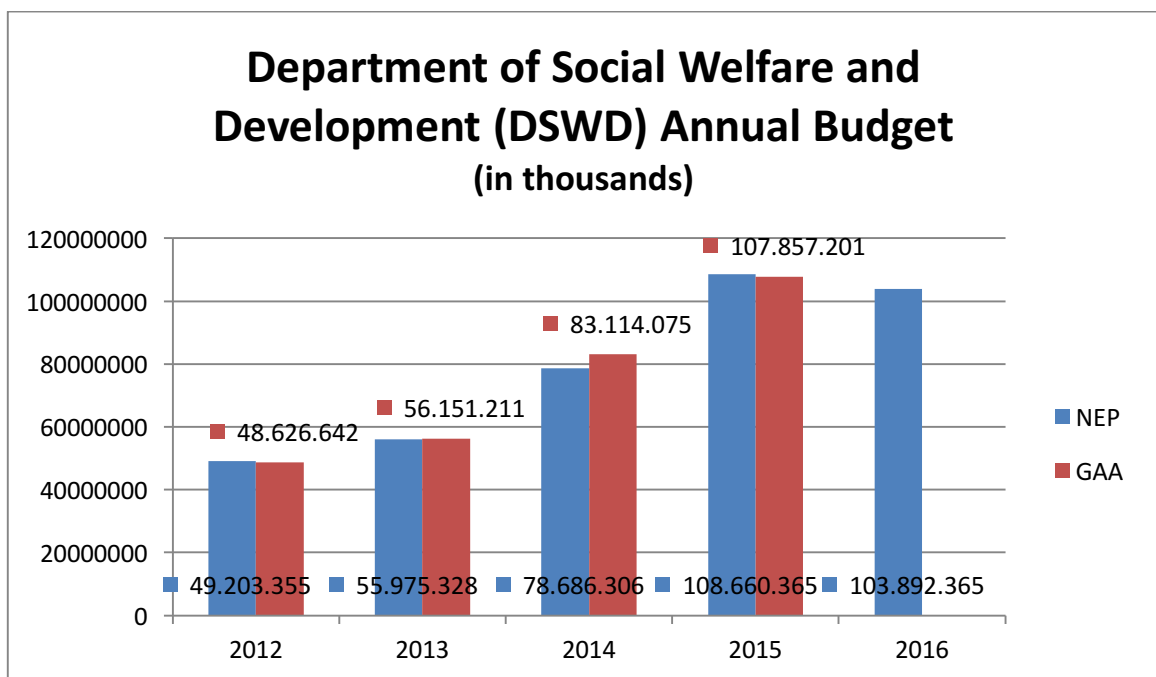


Figure 1 Annual Budget of the Department of Social Welfare and Development (DSWD) from 2012 to 2016. The increase in budget each year is due to the Conditional Cash Transfer Program.

