



Republika ng Pilipinas
Komisyon ng Karapatang Pantao ng Pilipinas
(Commission on Human Rights of the Philippines)

RESOLUTION
CHR (V) No. POL 2017-003

The Commission **RESOLVES** to **ADOPT** the attached Human Rights Situation Report: A Review of the National Policies on Transportation, Employment and Social Welfare in the Context of Disability in the Philippines, submitted by the Human Rights Centers Management Office.

SO RESOLVED.

Done this 21st day of December 2017, Quezon City, Philippines.


JOSE LUIS MARTIN C. GASCON
Chairperson


KAREN S. GOMEZ-DUMPIT
Commissioner


GWENDOLYN LL. PIMENTEL-GANA
Commissioner


LEAH C. TANODRA-ARMAMENTO
Commissioner

ROBERTO EUGENIO T. CADIZ
Commissioner

ATTESTED BY:


for **MARIA ASUNCION I. MARIANO-MARAVILLA**
Commission Secretary

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COMMISSION ON HUMAN RIGHTS

HUMAN RIGHTS CENTERS MANAGEMENT OFFICE

MEMORANDUM

FOR : THE COMMISSION EN BANC



SUBJECT : HUMAN RIGHTS SITUATION REPORT: A REVIEW OF THE NATIONAL POLICIES ON TRANSPORTATION, EMPLOYMENT, AND SOCIAL WELFARE IN THE CONTEXT OF DISABILITY IN THE PHILIPPINES

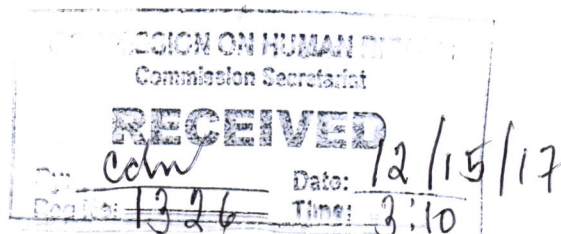
DATE : 15 November 2017

Pursuant to the instruction of Commissioner Leah Tanodra-Armamento, the Human Rights Centers Management Office, through the Economic, Social and Cultural Rights respectfully submits the revised human rights situation report entitled: *"Human Rights Situation Report: A Review of the National Policies on Transportation, Employment, and Social Welfare in the Context of Disability in the Philippines."* The report may be used as reference in drafting the list of issues relating to the government's implementation of United Nations Convention on the Rights of Persons with Disabilities (UN CRPD).

For your consideration and approval.

Thank you.


DR. RENANTE A. BASAS
Director IV, HRCMO 



Human Rights Situation Report: A Review of the National Policies on Transportation, Employment, and Social Welfare in the Context of Disability in the Philippines

Introduction

This human rights situation report was produced by the Commission on Human Rights (CHR), an independent national human rights institution (NHRI) mandated to monitor the human rights situation in the country as well as government's compliance with international treaty obligations in relation to human rights.¹

The report examined the government efforts towards protecting and promoting the human rights of PWDs on transportation, employment, and social welfare. While this report is not a comprehensive research on all current programs and services of the national government and local government units (LGUs), the report nonetheless based its assessment and recommendations on consultations² done by the CHR at the national level pursuant to its constitutionally mandated task. These consultations were held with non-governmental organizations (NGOs), civil society organizations (CSOs)³ as well as national government agencies. In addition to these consultations, the report considered the output documentations⁴ submitted by concerned government agencies of the different forums they conducted involving PWDs, and the advisories issued by the Commission.⁵

Background

Disability, as defined by the International Classification of Functioning, Disability and Health (ICF), is an umbrella term for impairments, activity limitations and participation restrictions. It is the interaction between individuals with a health condition (e.g. cerebral palsy, Down syndrome and depression) and personal and environmental factors (e.g. negative attitudes, inaccessible transportation and public buildings, and limited social supports). Persons with disabilities (PWDs) include those who have long-term physical, mental, intellectual or sensory impairments which in

¹ See Constitution, Art. XIII, Sec. 18

² 7-8 December 2015 held in San Mateo, Rizal; 8 September 2017 in Quezon City

³ New Vois Association of the Philippines, Katipunan ng mga Kawal na May Kapansanan, Inc., and Live Haven, Inc.

⁴ Highlights of Proceedings for the Consultation and Planning Workshop with Persons with Disability Sector; Minutes of Meeting on the National Council for Disability Affairs Sub Committee on Education; and Documentation on the Accessibility Forum organized by the Federation of Persons with Disabilities-NCR, Inc. in partnership with the Department of Social Welfare and Development NCR held on 20 September 2017 in Mandaluyong City.

