

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN
64th Session (04 July - 22 July 2016)

**Submission by the Philippine Alliance of Women with Disabilities
for consideration in the review of the State Party of the Republic of the Philippines**

This submission aims to provide information from the civil society organizations of the Philippine disability movement to the combined 7th and 8th State report submitted by the Philippine government to the Convention on the Elimination of Discrimination against Women Committee, as well as its Reply to the List of Issues. It includes comments on Articles 2-8, and 10-16 of the Convention and draws primarily from information gathered in the monitoring activities connected with the Convention on the Rights of Persons with Disabilities (CRPD) by the Philippine Coalition on the CRPD,¹ and by the Philippine Alliance of Women with Disabilities, culling from the collective experiences on the ground of Filipino women with disabilities as well as their organizations and partners.

The Philippines ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1981 and the Convention on the Rights of Persons with Disabilities (CRPD) in 2008. Given the intersection of human rights standards of the CEDAW and the CRPD in considering the rights of women and girls with disabilities, this submission shall refer to pertinent principles and provisions of the CEDAW, as well as the CRPD.

Building on the information and issues highlighted by this Alliance in its submission for the List of Issues, this document aims to provide three kinds of inputs: (1) further comments on the State reply to a particular issue from the Committee's List of Issues²; (2) information on recent developments on the implementation of this Convention and other points relevant to the List of Issues since the submission by this Alliance of its contribution in October 2015; and (3) additional citations in the context of the Committee's particular General Recommendations that are relevant to women and girls with disabilities. When appropriate as well, we also mention mandates from the CRPD on women and girls with disabilities.

The extensive citations from the sector of deaf women and girls in this submission, **for instance in access to justice for victims of violence** reflects the enormous efforts by CSOs in attempting to overcome glaring gaps of State data and services. Other impairment constituencies as of yet do not have any such efforts and so their particular situations remain largely covert.

Women and girls with disabilities in the Philippines

Of the 92.1 million household population recorded by the Philippine 2010 Census, over 1.4 million are persons with disabilities, and of this, females with disabilities comprised 49.1%, or over 707,000³.

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

¹ Philippine Coalition on the U.N. Convention on the Rights of Persons with Disabilities. 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. The Philippines has yet to be reviewed by the CRPD Committee.

² CEDAW_C_PHL_Q_7-8_22448_E

³ 2010 Census. Philippines Statistics Authority.

of all these, it is necessary to have policies, programs and services that are also multi-dimensional and strategically formulated and monitored.

Despite the enactment of the Magna Carta of Women as the domestic translation of the CEDAW, there is still **non-implementation of a number of its disability-specific provisions** (cf Special Measures). Furthermore, key barriers reflect fundamental inadequacies of the State in terms of **awareness as well as the provision of accessibility and reasonable accommodation**. Service provision still has **glaring gaps for women and girls with disabilities, whether it be concerning mainstream gender quality, and/or, disability-specific programs, activities and projects**. Compounding these is the **lack of full and effective participation by women and girls with disabilities and our organizations** in all aspects of governance. As a vicious cycle, **this invisibility also results in a lack of disaggregated and comprehensive data collection and statistics on women and girls with disabilities**. Baseline data must be disaggregated down to types of impairment, and capture the diversity of inequalities experienced within the sector (cf CEDAW General Recommendation No. 18 on Disabled Women).

On Policy measures; Guarantee of Basic Human Rights and Fundamental Freedoms

Re Issue para 17⁴: “Provide information on the measures taken and envisaged to address discrimination and violence against women and girls with disabilities, ensure that they have effective access to inclusive education, employment and vocational opportunities and social services, and can effectively participate in political and public life”

Comments on para 18.2[sic], 18.4[sic] of State Reply⁵:

Regarding support services, programs and activities that the State cites as measures which address discrimination and violence against women (para 18.2[sic]), and ensure access to opportunities and fair treatment (para 18.4[sic]), no evidence of disseminated information, or actual details of these are provided in its Reply. On the ground, we encounter **widespread and continuing lack of awareness**, for instance toward deaf women and girl victims of violence (e.g., cases documented in La Union, Eastern Samar, and others)⁶. Women’s Desks are also very limited in the assistance they can offer because there is **no provision of sign language interpretation**, and police officers themselves don’t know how to communicate with the deaf (e.g., cases documented in Quezon City, Legazpi City and others)⁷ (see Annex II-1).

Information on recent developments

Various government agencies are still unable to effectively institute measures that address inequalities of women and girls with disabilities in terms of data collection, policy, budgeting, and monitoring.