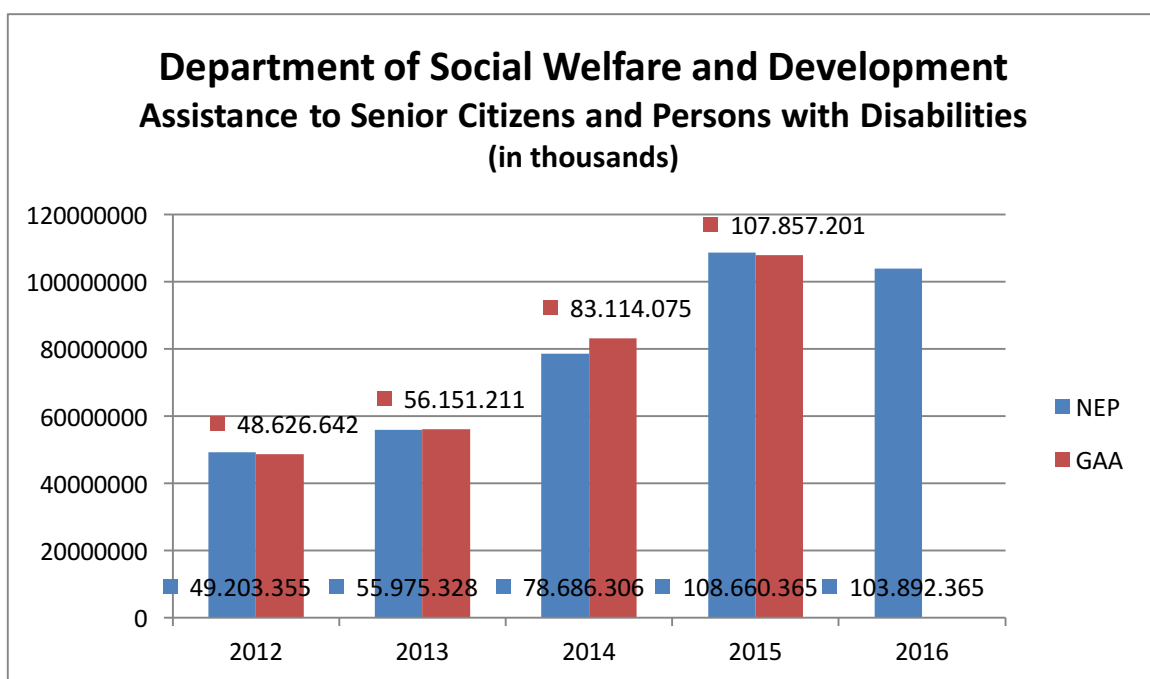


Figure 2 Assistance to Senior Citizens and Persons with Disabilities is the only program identifiable that targets persons with disabilities.

- 17) **Recommendation.** Ensure participation of persons with disabilities and children with disabilities through their representative organizations to determining priority spending.

Article 2 (2) – Non-discrimination

- 18) Persons with disabilities continue to experience discrimination in government's public policy. Poverty reduction program does not consider disability-related expenses of persons with disabilities and their families. This prevents persons with disabilities and their families to fully participate in different socio-economic activities. Furthermore, targeting system for poverty reduction does not consider disability perspective. Targeting system of National Household Targeting System for Poverty Reduction only considers education and health when identifying who is poor. Persons with disabilities need to be supported with their disability-related expenses in order to get out of poverty.
- 19) **Recommendation.** Governments should ensure the provision of equality training to civil servants, teachers and health and social workers at all levels and in all sectors, in an effort to reduce disability-based discrimination. Governments should also establish accountability mechanisms and sanctions for failure to act against discrimination and exclusion

Article 3 – Equality between men and women

- 20) The discrimination that Filipino women and girls with disabilities face is due to the complexity brought on by intersecting dimensions of gender and disability, and further, with age, ethnicity or other factors. The layers of multiple discrimination and difference in treatment are in relation to non-disabled women and girls, men and boys in general, as well as specifically, to men and boys with disabilities. This multiple discrimination is the root of the largely invisible nature of women and girls with disabilities. Because of all these, it is necessary to have policies, programs and services that are also multi-dimensional and strategically formulated and monitored.⁶
- 21) In a book (Poverty Reduction of the Disabled – Livelihood of Persons with Disabilities in the Philippines) published in 2015, there are more female with disabilities (60 to 70 percent) in Metro Manila and Rosario Batangas who are not engaged in income-generating activities as compared to male with disabilities.⁷
- 22) According to the World Report on Disability, women with disabilities face intersecting discrimination. The Philippine parallel report⁸ also confirms this global report. Women with disabilities, like other marginalized groups of people are very susceptible to intersectional discrimination. The lack of awareness regarding the intersecting discrimination that one person might be facing, such as those that women with disabilities are experiencing perpetuates exclusion in different socio-economic life. Women with disabilities are not only being discriminated because of their disability, or gender, nor age. Discrimination may also happen because of poverty, ethnic background, geographical location, and other social status. There are many women and girls with disabilities who fall victim to abuse, exploitation and other gender based violence. Many women with disabilities, particularly in rural areas have not completed primary education as compared to men with disabilities. The parallel report also says that more women with disabilities are working in household related chores as compared to men with disabilities who are spending their time on work and leisure. All these are reflecting the discriminatory culture and practices against women with disabilities.
- 23) **Recommendation.** Ensure mainstreaming of the rights of women with disabilities across the gender equality and disability rights agendas with systematic disaggregated data collection and consultation with women with disabilities across all sectors including education, employment, health, social protection, prevention of and protection from violence, housing, etc.