⁵ Human Rights Advisory CHR (IV) A2010-004, CHR A2014-005, CHR (IV) A2014-002, and CHR A2014-009

interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.⁶

With the impairments, activity limitations and participation restrictions, PWDs face all forms of segregation, discrimination and exclusion from social, cultural, political and economic life in their communities. This includes barriers that get in the way for them to participate in day-to-day activities or in taking part in opportunities available to the public. Poverty has made it more difficult for them to access the same rights and opportunities as everybody else. The discrimination they face is widespread, cutting across geographical boundaries and affecting people in all spheres of life and all sectors of society.⁷ Due to the difficult condition and multiple discrimination, PWDs need greater attention and considerations in all aspects of participation as well as strategies of sustainable development, on equal basis with others and without discrimination.

It has been reported that 15 percent of the world's population are estimated to live with some form of disability. Between 110 million (2.2%) and 190 million (3.8%) people, 15 years and older have significant difficulties in functioning.⁸ In the Philippines, the 2010 Census of Population and Housing report reveals that about 16 per thousand of the 92.1 million household population of the country has disability; 50.9 percent of which were males while females comprised 49.1 percent. Disability was highest among persons aged five to 19 years.⁹ The prevalence of disability necessitates human rights-based approach on programming to support the design, implementation, and monitoring of effective, inclusive development programs.

To ensure the respect for human rights of persons with disabilities, the state is compelled to take measures and fully implement all treaties in the context of disability. In the Philippines, the 1987 Constitution directs the establishment of a special agency for the rehabilitation, self-development, self-reliance and integration of PWDs into the mainstream. Amending Presidential Decree 1509 (11 June 1978), Executive Order 232 (22 July 1987) recognized the National Commission Concerning Disable Persons (NCCDP) into the National Council for the Welfare of Disabled Persons (NCWDP). Initially attached to the Department of Social Welfare and Development, NCWDP was transferred to the Office of the President

⁶ Article 1, paragraph 2, United Nations Convention on the Rights of Persons with Disability

⁷ Monitoring the Convention on the Rights of Persons with Disabilities Guidance for human rights monitors Professional training series No. 17.

http://www.ohchr.org/Documents/Publications/Disabilities_training_17EN.pdf

⁸ Disability and Health Fact sheet. World Health Organization. Accessed 19 September 2017.

<http://www.who.int/mediacentre/factsheets/fs352/en/>

⁹ Persons with Disability in the Philippines (Results from the 2010 Census). Philippine Statistics Authority. 10 January 2013. Accessed 4 September 2017. <https://psa.gov.ph/content/persons-disability-philippines-results-2010-census>

by E.O.676 (25 October 2007); and the E.O. 709 (26 February 2008) recognized and renamed NCWDP as the National Council on Disability Affairs (NCDA). E.O. 33 (5 April 2011) retains the organization of NCDA, and attaches it back to DSWD from the Office of the President. At present, the NCDA is the lead agency tasked to steer the course of program development for PWDs and the delivery of services to the sector.

In addition, the Constitution through Executive Order 163 (5 May 1987) created the independent national human rights institution, the Commission on Human Rights of the Philippines, to ensure the promotion, protection and fulfillment of human rights of all, particularly of the disadvantaged, marginalized and vulnerable sectors.

The Philippine Constitution declares that the State values the dignity of every human person and guarantees full respect for human rights. The State shall likewise promote social justice in all phases of national development.¹⁰ The Philippines affirmed these commitments by ratifying the United Nations Convention on the Rights of Persons with Disabilities (CRPD) on 15 April 2008. Recognizing the principles and policy guidelines set forth in the Constitution as well as the core human rights treaties in the context of disability, significant legislations and administrative issuances were enacted in promoting the human rights of Filipinos with disabilities, and advancing disability concerns such as rehabilitation, self-development and self-reliance and their integration into the mainstream of society.