1. There is no evidence or disseminated information of any comprehensive program by the National Council on Disability Affairs or other government agency on the **advancement of women with disabilities’ rights** or accessibility for persons with disabilities, including women with disabilities. In fact, within the six-year term of this administration, the Council still has yet to actually amend the Accessibility Law (*Batas Pambansa 344*) to make it inclusive of all impairment groups.
2. In the 2015 Philippine Data Summit⁸, current UN Undersecretary General for Oversight Services Heidi Mendoza agreed with the need for **transparency and open data for government spending** on persons with disabilities. This was raised specifically in relation to the mandatory 1% allocation by

⁴ CEDAW Committee List of Issues. CEDAW_C_PHL_Q_7-8_22448_E

⁵ State Reply to List of Issues. CEDAW_C_PHL_Q_7-8_Add-1_23670_E.

⁶ PDRC / Deaf Resources Philippines case notes.

⁷ Ibid.

⁸ Ombudsman with UNDP, World Bank, Center for Investigative Journalism. 7 December 2015, Metro Manila

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, **yet no steps have been taken to ensure this budget commitment for disability related programs and services in particular for women and girls with disabilities.** Ms. Mendoza who was then Commissioner of the Commission on Audit, supported the need for reporting and accountability for this budget policy. This includes agencies such as the Philippine Commission on Women, Department of Education, Department of Social Welfare and Development, Department of Health, and all other executive agencies and government owned- / controlled corporations.

3. **Access to justice** advocacy by stakeholders of the Deaf community has been active for over a decade⁹. **Civil society organizations have been the sole source of information** on the absence of accessibility particularly for deaf women and girl complainants of sexual violence. Their complaints account for the majority of all deaf complaints nationwide. Despite repeated engagements for over ten years with the Department of Justice, Supreme Court - Office of the Court Administrator and the National Council on Disability Affairs on instituting a national system of sign language interpreting, this goal has remained problematic and elusive: e.g., Prosecutors ask deaf parties to arrange for their own private sign language interpreters at their own expense; cases of deaf women and children go through preliminary investigations and trials with no sign language interpretation; and the task of coordination of (largely volunteer) interpreters, explanation of basic information on sign language interpretation (particularly of unschooled deaf women and girl victims of violence), etc. are done *almost exclusively* by other deaf and hearing volunteers of the Philippine Federation of the Deaf and the PDRC / Deaf Resources Philippines.
4. A second national technical workshop for the **Sustainable Development Goal indicators** was convened on May 11 and 12 in Metro Manila in preparation for the government's participation in the coming High Level Political Forum¹⁰. The break-out group for women largely focused on existing instruments such as the National Demographic and Health Survey of the Philippine Statistics Authority, which is very limited in its data on women and girls with disabilities. Even with representatives from the Philippine National Police, and the Philippine Commission on Women in the break-out group, discussion on the situation of women and girls with disabilities could not be adequately done because of the **lack of data, and overall policy, programs and services.**

Recommendation for Policy Measures:

Ensure the full participation of women with disabilities, and establish systematic mechanisms for data-gathering and reporting (following General Recommendation No. 9), across all sectors (including political participation, health, education, access to justice, employment, violence, social protection etc) and financing, partnering and monitoring, which are compliant with the Convention.

On Special Measures

Information on recent developments

To date there continues to be non-implementation of Executive Order 410 on the **economic independence program for persons with disabilities**,¹¹ despite its issuance over a decade ago. If implemented, it would include among others, quotas which would impact women with disabilities:

“All national government agencies, state universities, government and control corporations and government financial institutions, including LGUs, shall avail of at least ten percent (10%) of their procurements from persons with disabilities.”

⁹ Access to Justice. Case Monitoring by the Philippine Deaf Resource Center (2006-2012). http://www.phildeafres.org/files/PDRC_Case_Monitoring_2006-2012.pdf

¹⁰ 2nd Technical Workshop on Sustainable Development Goals Indicators” National Economic Development Authority / Philippine Statistical Authority / UNDP. May 11-12, 2016, Pasig City.

¹¹ Directing the implementation of the economic independence program for persons with disabilities. <http://www.ncda.gov.ph/disability-laws/executive-orders/executive-order-no-417/>

Likewise, there have been no efforts to implement critical provisions of the 2008 Magna Carta of Women on women with disabilities on **social protection**:

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(e) The State shall support women with disabilities on a community-based social protection scheme.

These measures would address the **gender disparity in economic status** between women with disabilities and other women without disabilities, as well as between men and women with disabilities.

Recommendation for Special Measures:

Following General Recommendation No. 25, implement fully and monitor annually all gender-related special measures mandated by domestic law, particularly the Magna Carta of Women and all of its inclusive, as well as disability-specific provisions which impact women and girls with disabilities.

