

**Генеральная Ассамблея**

Distr.: General
20 February 2020
Russian
Original: English

Совет по правам человека**Сорок третья сессия**

24 февраля – 20 марта 2020 года

Пункт 3 повестки дня

**Поощрение и защита всех прав человека,
гражданских, политических, экономических,
социальных и культурных прав, включая
право на развитие**

**Письменное представление Филиппин: Комиссия
по правам человека*****Записка секретариата**

Секретариат Совета по правам человека настоящим препровождает сообщение, представленное Комиссией по правам человека Филиппин** и воспроизводимое ниже в соответствии с правилом 7 b) правил процедуры, содержащихся в приложении к резолюции 5/1 Совета, согласно которому участие национальных правозащитных учреждений основывается на процедурах и практике, согласованных Комиссией по правам человека, включая резолюцию 2005/74 от 20 апреля 2005 года.

* Национальное правозащитное учреждение с аккредитационным статусом категории «А», присвоенным Глобальным альянсом национальных учреждений, занимающихся поощрением и защитой прав человека.

** Воспроизводится в приложении в полученном виде только на том языке, на котором оно было представлено.

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Annex

Statement of the Commission on Human Rights of the Philippines on the Rights of Persons with Disabilities

1. The Commission on Human Rights of the Philippines (“CHRP”) would like to bring to the Human Rights Council’s attention the current issues pertinent to the rights of Persons with Disabilities in the Philippines.
2. According to the results of the 2016 National Disability Prevalence Survey, around 12% of Filipinos aged 15 and older experience severe disability.¹ The survey was patterned after the Model Disability Survey developed by the World Health Organization (WHO) and the World Bank (WB). The WHO concept or understanding of disability is the outcome of the interaction between the health conditions and impairments of an individual and his or her environment, whether physical, social, attitudinal, or political.²
3. Despite the existence of laws aimed at protecting their rights,³ persons with disabilities continue to face barriers to accessibility, education, health services, employment opportunities,⁴ voting, transportation, and basic social services.⁵ This is evident from the findings of a study commissioned by Disability Rights Promotion International (DRPI) and the National Federation of Organizations of People with Disabilities in the Philippines.⁶
4. On 19 March 2019, the CHRP, through its Economic, Social, and Cultural Rights (ESCR) Centre, convened a meeting attended by persons with disabilities and representatives from different government agencies and civil society organizations. The meeting primarily focused on the issue of accessibility for persons with disabilities.⁷ Other issues were brought up in the course of the discussion.
5. Notably, students with disabilities find difficulty in attending classes due to infrastructural barriers, the lack of teachers who have had training in Filipino Sign Language, bullying, and the negative societal attitude towards persons with disabilities.⁸ The Department of Education (DepEd) found that a majority of the Philippines’ 5.5 million

¹ Philippine Statistics Authority, “Disability Spares No One: A New Perspective,” 3 May 2019, *available at* <http://www.psa.gov.ph/content/disability-spare-no-one-new-perspective> (Last accessed: 12 February 2020).

² *Id.*

³ *Batas Pambansa* Blg. 344; Republic Act No. 7277 or the “Magna Carta for Persons with Disabilities” and subsequent amendments; Republic Act No. 11106 or the “Filipino Sign Language (FSL) Act”; Commission on Human Rights of the Philippines, Advisory on Accessibility as a Matter of Right of Persons with Disabilities, A2019-005 (2019). See the full text here: <http://chr.gov.ph/wp-content/uploads/2019/08/Human-Rights-Advisory-on-the-Accessibility-as-a-Matter-of-Rights-of-Persons-with-Disabilities-A2019-005.pdf>

⁴ There have been complaints due to the retrenchment of employees with disabilities; Statement from CHRP spokesperson, Atty. Jacqueline Ann de Guia, “On the International Day of Persons with Disabilities,” 3 December 2019, *available at* <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-international-day-of-persons-with-disabilities/>

⁵ Statement from CHRP spokesperson, Atty. Jacqueline Ann de Guia, “On the International Day of Persons with Disabilities,” 3 December 2019, *available at* <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-international-day-of-persons-with-disabilities/>

⁶ Disability Rights Promotion International, “Monitoring the Human Rights of Persons with Disabilities: Laws, Policies and Programs in the Philippines,” 2009, *available at* <http://www.yorku.ca/drpi/files/PhilippinesLawsRep.pdf>