The following are the domestic legislations that recognize and guarantee the inherent dignity, rights and value of PWDs:

1. R.A. 10754 (March 2016). This law practically amends the Magna Carta for Persons with Disability by expanding the benefits and privileges of persons with disabilities.
2. R.A. 10070 (April 2010). This law establishes an institutional mechanism to ensure the implementation of programs and services for PWDs in every province, city and municipality;
3. R.A. 9709 (August 2009). This law establishes the universal newborn hearing screening program for the prevention, early diagnosis and intervention of hearing loss;
4. E.O. 437 (21 June 2005). This policy encourages local government units to adopt community-based rehabilitation (CBR) in providing services for PWDs;
5. E.O. 417 (22 March 2005). This policy requires and directs all national government agencies, including government-owned and controlled corporations, to support and cooperate in the implementation of the Economic Independence Program for PWDs

¹⁰ Article 2, Section 10. The 1987 Philippine Constitution

- through the enhancement of their social and vocational skills capabilities;
6. R.A. 9288 (April 2004) This law promulgates a comprehensive policy and national system for ensuring that every newborn has free access to medical screening for certain heritable conditions that result in mental retardation, serious health complications or death if left undetected and untreated;
 7. R.A. 8980 (October 2000). This law promulgates a comprehensive policy and national system;
 8. R.A. 8425 (December 1997). This law institutionalizes social reform and poverty alleviation program. It adopts an area-based, sectoral-focused intervention to poverty alleviation wherein every poor Filipino Family shall be empowered to meet its minimum basic needs of health, food and nutrition, water and environment sanitation, income security, shelter and decent housing, peace and order, education and functional literacy, participation in governance, and family care and psychosocial integrity;
 9. R.A. 7277 (March 1992), as amended by R.A. 9442 (30 April 2007), and further amended by R.A. 10754 (23 March 2016). These laws include provisions on the discrimination of PWDs on employment, education, health, government. The law provides for their integration into mainstream society, the provision of an accessible and barrier-free environment, and granting of privileges; and
 10. B.P. 344 (February 1983). This law covers provisions on the construction and renovation of government and private buildings for public use to have structural and architectural facilities to enhance the mobility and accommodation of PWDs.

On transportation

The lives of persons with disabilities have been affected in so many ways by reason of transportation barrier. It essentially limits the PWDs to participate in the society on equal basis with others. In the Philippines, physical and environmental barriers, as well as poor delivery of services render transportation inaccessible. As a consequence, PWDs face greater challenges in their daily lives.

International policies such as the UN CPRD, UN Economic and Social Commission for Asia and the Pacific (ESCAP), and the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific are the frameworks in mainstreaming disability issues particularly enhancing accessibility in the delivery of transport infrastructure and services.

To provide the country with efficient, effective, and secure transportation systems for PWDs, the Congress enacted national legislations. Batas Pambansa No. 344 also known as the Accessibility

Law is one of the legal frameworks on the inclusion of PWDs. Its primary purpose is to enhance the mobility of PWDs by requiring public utilities to install facilities to make transportation accessible such as installation of signages, non-skid flooring, ramps, parking areas for PWDs, and toilet or washroom. Similarly, Republic Act No. 7277 otherwise known as the Magna Carta for Disabled Persons promotes and ensures the physical accessibility of public transportation and facilities, mobility, and barrier-free environment. It also provides for at least 20 percent discount on fare for domestic air and sea travel, and at least 20 percent in public railways, skyways and bus fare, and exclusive provision of express lanes for PWDs in all commercial and government establishments. In absence thereof, priority shall be given to them.

The DOTr is the primary policy, planning, programming, coordinating, implementing and administrative entity of the executive branch of the government on the promotion, development and regulation of a dependable and coordinated network of transportation and communications systems, as well as in the fast, safe, efficient and reliable transportation and communications services.¹¹ And pursuant with the department's continuing and international commitments for the PWD Sector in the country under the existing laws and convention, the Department of Transportation (DOTr)- Task Force on Accessibility was created. Its members include officials and personnel from the various transport sector offices under the DOTr including the Central Office. The Task Force has developed programs and enacted policies to improve overall access of PWDs to the transportation system.

On employment

In developing countries, 80 percent to 90 percent of PWDs of working age are unemployed, whereas in industrialized countries the figure is between 50 percent to 70 percent. In most developed countries, the official unemployment rate for PWDs of working age is at least twice that of those without disability. In the Philippines, the 2010 Census of Population and Housing reveals that for every five PWDs, three are in the working age group (15-64 years old).

The international policy framework on labor and employment in the disability context include the UN CRPD, ILO C159-Vocational Rehabilitation and Employment (Disabled Persons), UN UNESCAP Incheon Strategy, ASEAN Regional Instruments like the Bali Declaration on Social Protection, and APEC 2015 Leader's Declaration.