On Sex Role Stereotyping and Prejudice

Information on recent developments

1. Widespread **prejudice and gender stereotypes even among victims of violence** continue to exist, and be expressed blatantly in public even by **high-ranking State officials**. This includes offensive remarks by a presidential candidate in the recent national elections, now the President-elect himself¹². Such views reek of machismo, perpetuate victim-blaming, and other views that e.g., victims of violence are not competent to give testimony, and various negative attitudes of law enforcers, judges and other personnel of the legal and judicial systems. Even despite being declared as violations of human rights in the context of the Magna Carta of Women¹³, these acts are not prosecuted nor sanctioned, and are just dismissed as being part of *humor* and *banter*.
2. **Attitudes and prejudice** are also reflected by officers of the **National Bureau of Investigation and trial courts** in what they imply as *routine* psychiatric assessments of rape victims, including women and girls with disabilities even without any provisions for accessibility (i.e., sign language interpretation for deaf women and girls)¹⁴. Confusion in law enforcement and the legal system over the difference between psychological evaluation (for cognition) and psychiatric evaluation (for psychosocial conditions) also aggravate this prejudice against deaf women and girls as being intellectually or mentally *incompetent*, a label that they have to carry all their lives.

Recommendation for Sex Role Stereotyping and Prejudice:

Eliminate discriminatory stereotypes and prejudice, and reinforce awareness-raising programmes targeting both national and local State officials, on the negative effects of these discriminatory stereotypes on women's enjoyment of their human rights.

On Violence against women and girls with disabilities

Women victims of violence, especially women with disabilities, are typically further traumatized by ineffective access to justice. Gender-based violence among women and girls with disabilities is also virtually exclusively documented by civil society.¹⁵ In 2005, one out of three deaf women of 60 respondents were reported to be raped in Manila and Cebu. Of 243 cases filed by deaf complainants, rape

¹² Rights complaint filed after Duterte's rape remark. <http://newsinfo.inquirer.net/780557/rights-complaint-filed-after-dutertes-rape-remark>; Ranada, P. "Duterte: Not sorry for rape remark, that's how I speak". 17 April 2016. <http://www.rappler.com/nation/politics/elections/2016/129844-duterte-reaction-rape-joke-australian-woman>

¹³ Duterte rape comment violated Magna Carta of Women—CHR. <http://newsinfo.inquirer.net/787426/duterte-rape-comment-violated-magna-carta-of-women-chr#ixzz4B0HYJ6ng>

¹⁴ PDRC / Deaf Resources Philippines case notes 2016.,

¹⁵ Access to Justice: Case Monitoring Report by the Philippine Deaf Resource Center (2006-2012)

cases filed by deaf women and girls outnumber all other types of complaints in a ratio of 10:1. Gathering of baseline data by the cross-disability Philippine Coalition on the UNCRPD on Supreme Court cases involving persons with disabilities from 2008-2011, showed that 20% of 126 cases are on gender-based violence, almost exclusively on women and girls with intellectual disabilities. These data from civil society are several magnitudes higher than regional statistics reported by the Philippine National Police and the National Statistical Coordination Board.¹⁶

Re Issue para 7¹⁷: "...provide information on measures taken to ensure that victims of violence, including women with disabilities, have access to high-quality protection and support services, including shelters and rehabilitation programmes."

Comments on para 7.6 of State Reply¹⁸ to Issue:

Regarding measures that the State cites which are supposed to ensure access of victims violence to high-quality protection and support services including for women with disabilities" (para 7.6), this Alliance finds **no evidence** of this whatsoever on the ground (see Annex II-2).

Re Issue para 7¹⁹: "...provide information on measures taken to ensure full compliance with the views adopted by the Committee in the cases... no 34/2011, R.P.B.[sic] v. the Philippines"

Comments on para 7.8 of State Reply²⁰ to Issue:

It is unclear if the State has actually submitted a **formal response** to the views adopted by the CEDAW Committee on **Communication No. 34/2011, R.P.B. [sic] v. the Philippines**, which was due in August 2014²¹. This Alliance would like to clarify the legal basis for the State position that "A law is necessary to implement the recommendations of CEDAW Committee with respect to compensation", and furthermore, whether they have initiated this legislative process. Also we would like to know whether the proposed legal remedies are acceptable to the Committee.

Information on recent developments

Despite the existence of several public shelters and centers, these are **not accessible in terms of built environments, or for information and communications**, thus seriously restricting, or even outright denying, opportunities and access to these programs and services by women and girls/children with disabilities. For instance, virtually all of these do not accept deaf women and girls because they say they are not equipped, or do not know sign language²².