⁷ Commission on Human Rights of the Philippines, Advisory on Accessibility as a Matter of Right of Persons with Disabilities, A2019-005 (2019). See the full text here: <http://chr.gov.ph/wp-content/uploads/2019/08/Human-Rights-Advisory-on-the-Accessibility-as-a-Matter-of-Rights-of-Persons-with-Disabilities-A2019-005.pdf>

⁸ Statement from CHRP spokesperson, Atty. Jacqueline Ann de Guia, “On the International Day of Persons with Disabilities,” 3 December 2019, *available at* <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-international-day-of-persons-with-disabilities/>

children and youth with special needs had limited access to public education due to lack of accessibility features in schools, and attitudinal and environmental factors.⁹

6. On 30 October 2018, President Rodrigo Duterte signed into law Republic Act No. 11106 or “The Filipino Sign Language (FSL) Act,”¹⁰ which recognizes FSL as the official sign language to be used by government, schools, and the media¹¹ when communicating with the deaf in the Philippines. The law requires that FSL be the medium of instruction when educating the deaf. The law also states that FSL must be offered as an elective subject in the regular curriculum of state universities and colleges to encourage hearing persons to learn FSL.¹² In July 2019, Philippine Senator Pia Cayetano filed Senate Bill No. 69, or “The Inclusive Education for Children and Youth with Special Needs Act,”¹³ which would create inclusive learning resource centers within regular schools that would cater to children and youth with special needs.¹⁴ The bill aims to address issues of accessibility to accommodate the needs of young students with disabilities.

7. Apart from experiencing barriers to education, persons with disabilities have also encountered issues in the exercise of their right to suffrage due to the lack of accessible polling places.¹⁵ To address this, during the May 2019 elections, the Philippines’ Commission on Elections (COMELEC) introduced Emergency Accessible Polling Places (EAPP) which served as areas where the persons with disabilities were able to cast their votes.¹⁶

8. Persons with disabilities also experience difficulty in obtaining redress from the courts.¹⁷ The lack of training for judges in handling cases involving persons with disabilities may result in a misappreciation of the facts.¹⁸ To prevent possible miscarriage of justice,¹⁹ the Supreme Court of the Philippines in 2007 authorized trial court judges, through the Office

⁹ Joviland Rita, “Sen. Cayetano files inclusive education bill for special-needs kids,” GMA News Online, 14 July 2019, available at <https://www.gmanetwork.com/news/news/nation/700968/sen-pia-cayetano-files-inclusive-education-bill-for-special-needs-kids/story/> (Last accessed: 12 February 2020).

¹⁰ See the full text here: <https://www.officialgazette.gov.ph/downloads/2018/10oct/20181030-RA-11106-RRD.pdf>

¹¹ The Filipino Sign Language Act also asks the *Kapisanan ng mga Brodkaster ng Pilipinas* (KBP) and the Movie and Television Review and Classification Board (MTRCB) to require Filipino Sign Language interpreter insets in news and public affairs programs; See: <https://www.officialgazette.gov.ph/downloads/2018/10oct/20181030-RA-11106-RRD.pdf>

¹² See the full text here: <https://www.officialgazette.gov.ph/downloads/2018/10oct/20181030-RA-11106-RRD.pdf>; See also, Pia Ranada, “New law orders gov’t, schools, media to use Filipino Sign Language,” Rappler, 16 November 2018, available at <https://www.rappler.com/nation/216843-new-law-orders-government-schools-media-use-filipino-sign-language> (Last accessed: 12 February 2020).

¹³ See the full text of Senate Bill No. 69 here: <http://www.senate.gov.ph/lisdata/30299271271.pdf>

¹⁴ Joviland Rita, “Sen. Cayetano files inclusive education bill for special-needs kids,” GMA News Online, 14 July 2019, available at <https://www.gmanetwork.com/news/news/nation/700968/sen-pia-cayetano-files-inclusive-education-bill-for-special-needs-kids/story/> (Last accessed: 12 February 2020).