IV. Specific Concerns

⁶Submission by the Philippine Alliance of Women with Disabilities for consideration in the review of the State Party of the Republic of the Philippines for the 64th Session (04 July to 22 July 2016) of the Committee on the Elimination of All Forms of Discrimination Against Women

⁷Poverty Reduction for the Disabled – Livelihood of Persons with Disabilities in the Philippines edited by Soya Mori, Celia M. Reyes, and Tatsufumi Yamagata (pages 73 and 81)

⁸ Phil. Coalition on the UNCPRD, Paragraphs 58 to 65

Article 6 – Right to work

- 24) According to the research conducted by Philippine Institute for Development Studies (PIDS) and Institute of Developing Economies (IDE) published in 2015, between 50 to 60 percent of persons with disabilities are not participating in income-generating activities. (Please see below)

Poverty Reduction for the Disabled – Livelihood of Persons with Disabilities in the Philippines edited by Soya Mori, Celia M. Reyes, and Tatsufumi Yamagata

Table 4.1 Participation in income-generating activities by sex in Metro Manila

Participation	Sex		Total
	Female	Male	
Yes	61 (39.6)	142 (57.0)	203 (50.4)
No	93 (60.4)	105 (42.2)	198 (49.1)
Do not answer	0 (0.0)	2 (0.8)	2 (0.5)
Total	154 (100.0)	249 (100.0)	403 (100.0)

Poverty Reduction for the Disabled – Livelihood of Persons with Disabilities in the Philippines edited by Soya Mori, Celia M. Reyes, and Tatsufumi Yamagata

Table 4.6 Participation in income-generating activities by sex in Metro Manila

Participation	Sex		Total
	Female	Male	
Yes	15 (28.3)	27 (50.9)	42 (39.6)
No	38 (71.7)	26 (49.1)	64 (60.4)
Total	53 (100.0)	53 (100.0)	106 (100.0)

- 25) The lack of assistive devices and/or technology, support services such as personal assistance service and sign language interpretation service, accessibility of built environment including transportation, information and communication are prerequisite to enjoyment of the right to work. If persons with disabilities will weigh in the cost to work versus the gains, it is most likely that persons with disabilities will be discouraged to work. For instance, the lack of accessible public transportation will force persons with mobility impairment to use taxi to go to work which is more expensive than the public buses and the like. If it is too expensive for persons with disabilities to go to work, persons with disabilities will stop working if s/he could not find solution to it.

- 26) **Recommendation.** Remove barriers to employment for persons with disabilities through mechanisms including non-coercive legislation and regulation, tailored interventions, internships and apprenticeships, vocational rehabilitation and training, self-employment and microfinance schemes, social protection, and working to change discriminatory attitudes, especially in rural areas. Guarantee access to formal credit sources such as bank loans and micro-finance for start-up businesses, whose interest rates take into account the additional costs related to disabilities, helping them to avoid additional credit costs from informal sources

Article 11 – Right to an adequate standard of living

- 27) Poverty incidence amongst persons with disabilities is higher compared to persons without disabilities. According to the research of Philippine Institute for Development Studies (PIDS) and Institute of Developing Economies (IDE), poverty incidence amongst persons with disabilities are 4 times (40% amongst persons with disabilities) higher than persons without disabilities (10% amongst persons without disabilities).⁹
- 28) Existing poverty reduction scheme does not utilize disability perspective in determining who is poor and who is not. This puts persons with disabilities at risks of being excluded in poverty reduction programs. Imagine persons with disabilities who spent more in using public transportation because public transport is not accessible. Or deaf who needs to pay the services of the sign language interpreters to access education. Or persons with disabilities who needs to pay for personal assistance service to be able to work. All this disability-related needs equals to expenses. It does not include assistive devices and technology, as well as medical-related needs such as medicines amongst others. All this expenses are being shouldered by persons with disabilities and their families. If persons with disabilities and their family will have to choose between competing needs, what will they select?
- 29) **Recommendation.** Introduce measures and policies to ensure that persons with disabilities, including women,¹⁰ children,¹¹ youth, older persons and indigenous persons with disabilities, are protected from poverty and benefit equally from mainstream poverty alleviation and wealth-creation programmes, which should contribute to the implementation of disability-inclusive social protection systems and measures in line with the Convention on the Rights of Persons with Disabilities. Eliminate laws, policies and practices such as institutionalization, forced treatment and denial of legal capacity that segregate persons with disabilities, as well as those from underrepresented groups, from society, and reinforce such persons' personal and economic dependency on others.