In the meantime, **violence against deaf women continue unabated** as reported for instance by the Tri-People Deaf Association of Cotabato Province in the Autonomous Region of Muslim Mindanao (ARMM)²³. The **Philippine National Police, and Office of the Prosecutor remain largely ineffective** in addressing these cases because of barriers in communication. The distance of this Region from the National Capital also makes this area of the Philippine archipelago particularly hard to reach for disadvantaged sectors of women such as women and girls with disabilities.

1. In each of its 2,000 lower courts, the Judiciary has full-time positions for **Court Interpreter** who provide services for spoken languages. There are **no such State employees, or provisions for the**

¹⁶ Access to Justice: Case Monitoring Report by the Philippine Deaf Resource Center (2006-2012)

¹⁷ CEDAW_C_PHL_Q_7-8_22448_E

¹⁸ CEDAW_C_PHL_Q_7-8_Add-1_23670_E.

¹⁹ CEDAW_C_PHL_Q_7-8_22448_E

²⁰ CEDAW_C_PHL_Q_7-8_Add-1_23670_E.

²¹ Report of the Committee on the Elimination of Discrimination Against Women. 57th session. CEDAW/C/2014/I/CRP

²² PDRC / Deaf Resources Philippines case notes. A deaf people's organization, the Filipino Deaf Women's Health and Crisis Center had no choice but to open their own shelter however could only sustain it for less than two years because of the absence of public support, as well as barriers in accessibility and the accreditation process of the Department of Social Welfare and Development.

²³ Personal communication through Philippine Federation of the Deaf. 17 February 2016.

deaf, including deaf women and children. Even where there may be occasional awareness to provide sign language interpreting, the police, office of the Prosecutor, and trial courts **rely completely on civil society for the provision of these services**. In the few instances that this accessibility is provided, it is characterized by erratic and **bureaucratic service coordination, and unreliable compensation of sign language interpreters (if at all)**. **National plans to establish an interpreting system that the State committed itself to over a decade ago, remain absent**²⁴.

2. The decades-long **absence of policy in the Department of Justice on accessibility for persons with disabilities**, particularly women with disabilities victims of violence, recently suffered another setback because the Department Secretary opted to run for the Senate in the May 2016 election. Thus, dialogue gains with her when she was then Department Secretary are virtually lost as a new administration begins in July 2016.

Of the total of 346+ cases involving deaf parties documented by civil society from 2006-2012²⁵, there are now an additional 81 cases²⁶. Complaints on VAW (numbering 168 up to 2012), comprise half of the 81 new cases from 2013-2016²⁷.

3. The Anti-Child Pornography Act of 2009 (Republic Act 9775), and the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act of 2003 (Republic Act 7610) contain provisions for female minors or girls and women who are “unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.”²⁸ Yet even in Metro Manila, noted situations of **pornography of deaf female adolescents, or female adolescents with mobility disabilities** (perpetrated by *devotees*) are **not prosecuted or sanctioned**.²⁹

Recommendation for Violence against Women:

Following General Recommendations No. 12 and 19, immediately adopt and exercise due diligence in the prevention, investigation, sanction and provision of legal remedies for all forms of violence committed against women, particularly women and girls with disabilities. Ensure that all procedures in access to justice and support services for victims of violence, are accessible and inclusive of women and girls with disabilities.

On Prostitution

Information on recent developments

Clusters of Deaf **sex workers** have been reported in Metro Manila, Pampanga (in the red light district areas of the former US military bases), and Southern Luzon, in the last few years. This May, another cluster has been reported by NGOs in Northern Mindanao. The deaf sex workers became visible because they were trying to access HIV / AIDS services but were unable to because of barriers in communication.

²⁴ 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 (now the National Council on Disability Affairs), **committed in 2007 to establish a system for sign language interpreting. After eight years, to date, even with the conclusion of the second Decade (and now an ongoing third Decade for Persons with Disabilities) no such State system of standards or dispatch exists at all.**

²⁵ Access to Justice. Case Monitoring by the Philippine Deaf Resource Center (2006-2012). http://www.phildeafres.org/files/PDRC_Case_Monitoring_2006-2012.pdf

²⁶ PDRC / Deaf Resources Philippines case notes 2016.

²⁷ PDRC / Deaf Resources Philippines case notes, 2013-2016.

²⁸ Study on ICT, VAW and Sexuality: A Policy Advocacy. Women's Legal and Human Rights Bureau.

²⁹ Personal communication. Philippine Deaf Resource Center. 2011.

Though common knowledge in the Deaf community, the existence of deaf sex workers are virtually unknown to the government. In some of these clusters, deaf pimps and syndicates are involved, adding tremendous secrecy and complexity to the situation.