Recognizing the need of PWDs to be afforded the opportunity to gain a living by work, and promote the realization of the right to work,

¹¹ About DOTR. <http://dotr.gov.ph/2014-09-02-05-01-41.html>. Accessed 7 November 2017

national legislations specific to employment of PWDs were put in place. These includes the Philippine Decade of “Make the Right Real” for PWDS (2013-2022); Accessibility Law; Philippine Labor and Employment Plan 2011-2016, 2016-2022; Economic Inter-dependence Program for PWDs (E.O. No. 417); R.A. 10524 (An Act Expanding the Positions Reserved for Persons with Disability, Amending for the Purpose Republic Act No. 7277, as amended, otherwise known as the Magna Carta for Persons With Disability.

At present, the Department of Labor and Employment (DOLE) is the primary policy-making, programming, coordinating and administrative entity of the Executive Branch of the government in the field of labor and employment.¹² It has the following programs and services for PWDs: *Trabaho, Negosyo At Kabuhayan*, DOLE Intergrated Livelihood Program (DILP), Special Program for Employment of Students, Government Internship Program, JobStart Philippines, Phil JobNet, and the Public Employment Service Office. As of 2016, the DOLE accounted 2,396 PWD beneficiaries of the DOLE livelihood grants and capacity building services such as livelihood workshops on pastry making and meat processing.

The following are the companies that employ PWDs as documented by DOLE: Lamoian Corporation, Suyen Corporation (Bench), Accenture Philippines, Well-Made Motors and Development Corporation, City of Dreams, NEC Tokin Phils, Inc., Drug Maker’s Laboratories Philippines, Convergys Nuvali, Phils Wires and Cable (PhilFlex), Cirtek Electronics Corporation, Toshiba Information Equipment (Phils) Inc., TDK Philippines Corporation, and Toyota Motor Philippines Corp.

For vocational training, the Technical Education and Skills Development Authority (TESDA) is the primary government agency tasked to manage and supervise technical education and skills development in the Philippines. It offers vocational courses where PWD learners may acquire skill or trade by using a combination of classroom instruction and hands-on training. Some of the courses they offer include vegetable and fruit processing, massage therapy, dressmaking, IT/ basic computer Operation, cookery, curtain making, slipper making, soybean making, among others.

On social welfare

The Department of Social Welfare and Employment (DSWD), through its attached agency, the National Council on Disability Affairs (NCDA), ensures that PWDs will not be left behind in the country’s journey to inclusive growth, through livelihood training, capital

¹² DOLE Profile. <https://www.dole.gov.ph/pages/view/7>. Accessed 7 November 2017

assistance, and employment through Rehabilitation Sheltered Workshops. Primarily, DSWD focuses to develop clients' capacities to their optimum usefulness physically, socially and vocationally; assist PWDs in the enhancement of their social functioning, occupational capacities, work habits and attitudes; provide PWDs maximum exposure for wholesome activities and tools to overcome one's disability; provide medical and/or dental assessment and referral for treatment to PWDs; provide full information on training opportunities suitable for work; assist PWDs in developing their vocational skills, work readiness and competence for economic empowerment as self-employed, or through open or sheltered employment; access PWDs to micro-finance agencies; encourage business sector to employ PWDs; orient and train LGUs, NGOs, NGAs, social workers, social work interns, professionals and students of allied disciplines on rehabilitation of PWDs; promote awareness of the community about PWDs, their rights, potentials and contributions; conduct researches and studies on effective strategies, approaches and techniques on social and vocational rehabilitation of PWDs; and maximize learning potentials of PWDs.

The forearm of the center in bringing about the rehabilitation of the residents is social service. Casework and group work activities are provided to the clients so that their problems are better understood and dealt with positively. The local centers and the team of social workers use interdisciplinary approach for proper diagnosis, treatment and discharge planning of PWD residents. They also offer home life service where individuals and groups needs are met by adapting the modifying environment. These services are flexible, they are evaluated and revised according to the needs of the residents.

The DSWD also offers vocational training. It is composed of four (4) components, namely: Social Rehabilitation, Vocational Rehabilitation, On-the-job Training and School Assessment. The first component, Social Rehabilitation is a diagnostic tool used to address the psycho-social problems of PWDs. the second component, Vocational Rehabilitation is acquiring knowledge and skills in a specific vocational course. The third component, On-the-Job Training, provides trainees with knowledge and skills of chosen course to enhance skills in an actual work setting. The fourth component, School Assessment, is a tool when a client, upon assessment is placed in school where he is found to be interested. Cash is likewise provided to trainees to subsidize transportation expenses, meals, training materials and other expenses to be incurred by PWDs while undergoing training covering working days, Saturdays, Sundays and holidays.