Articles 12 – Right to health

⁹Poverty Reduction for the Disabled – Livelihood of Persons with Disabilities in the Philippines edited by Soya Mori, Celia M. Reyes, and Tatsufumi Yamagata (pages 79 and 80)

¹⁰CRPD and A/RES/61/106, at Art. 6

¹¹CRPD, Art. 7

- 30) Persons with disabilities continue to face barriers in accessing healthcare services. Aside from accessibility issues, persons with disabilities continue to experience discrimination in getting health insurance to make healthcare services affordable as everyone else. The various programs of government to subsidized health insurance premium exclude persons with disabilities who are left out from the poverty targeting system¹². Persons with disabilities are excluded from the poverty targeting system because the targeting system did not consider the disability-related expenses that are necessary for persons with disabilities to participate and be included in the community. In some cases, persons with disabilities experiences discriminatory practices because of lack of awareness of medical professionals about persons with disabilities.
- 31) **Recommendation.** Render all levels of existing healthcare and social protection systems inclusive, and public healthcare policies, programmes, facilities and information accessible by persons with disabilities, and based entirely on the free and informed consent of the person concerned, including provision of disability-related extra costs, financial risk protection, access to quality essential healthcare services and access to safe, effective and affordable medicine, assistive products and vaccines

Articles 13 and 14 – Right to education

- 32) Looking at the education situation of persons with disabilities, the parallel report¹³ said that in the 2004-2005 report of the Department of Education; at least 98% of children with special needs are not in school. This is significantly large in comparison to 18% rate for all children in school year 2006-2007. Studies show that the level of education is directly related to whether a person will be living in poverty. Continuing to ignore the exclusion of persons with disabilities in the educational system only guarantees the continuation of their poverty. The current practices do not guarantee that children with disabilities will be able to enroll, attend and finish primary and secondary education, and the government needs to seriously consider how to make the current education system inclusive.
- 33) Barriers in the education of the deaf here are interrelated and complicated. The accessibility law is only for built environments and does not cover information and communication. There is no national system for sign language interpreting. Programs for sign language instruction and interpreter training are all done by only a handful of nonprofit organizations with no government regulation. Teachers act as interpreters in classrooms (and are also pulled away from their duties to interpret in trial courts, police stations, etc.) Teacher education programs have no sign language instruction and public school teachers are typically hired with zero signing skills, or given a crash course on pre-service training for a few weeks, and possibly (if at all) an annual in-service training or ‘upgrading’ of signing skills. Colleges or universities whether public or private

¹² Phil. Coalition on the UNCRPD, Paragraph 2016 to 213

¹³ Phil. Coalition on the UNCRPD, Paragraph 192

typically do not shoulder expenses for sign language interpreting. A few private colleges have teacher education programs for deaf students but very few graduates are able to hurdle the government licensure exam to be able to teach in public schools. Most graduates end up teaching in private schools or shift to other forms of livelihood to survive. Research and documentation on sign linguistics have been initiated by deaf organizations with no State support whatsoever. Despite annual allocations in the national budget for instructional materials for deaf and other children with disabilities, very little, if any at all, have ever been produced.¹⁴

- 34) Conditional Cash Transfer (CCT) otherwise known as “Pantawid Pamilyang Pilipino Program, a flagship anti-poverty program of the government boasts of its effectiveness in reducing the intergenerational poverty by investing in human capital.¹⁵ In a study conducted by Bustos et al (2013)¹⁶, **households with members with disabilities do not get the same benefits from the program compared to other households**. This in turn results to inequalities that widen the gap between persons with disabilities and those with no disability. The figures below illustrate these inequalities. Based on available data, it is clearly suggesting that blanket approach to deliver programs do not have the same impact to all populations leaving the most vulnerable out from the benefit of the program such as that of Conditional Cash Transfer Program locally known as “Pantawid Pamilyang Pilipino Program”.

¹⁴Submission from Civil Society to the CRPD Committee for comments on the Draft General Comment No. 4 Inclusive Education by the Deaf Education Council Philippines

¹⁵The 2014 PantawidPamilya Impact Evaluationpublished by the Department of Social Welfare and Development (DSWD) through the support of the World Bank, Asian Development Bank (ADB) and the Australian Government Department of Foreign Affairs and Trade (DFAT) said that the lack of adequate services could diminish the expected impact of the program’s intervention citing as an example the increased number of students may affect the quality of teachings if schools are unable to correspondingly adjust their resources (e.g. teachers, classrooms, chairs, or books). The evaluation report also said that the grants are not sufficient to spend for other goods such as purchasing healthier and nutritious food items (Keeping children healthy and in school – Evaluating the *PantawidPamilya* Using Regression Discontinuity Design – Second Wave Impact Evaluation Results, 20 November 2014 http://www.dswd.gov.ph/download/pantawid_pamilya_impact_evaluation/Pantawid%20Pamilya%20Impact%20Evaluation%202014%20Report%20Final.pdf).