Groups of as many as 15-30 deaf women or children were reported **trafficked** in Southern Luzon and Central Visayas a few years ago but the **absence of interpreters hindered investigation** by the police, and support of victims by social workers. To date the whereabouts of all these deaf individuals, primarily deaf women and girls, remain unknown.

Recommendation for Prostitution:

Study, investigate, prosecute and sanction traffickers, and establish accessible programmes for identification, protection, assistance and legal support of victims of trafficking and sexual exploitation, including provision of access to shelters, legal, medical and psychosocial assistance and alternative income-generating opportunities.

On Political and Public Life; Representation

Information on recent developments

- 1. Barriers to the right to vote appear to relate more to disability rather than gender, and notably, there were greater efforts to consider the needs of voters with disabilities in the recent May 2016 elections³⁰.**
- 2. However, there is no monitoring of numbers of women with disabilities occupying positions in decision-making government bodies.** Despite this being a target in the regional Incheon Strategy (cf Article 2), even the recent national and local elections in May reveal very few (if any) women with disabilities who are able to hold office, specially at the national level. In the past, women with disabilities who are able to land political positions disproportionately come from those who have mobility impairments. This appears to be because of the fact that the political environment largely **does not provide accessibility to women of other types of impairments.** e.g., sensory impairments (the deaf, blind).
- 3. Despite the upcoming turnover of the Philippine government to a new administration after the national elections on May 9, representation of women with disabilities in the government Philippine Commission on Women still remains elusive. A Commissioner shall again be appointed jointly for the elderly as well as women with disabilities. In the past, the appointee usually comes from the sector of elderly women, typically, a woman who is not well versed with the issues of women with disabilities.**
- 4. Many women with disabilities leaders aspire for participation in public as well as private organizations.** However, accessibility frequently hinders them from being included. Even in CSO women's organizations, women with disabilities are unable to fully engage with the rest of the movement because of the **absence or lack of support** and the accompanying costs, of, for instance sign language interpretation, commuting (public transportation is generally not accessible), and of personal assistance (for those with mobility, visual or psychosocial disabilities).

Recommendations for Political and Public Life; Representation:

Document and actively promote and support the participation of women, including women with disabilities in political and public life at both the national and local levels, especially in decision-making positions. Eliminate barriers that prevent women from disadvantaged sectors such as women with disabilities, from being fully represented and participating in public as well as private decision-making bodies.

³⁰ Cebu groups join forces for PWD-inclusive 2016 elections.
<http://www.rappler.com/nation/politics/elections/2016/126235-cebu-persons-with-disability-friendly>

On Education

Re Issue II(c)³¹: “Supply updated information and disaggregated data on the situation of education for women and girls in the State party. In particular, please provide information on...(c) Measures taken to reduce the dropout rates of girls”

Comments on para 11.5 of State Reply³²:

Regarding the State reply that “Special Programs are supposed to reduce the dropout rates of girls in marginalized groups of students, including persons with disabilities”, to date, there is no available data on the actual effectiveness of these programs on learners with disabilities.

Information on recent developments

1. It is reported that twice as many women than men with disabilities have **not completed any grade (or level of primary education) at all, particularly in rural areas**. Government efforts to monitor education of girls with disabilities is limited to annual enrollment rates which are unable to document drop out rates during the rest of the school year. The sole government study on this was in 2011³³, which is already five years old.

Considering that over 95% of children with disabilities are not in school³⁴, it is expected that the **Department of Education’s Alternative Learning System** (with itinerant teachers throughout the archipelago) would address this need. The Department of Education has **limited data** on the numbers and participation of children with disabilities, including girls with disabilities.

2. There is also extremely **limited information (if at all) on participation of women and girls with disabilities** in: **early childhood education** (through the Daycare Centers in the *barangays* /villages), **technical education, college or university level**, and all **other forms of life-long learning**.

3. In the ongoing overhaul of the structure of the Department of Education from segregated *Special* Education to **inclusive education, planning** has proceeded without the **participation of persons with disabilities**, either with children and youth with disabilities including girls, even after repeated requests inquiring about the status of this complex administrative shift. There have been no disseminated information on how this transition shall be done, including curricular, human resource, and financing considerations.

4. Despite extensive curricular planning already for **age-appropriate sexuality and reproductive health education** for the public schools³⁵ as compliance to Republic Act 10354 or the Responsible Parenthood and Reproductive Health Act³⁶, there appear to be no efforts to make these **accessible to students with disabilities**, including girls and adolescents with disabilities.