¹⁵ Commission on Human Rights of the Philippines, Advisory on Accessibility as a Matter of Right of Persons with Disabilities, A2019-005 (2019). See the full text here: <http://chr.gov.ph/wp-content/uploads/2019/08/Human-Rights-Advisory-on-the-Accessibility-as-a-Matter-of-Rights-of-Persons-with-Disabilities-A2019-005.pdf>

¹⁶ See the full text of Commission on Elections (COMELEC)’s Resolution No. 10486, here: https://comelec.gov.ph/php-tpls-attachments/2019NLE/Resolutions/com_res_10486.pdf; See also, Rosemarie de Castro and Alie Galeon, “IN PHOTOS: Senior citizens, persons with disabilities vote in accessible polling places,” Rappler, 13 May 2019, available at <https://www.rappler.com/nation/politics/elections/2019/230454-photos-senior-citizens-persons-with-disabilities-vote-accessible-polling-place> (Last accessed: 12 February 2020).

¹⁷ Statement from CHRP spokesperson, Atty. Jacqueline Ann de Guia, “On the International Day of Persons with Disabilities,” 3 December 2019, available at <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-international-day-of-persons-with-disabilities/>

¹⁸ Commission on Human Rights of the Philippines, Inputs on Access to Justice of Persons with Disabilities in the Philippines, 3 May 2017. See the full text here: <http://chr.gov.ph/wp-content/uploads/2018/04/Inputs-on-Access-to-Justice-of-Persons-with-Disabilities-in-the-Philippines.pdf>

¹⁹ Supreme Court of the Philippines, Memorandum Order No. 59-2004 (2004), available at <https://www.ncda.gov.ph/disability-laws/memorandum-order-no-59-2004/>; Office of the Court Administrator Circular No. 104-2007 (2007), available at <https://www.ncda.gov.ph/disability-laws/memorandum-order-no-59-2004/>

of the Court Administrator (OCA), to engage the services of sign language interpreters.²⁰ The use of sign language interpreters in court and quasi-judicial proceedings involving deaf persons is now mandatory under the Filipino Sign Language Act.²¹ It should be emphasized that steps must likewise be taken to make the court processes fully responsive to the needs of persons with disabilities other than hearing impairment. Furthermore, the Supreme Court should have a mechanism to track and monitor all cases involving persons with disabilities, including those lodged in the lower courts.

9. Other issues concerning persons with disabilities are as follows:

(a) There is no national database on persons with disabilities.²²

(b) Some banks and financial institutions prevent individuals from opening joint accounts with blind persons.²³

(c) Persons with disabilities have difficulty in using automated teller machines (ATMs). There are neither voice simulations nor Braille guides to assist them.²⁴

(d) Despite the efforts of government and academic institutions, and civil society organizations to educate Filipinos on the rights of persons with disabilities, and to discourage discrimination against them, incidents of harassment and discrimination continue to happen. In September 2018, former Presidential Communications Operations Office (PCOO) Assistant Secretary Margaux “Mocha” Uson (now the Deputy Executive Director of the Overseas Workers Welfare Administration)²⁵ uploaded a video of a blogger named Drew Olivar mimicking sign language and making sounds in an apparent imitation of hearing-impaired persons.²⁶ Uson, who filmed the video, could be heard laughing in the background.²⁷ The video prompted the Philippine Federation of the Deaf to file complaints before the CHRP and the Office of the Ombudsman against Uson and Olivar.²⁸ The CHRP investigated the incident²⁹ and found that there were violations of the Magna Carta for Disabled Persons and

²⁰ *Id.*

²¹ See the full text here: <https://www.officialgazette.gov.ph/downloads/2018/10oct/20181030-RA-11106-RRD.pdf>; See also, Pia Ranada, “New law orders gov’t, schools, media to use Filipino Sign Language,” Rappler, 16 November 2018, available at <https://www.rappler.com/nation/216843-new-law-orders-government-schools-media-use-filipino-sign-language> (Last accessed: 12 February 2020).

²² Commission on Human Rights of the Philippines, Advisory on Accessibility as a Matter of Right of Persons with Disabilities, A2019-005 (2019). See the full text here: <http://chr.gov.ph/wp-content/uploads/2019/08/Human-Rights-Advisory-on-the-Accessibility-as-a-Matter-of-Rights-of-Persons-with-Disabilities-A2019-005.pdf>

²³ *Id.*

²⁴ *Id.*

²⁵ Zandro Ochona, Johnson Manabat, and Joyce Balancio, “Mocha Uson named OWWA deputy executive director,” ABS-CBN News, 30 September 2019, available at <https://news.abs-cbn.com/news/09/30/19/mocha-uson-named-owwa-deputy-executive-director> (Last accessed: 13 February 2020).