¹⁶Incorporating Disability in the Conditional Cash Transfer Program by Bustos et al (2013)

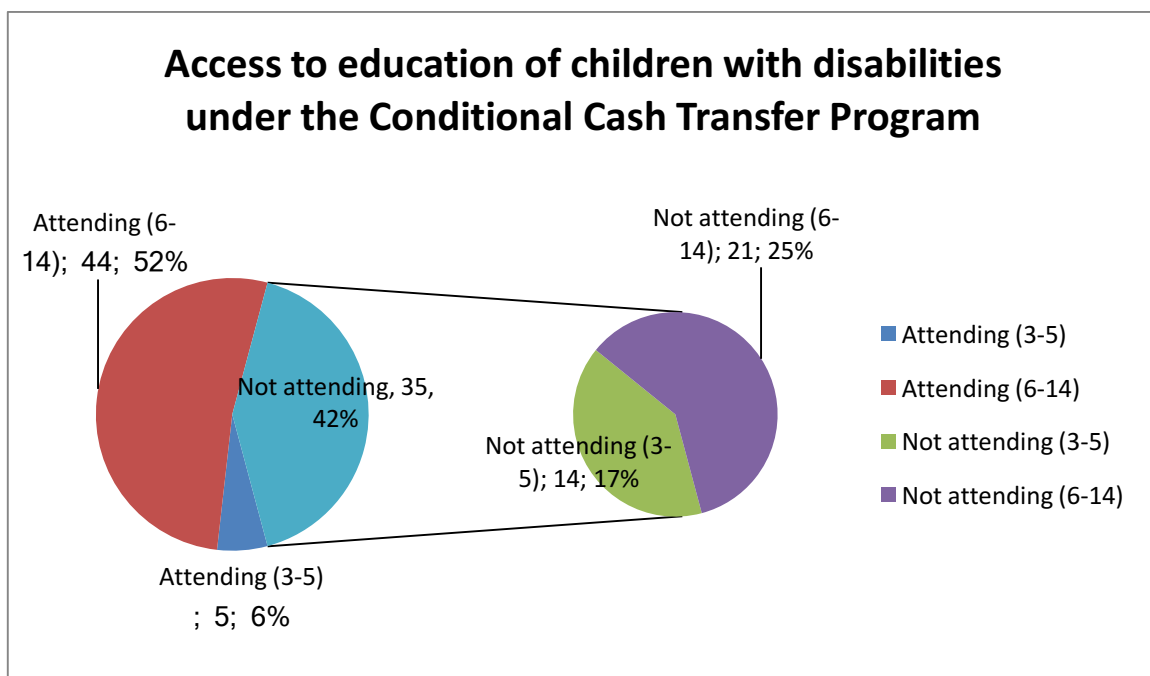


Figure 3 Source: Incorporating Disability in the Conditional Cash Transfer Program by Bustos et al (2013)

35) **Recommendation.** Introduce measures, through devising longer-term inclusive education plans¹⁷ at national, regional and local levels, to ensure that all children with disabilities, including intellectual, psychosocial and developmental disabilities, are included within the mainstream educational system in line with CRPD provisions. Such measures must also ensure complete free, local, equitable and quality accessible primary and secondary education; ensuring access to quality early childhood development, including pre-primary education, promoting and using accessible communication methods, including assistive technologies and languages inter alia sign languages;¹⁸ and equal access to affordable and quality technical, vocational, business and tertiary education, including university. To facilitate the above recommendation, it is necessary to recruit teachers, instructors and trainers with disabilities, and train all teachers in inclusive practices at the outset of their studies and continuously during their teaching careers, including those relating to language and communication, through teacher education programmes that focus on the pedagogy of education and inclusion. This requires training on the understanding and application of inclusive practices, and reasonable accommodations and individual support that facilitate access to knowledge,¹⁹ in line with the CRPD.

¹⁷See 'Futures Stolen: Barriers to Education for Children with Disabilities in Nepal' Report by Human Rights Watch, at P. 72, from <https://www.hrw.org/sites/default/files/reports/nepal0811ForWebUpload.pdf>. And WFD & EUD (2015) Submission to the Day of General Discussion on the right to education for persons with disabilities

¹⁸CRPD Article 21, Article 9, Article 2

¹⁹Educating Teachers for Children with Disabilities, Report for UNICEF, 2013, at P. 28, accessed from http://worldofinclusion.com/v3/wp-content/uploads/2014/01/UNICEF-Educating-Teachers-for-Children-with-Disabilities_Lo-res.pdf