Recommendations for Education:

Eliminate legal, administrative, financing, and attitudinal barriers causing gender disparities at all levels of education. Ensure equality and effective delivery of education particularly to marginalized women and girls, including women and with disabilities through: a comprehensive plan on inclusive education in law and practice, formulated in consultation with disabled peoples’ organizations, with corresponding budget allocations to ensure that girls of all types of disabilities, particularly those living in the rural areas, are not left out; regular and systematic data collection on number of girls\ with dis-

³¹ CEDAW_C_PHL_Q_7-8_22448_E

³² CEDAW_C_PHL_Q_7-8_Add-1_23670_E.

³³ Philippine Institute for Development Studies. 2011.

³⁴ Bureau of Elementary Education, Special Education Division <http://www.deped.gov.ph/quicklinks/quicklinks2.asp?id=34>; Morada, C. Special Children - Get them to the Mainstream. http://www.deped.gov.ph/e_posts.asp?id=641

³⁵ Comprehensive Sexuality Education Forum. 18 May 2016. Philippine Normal University. Manila.

³⁶ <http://www.gov.ph/2012/12/21/republic-act-no-10354/>

abilities attending mainstream schools at all levels of learning, and their rates of success and completion of schooling; integration of principles and practice of inclusive education in university teacher education programs, as well as in training of teachers, including teachers with disabilities; and curricular emphases and development of accessible materials on personal safety, and sexuality and reproductive health.

On Employment

Information on recent developments

1. The Philippine Institute for Development Studies under the National Economic Development Authority reports³⁷ that there are **strong disparities in type of employment and income of women with disabilities, compared to men with disabilities**. Female respondents with disabilities in the study allot relatively more time to household duties both during working as well as non-working days. This is an indication of gender disparities and affects women with disabilities respondents in terms of their educational and livelihood needs.³⁸

2. Despite enactment of Republic Act 8505 or the **Rape Victim Assistance Law**³⁹ over one and a half decades ago, **implementation** has been virtually non-existent. Specially for women with disabilities who are victimized by violence much more than all other Filipino women, and already face barriers in employment, these victims need livelihood and other economic options as part of their recovery.

Recommendations for Employment:

Study the root causes of employment disparities on the basis of both gender and disability, and actively promote employment in both public and private entities of women with disabilities, including through special measures if needed. Fully and immediately implement domestic law on the provision of assistance to women victims of violence including the provision of employment opportunities and economic recovery and independence.

On Health

Re Issue para 15⁴⁰: "Indicate the budget allocated to women's health and measures taken to ensure access to health services for all women, in particular rural women, women with disabilities, indigenous women and Muslim women."

Comments on para 15.1 of State Reply⁴¹ to Issue on Health:

Based on data gathering by the Philippine Coalition on the UNCRPD from 2011-2015 on government spending for persons with disabilities⁴², **no national budget item has been demonstrated to be allocated and utilized specifically for women with disabilities in relation to access to health services.**

"K. Health

15. Budget allocated to women's health and measures taken to ensure access to health services for all women, in particular rural women, women with disabilities, ...

15.1 The State allocated P2.275 billion to implement the Responsible Parenthood and Reproductive Health law. More than 75% (P1.67 B) of allocation will go to procurement of family planning commodities."

This Alliance finds no evidence in **budget monitoring** presented to confirm that women with disabilities actually benefited from this P2.275 billion allocation.

³⁷ Tabuga, A. & C. Mina. 2011. Philippine Institute for Development Studies. Discussion Paper Series No. 2011-32. Disability and gender: The case of the Philippines.

³⁸ Male respondents with disabilities on the other hand, spend more time on work and leisure, even during working days.

³⁹ <http://pcw.gov.ph/law/republic-act-8505>

⁴⁰ CEDAW_C_PHL_Q_7-8_22448_E

⁴¹ CEDAW_C_PHL_Q_7-8_Add-1_23670_E.

⁴² Disability Rights Budget Analysis / CRPD Compliant Budget Advocacy. <http://crpdparallelreport.net.ph>

Information on recent developments

In the May 30 presentation of the Commission on Human Rights Philippines on its National Inquiry on Reproductive Health⁴³, it reported on **accessibility as the main barrier for deaf women in accessing health services** in Mindanao. Nationwide, the **absence of a sign language interpreting system in local as well as national health facilities** presents a barrier to all deaf women and their families. These have been confirmed by difficult experiences of deaf women including during childbirth in both public and private hospitals⁴⁴.

In the same workshop, the national human rights institution also admitted its **lack of information on women with disabilities** of other impairment groups, citing the same dearth in public sources. For instance, national data-gathering instruments such as the **National Demographic and Health Survey (2013)**⁴⁵ do not identify any women with disabilities as respondents.

Recommendation for Health:

Following General Recommendation No. 24, ensure that all existing and future legislated State data-gathering instruments such as the National Demographic and Health Survey, and all budgeting and financing of health programs, services and facilities, are inclusive for all women, including women and girls with disabilities.