²⁶ Commission on Human Rights of the Philippines, National Capital Region - Office, NCR Case No. 2018-0336; Commission on Human Rights of the Philippines of the Philippines, Statement on the controversial video making fun of sign language, 19 September 2018, available at <http://chr.gov.ph/statement-of-the-chr-on-the-controversial-video-making-fun-of-the-sign-language/> (Last accessed: 12 February 2020); ABS-CBN News, “Deaf group to file charges vs Mocha Uson over ‘offensive’ sign language video,” 19 September 2018, available at <https://news.abs-cbn.com/news/09/19/18/deaf-group-to-file-charges-vs-mocha-uson-over-offensive-sign-language-video> (Last accessed: 12 February 2020).

²⁷ *Id.*

²⁸ *Id.*

²⁹ As part of its mandate to protect the rights of the vulnerable sector; *Id.*; See also: Jodesz Gavilan, “CHR investigating ‘appalling, unacceptable’ mockery of deaf people on video,” 19 September 2018, available at <https://www.rappler.com/nation/212371-commission-human-rights-investigating-mocha-uson-mockery-deaf-people-video> (Last accessed: 12 February 2020).

Republic Act No. 6713, the Code of Conduct and Ethical Standards for Public Officials and Employees.³⁰ A case against Uson is pending before the Office of the Ombudsman.³¹

(e) In July 2019, a jail officer in Zamboanga City had been convicted for mocking a person with disability. The jail officer made fun of the person with disability, maliciously calling the latter names. The incident was referred to the CHRP, who recommended the filing of a case against the jail officer, resulting in his conviction before the local court.³²

(f) In November 2019, a video of a driver who had forced a person with disability to disembark from a jeepney³³ became viral on social media. Prior to his attempt to board the jeepney, the person with disability was shown to have been on a wheelchair.³⁴ The CHRP released a statement calling out the driver's action.

10. It is imperative for both the Philippine national government agencies and local government units to fulfil their duties to protect the rights of persons with disabilities in accordance with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), the Filipino Sign Language Act, and the Magna Carta for Disabled Persons and its subsequent amendments. The CHRP requests for the Council to encourage the Philippine government to implement measures that will further protect, respect, ensure, and promote the rights of persons with disabilities, and to honour its international human rights commitments in relation to them. Specifically, the CHRP requests for the Council to urge the Department of Transportation (DOTr) to ensure accessibility in public transportation for all persons with disabilities, the Supreme Court of the Philippines to establish a mechanism to track and monitor all cases involving persons with disabilities, including those lodged in the lower courts, and the Philippine government to adopt the Comprehensive Anti-Discrimination bill prohibiting discrimination on the grounds of disability. Furthermore, the CHRP recommends that an independent institution be designated to monitor the Philippines' compliance with the provisions of the UNCRPD pursuant to Section 33 of the Convention.

11. The CHRP is committed to providing technical assistance and advice to the government in the implementation of laws and policies that affect the rights of persons with disabilities. The CHRP also continually urges the public and private sectors to increase employment and educational opportunities for persons with disabilities and to enforce measures that will combat discrimination and violence against them.

³⁰ Commission on Human Rights of the Philippines, National Capital Region - Office, NCR Case No. 2018-0336.

³¹ AC Nicholls, "Ombudsman to continue probe on Mocha Uson despite resignation," CNN Philippines, 4 October 2018, available at <https://cnnphilippines.com/news/2018/10/04/Mocha-Uson-PCOO-resignation-Ombudsman-investigation.html> (Last accessed: 13 February 2020).

³² Dominic I. Sanchez, "Zambo City court convicts jail officer for teasing PWD," Philippine Information Agency, 5 July 2019, available at <https://pia.gov.ph/news/articles/1024183> (Last accessed: 14 February 2020).

³³ A mode of transportation in the Philippines; Statement from CHRP spokesperson, Atty. Jacqueline Ann de Guia, "Ukol sa video ng isang PWD na pinababa sa jeep," 25 November 2019, available at <https://chr.gov.ph/pahayag-ng-chr-spokesperson-atty-jacqueline-ann-de-guia-ukol-na-video-ng-isang-pwd-na-pinabababa-sa-jeep/>

³⁴ *Id.*