Courses offered are Basic Computer Course, Cellphone Repair, Dressmaking and Tailoring, Home Craft , Wood Working, Urban Gardening, Consumer Electronics, Basic Cosmetology, Electric Motor Repair, Canteen Management, Food Processing and Preservation, Mini-agriculture, Silk Screen and Wood Lamination, Massage/Reflexology and Interpretative Dancing.

After the vocational training, the DSWD offers employment outlets such as:

1. open employment- employment on competitive industry, commerce, private and public agencies;
2. self-employment- placement in an income producing projects utilizing their own resources with transportation allowance from Government or NGOs; and
3. sheltered employment or placement of persons with special needs who could not be placed in competitive industries.

The goal is sheltered workshop and applicants for employment.

Assessment

Even with the declaration of principles and state policies in the Constitution, ratification of the CRPD, and enactment of legislations, the rate of progress of the government in ensuring and promoting effective enjoyment of human rights and fundamental freedoms of all PWDs is very slow; the perennial issues and concerns of the PWDs still emerge. Consequently, PWDs remain relatively invisible in the country- they continue to face barriers in their participation as equal members of society coupled with violations of their human rights.

It is also apparent that government lacks concrete and reliable data as well as established methodologies and tools to plan, develop programs, and measure the impact of government initiatives and efforts. Data may be available but in silos and line agencies have not consolidated these information as to make it accessible to the public. This huge gap essentially hinders the effective delivery of programs and services of the government. This also caused the fragmentation, overlap and duplication of government programs. For instance, the TESDA is the primary agency that manages vocational training for Filipino PWDs. DSWD also incorporates vocational training in its programs and services for PWDs. These two (2) agencies provide the same services for the same target beneficiaries. As a result, programs are duplicated and government resources are exhausted disproportionately.

An adequate data management as well as monitoring and evaluation systems in place cannot be overemphasized. These are

essential management tools in tracking the progress and facilitating decisions. It provides for the objective assessment of an on-going or completed program or policy, including its design, implementation and results to determine the relevance and fulfillment of objectives, development efficiency, effectiveness, impact, and sustainability. If there are no information to compare as regards the implementation efforts with original goals and targets, there is no way a government agency can determine whether sufficient progress is being made toward achieving expected results, and whether the time schedule is observed.

Conclusion and recommendations

Albeit moving at a very slow pace, the Philippines has demonstrably progressed in the direction of the human rights perspective in the context of disability. The paradigm shift has taken place over the past three decades and throughout these years, the Philippines has ratified treaties and adopted policies that promote and protect the human rights of all persons with disabilities, including those who require more intensive support.

As a national human rights institution, the Commission assists and facilitates the integration of human rights in all government agencies in order for them develop deeper understanding of disability as human rights issue through a combination of approaches and strategies to inform and educate people and communities. Similarly, the Commission monitors the government's compliance with all treaty obligations in the context of disability to ensure that States respect, protect, and fulfil the rights of people with disabilities.

In this regard, the Commission recommends that government, through its implementing agencies, develop an integrated data management and monitoring and evaluation systems, which shall include the capacity building of personnel to obtain necessary information in formulating evidenced-based policies as well as in monitoring the relevance, efficiency, effectiveness, impact and sustainability of the programs of the government for the PWDs. The information generated by these systems are equally critical in ensuring transparency and accountability of government towards the inclusive participation of the PWDs in the society on equal basis with others.

An effective monitoring and data management system records the performance of all government institutions of the implementation responsibilities. It defines their responsibilities and provides a system of accountability for all stakeholders. The responsibility of appropriate application of the monitoring system lies with the responsible authorities assigned to implement the programs in the context of

disability such as the DSWD, DepEd, CHED, DOLE, TESDA, and DOTr, among others. These agencies has to follow the reporting duties as outlined during the setup phase of the programs and in accordance with the designed monitoring guidelines.

Furthermore, the Commission recommends that, to reduce fragmentation, overlap, and duplication of programs, NCDA should take an urgent step towards the integration of programs and activities as government resources are not being used efficiently and many programs are failing to reach the satisfactory scale. While the programs are not linear and undertakings require multi-disciplinary approach in addressing the needs of the PWDs, collaboration among the implementing agencies and designing parallel programs are critical.