On Economic and Social Benefits, Social protection

Information on recent developments

A 20% disability discount on selected good, services, and transportation for persons with disabilities, including women and girls with disabilities as part of a **social protection mechanism** are not coordinated between the Department of Health and National Council on Disabilities Affairs. Despite consultations for over two years by the Department of Health, Chronic Illness including **reproductive tract cancers of women** such as breast, uterine, cervical and ovarian cancers has been eliminated as a category in accessing this discount. In the May 26-27 Department of Health⁴⁶ workshop to pilot test the proposed amended criteria, other problems in implementation such as lack of awareness, accessibility and other **barriers continue to hinder effectiveness** of this social protection mechanism. Other social protection activities targeting women and girls with disabilities have not even received adequate attention or been effectively implemented.

Recommendation for Economic and Social Benefits:

Implement fully and efficiently coordinated and gender-/disability-responsive programs, and continuing training of personnel on universal social protection, including universal health coverage, education access, income replacement, particularly for disadvantaged women such as women with disabilities.

On Rural women

There are over 325 million women and girls with disabilities in the world, most of whom live in rural areas of developing countries where women make up three quarters of the population of persons

⁴³ National Inquiry on Reproductive Health: Presentation & Validation. Gender Ombud / Gender, Equality and Women's Human Rights Center. Commission on Human Rights Philippines. 30 May 2016, Quezon City.

⁴⁴ Personal communication. PDRC / Deaf Resources Philippines. February 2016.

⁴⁵ <http://dhsprogram.com/pubs/pdf/PR47/PR47.pdf>

⁴⁶ Department of Health. Workshop on Determining Eligibility for the Issuance of PWD Identification Card. May 26-27. San Mateo, Rizal.

with disabilities⁴⁷. Eighty percent of women with disabilities in rural areas in Asia and the Pacific have no independent means of livelihood and are thus dependent on others for their economic survival.⁴⁸

Information on recent developments

1. From the fact-finding activities of the Commission on Human Rights reported during the recent National Inquiry on Reproductive Health, it was concluded that **rural women with disabilities face barriers in accessing adequate health care facilities, including information, counseling and services in family planning.**
2. **Sexual violence among Deaf women and girls** numbering over a hundred cases throughout the rural areas of the country from 2006 -2012⁴⁹, continues up to the present time⁵⁰, with a **lack of access to counseling services.**

Recommendation for Rural Women:

Following General Recommendations No. 33 and 34, eliminate barriers in the enjoyment of all human rights by all rural women and girls, specially women and girls with disabilities, including access to comprehensive sexuality and reproduction health services; and protect them in law and practice, from all forms of violence.

On Law

Information on recent developments

Republic Act 8353 known as the **Anti-Rape Law**, specifically mentions **women and girls with intellectual or psychosocial disabilities**. The Philippine Commission on Women and National Council on Disabilities Affairs includes amendment of this law as part of their legislative agenda in the 16th Congress. However, both have not actively initiated or engaged women with disabilities in their proposed amendments.

Recommendation for Law:

Actively involve women with disabilities in the amendment of the Anti-Rape Law, ensuring equal recognition before the law, and respect and protection of all their rights.

On Marriage and Family Life

Information on recent developments

1. From 2008 to 2011, 34 out of 126 or 27% of cases filed by persons with disabilities which reached the Supreme Court include filing **nullity of marriage** based on “grave, medically permanent **psychological incapacity**” of female parties. Up to the present time, this routine and virtually institutionalized legal argument based on the Family Code of the Philippines, Article 36 (Executive Order No. 209) describes a person with psychological incapacity as *unable to enter into a marital contract*:
Art. 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization. (As amended by Executive Order 227) (1, 2)

⁴⁷ International Disability Alliance submission to CEDAW Committee on rural women

⁴⁸ <http://www.ohchr.org/Documents/Issues/Women/A.67.227.pdf>

⁴⁹ Access to Justice. Case Monitoring by the Philippine Deaf Resource Center (2006-2012). http://www.philideafres.org/files/PDRC_Case_Monitoring_2006-2012.pdf

⁵⁰ PDRC / Deaf Resources Philippines case notes.

2. In order to apply for a Marriage License, couples are required to go to a **Pre-Marriage Counseling** by the Department of Social Welfare and Development (for civil marriages), and a **Family Planning and Responsible Parenthood Seminar** by the Municipal / City Health Officer of the Department of Health. There have been incidents when persons with disabilities who undergo these seminars have been **advised by local government officers either not to get married, or, not to have children** because of the possibility of giving birth to children with disabilities⁵¹.

Recommendation for Marriage and Family Life:

Following General Recommendations No. 21 and 29, immediately repeal discriminatory provisions of the Family Code of the Philippines, and related Executive Orders, and eliminate practices which discriminate against women with disabilities in their right to marry and found a family.

ANNEX- I

About the organizations involved in this submission:

The Philippine Alliance of Women with Disabilities (PaWiD) is a subset of member organizations of the Philippine Coalition on the U.N. Convention on the Rights of Persons with Disabilities. The PaWiD advocates specifically for the rights of women and girls with disabilities.

- Nationwide Organization of Visually-Impaired Empowered Ladies
- Transforming Communities for Inclusion of Persons with Psychosocial Disabilities-Philippines
- Philippine Alliance of Persons with Chronic Illness
- Filipino Deaf Women's Health and Crisis Center
- Philippine Federation of the Deaf
- Philippine Deaf Resource Center / Deaf Resources Philippines
- Women's Leap Toward Economic and Social Progress

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ANNEX - II

Comments on State Replies to Issues (CEDAW_C_PHL_Q_7-8_Add-1_23670_E.):

1. Measures taken to address discrimination and violence against women and ensure access to service:

“18.2 Support services, benefits and privileges for persons with disabilities are provided by law (Programs on the advancement of women's rights and accessibility for ⁵²PWDs are being implemented by the National Council on Disability Affairs (NCDA). NCDA created the Sub-Committee on Access to Justice and Discrimination for Persons with Disabilities to handle complaints of discrimination. The Subcommittee works with the Public Attorney's Officer (PAO).”

There is no evidence or disseminated information of any comprehensive program by the National Council on Disability Affairs or other government agency on the advancement of women with disabilities' rights or accessibility for persons with disabilities, including women with disabilities. In fact, after the six years term of this administration, the Council still has yet to actually amend the Accessibility Law to make it inclusive of all impairment groups.

In terms of the Memorandum of Agreement between the Council and the Department of Justice, this has been only to generate “PWD⁵³-Friendly Public Attorneys”⁵⁴ for the “speedy resolution of cases”. Despite this, our

⁵¹ <http://www.baguio.gov.ph/?q=content/marriage>

⁵² the acronym in State terminology for *persons with disabilities*

⁵³ the acronym in State terminology for *persons with disabilities*

⁵⁴ Persons with disabilities may now avail of free legal assistance. 9 October 2012. <http://www.ncda.gov.ph/category/sub-committees/sub-committee-access-to-justice/>

experience on the ground does not coincide with this because Public Attorneys frequently have very heavy case-loads, thus are not always receptive nor sensitive, particularly to women with disabilities victims of VAW.

“18.4 Other programs and advocacy activities to ensure PWDs’ access to opportunities and fair treatment are being implemented by other government agencies and LGUs:

- *... Protection services for female PWDs from DOJ ...*
- *Gender Sensitivity Training of DOJ’s service providers dealing with PWDs ...*
- *Police assistance to PWDs under PNP’s Women’s Desks ...”*

There is no information or details of these protection services for women with disabilities. Furthermore, without quantitative data, nor identification of regions or provinces which have received Gender Sensitivity Training, it is difficult to understand how we, on the ground encounter a continuing lack of awareness, for instance toward deaf women and girl victims (e.g., cases documented in La Union, Eastern Samar, and others)⁵⁵.

For the deaf, Women’s Desks are very much limited in the assistance they can offer if there is no provision of sign language interpretation, and police officers themselves don’t know how to sign (e.g., cases documented in Quezon City, Legazpi City and others)⁵⁶.

2. *“Measures to ensure access of VAW victims to high-quality protection and support services including for women with disabilities” by the Department of Social Welfare and Development, the Department of Health and the Women’s Desks..” (para. 7.6)*

In the nearly 200 VAW cases / complaints (for deaf victims alone) that have been documented by the PDRC / Deaf Resources Philippines since 2006, very few, if any at all, have such victims received these *“existing programs and services”* and the *“high-quality protection and support services, including for women with disabilities”*. Even if they existed, their very existence do not necessarily reflect their effectiveness. In fact, the very absence of a national sign language interpreting system, renders Women’s Desks nationwide for instance, as essentially ineffective when deaf complainants approach them. This has been confirmed by experiences on the ground right within the National Capital Region, such as in Quezon City⁵⁷. Without quantitative /disaggregated, and qualitative data from year to year that confirms the number of clients served, and their documented satisfaction over such services, implementation of commitments to the CEDAW or the domestic counterpart, the Magna Carta of Women is not substantiated.

⁵⁵ PDRC / Deaf Resources Philippines case notes.

⁵⁶ Ibid.

⁵⁷ PDRC / Deaf Resources Philippines case notes 2015.