

**Submission from Civil Society to the Committee on Economic, Social and Cultural Rights
for the List of Issues of the Philippines**
Pre-sessional Working Group 57 (March 7-11, 2016)

by the Deaf Education Council (Philippines)

This submission is from the Deaf Education Council of the Philippines, a civil society group, intended to provide inputs regarding the economic, social and cultural rights of deaf Filipinos. This submission expresses views from the perspective of Deaf people as a linguistic minority, in the context of a developing country such as the Philippines.

Proposed Questions for the List of Issues

Overarching

Please document current and future State measures on planning, budgeting and monitoring in ensuring full inclusion of the Filipino Deaf community as a linguistic and cultural minority on an equal basis as others, particularly in the realization of the right to education, and participation in cultural life.

Specific

On self-determination

Please describe current activities and future plans of the State to promote the self-determination of deaf Filipinos and their organizations through their recognition, financing, training, and resource support.

On maximum use of available resources & progressive realization

Please report on the accomplishments, challenges and expenditures of the 2nd Decade of Persons with Disabilities in terms of progressive realization in the education of children with disabilities, disaggregated including for deaf children and youth. Explain how these insights shall be applied to the current 3rd Decade of Persons with Disabilities (2013-2022).

Please describe short- to long-term plans in the inclusive education of deaf students, i.e., indicators, budgeting, monitoring and evaluation mechanisms for hiring of deaf teachers, sign language interpreters, and production of accessible learner materials for the 40,000 *barangay* (village) schools of the Philippines.

On non-discrimination (on the basis of language)

Do deaf students have equal access to information in the classroom to their mother language, i.e., Filipino Sign Language, on an equal basis as other Filipino children have to their respective mother tongue? Please describe how this is being implemented for deaf students, including funds allocated toward this end since the institution of the Mother Tongue Based policy in education.

Explain intended measures by the State to endow Filipino Sign Language the same status as all other indigenous languages of the Philippines, and recognize Deaf Filipinos as a linguistic and cultural minority.

On the right to education

Please give updates on the implementation of the use of Filipino Sign Language in education in Republic Acts 10533 (K-12 law), and 10410 (Early Years Act) for deaf students in terms of

planning, budgeting & financing, teacher training education and certification (including deaf teachers), and development of instructional materials.

Explain measures by the State to ensure the full participation of Deaf people in all aspects of planning, implementation and monitoring of deaf education.

On the right to participate in cultural life

Assess progress to date by the State in terms of ensuring accessibility to cultural life, and explain short- to long-term plans to comprehensively address gaps and problems.

Demonstrate how the State shall develop a framework for deaf learners at all levels to connect education and participation in cultural life, to promote full inclusion in society.

Describe how the cultural identity of the Filipino Deaf community shall be actively promoted in education.

Education for the deaf in the Philippines

The 2010 Census reports that 20% of Filipinos who have disabilities are in the age group 0-14 (1). The earlier 2000 Census estimates 5.8% of those who have a disability - over 45,000, to be persons who have a form of hearing impairment (2). The Department of Education has reported only about 15% of children with hearing impairment to be enrolled in school (3). Data gathering by civil society (4) estimate actual enrollment of children with disabilities to be even less than 10%, and for deaf children, even lower.

Barriers in the education of the deaf are interrelated and complex. The accessibility law is only for built environments and does not cover information and communication. There is no national system for sign language interpreting. Programs for sign language instruction and interpreter training are all done by a handful of nonprofit organizations with no government regulation. Teachers act as interpreters in classrooms (and are also pulled away from their duties to interpret in trial courts, police stations, etc.). Teacher education programs have no sign language instruction, and public school teachers are typically hired with zero signing skills, or given a crash course on pre-service training for a few weeks, and possibly (if at all) an annual in-service training / 'upgrading' of signing skills. Colleges or universities, whether public or private typically do not shoulder expenses for sign language interpreting. Most deaf graduates end up teaching in private schools or shift to other forms of livelihood to survive.

Article 1 - Right to self-determination

The last published demographics on the deaf is over 15 years ago, reported to be about 92,000 (5). Full development of human potential through education has been largely out of reach for thousands of deaf Filipinos. With inaccessible media and economic constraints, along with typical communication barriers within the family, community and society, sources of information have been relegated almost exclusively through social interactions with peers.

Thirty-seven grassroots deaf organizations throughout the 7,000 islands of the Philippine archipelago have organized themselves under the umbrella organization, the Philippine Federation of the Deaf. Among the core advocacies of the Federation is the recognition of its Filipino Sign Language (FSL) in all aspects of life, both as the key to accessibility and inclusion, as well as as a symbol of cultural and linguistic identity.

To date, the Federation has led / collaborated on major projects such as: the National Sign Language Committee's Status Report on the Use of Sign Language in the Philippines; the landmark 4-book series, An Introduction to FSL; Regional Compilations on FSL, and a diverse bibliographic list of studies on sign linguistics, history, Philippine studies on literature and culture, lexicography and corpus, sign language interpreting, translation, human rights, as well as education and early childhood development. All of these have been funded from abroad: U.S., Japan, Australia, and other donors such as the World Bank, and The Asia Foundation. Notably, none of these have received any support locally.

Despite these, Deaf organizations and the minority group of Deaf people continue to exist largely outside of the reach of the State, with very little (if any) support in terms of financing or resource support. There is neither any legislated or institutionalized representation even in policy-making processes that impact them. They are not barred or prohibited from organizing or coming together. However, neither are they encouraged or supported, except for the occasional *ad hoc* invitation to consultations. Even participation by young deaf people in sports competitions has virtually no State support.

Proposed question

Please describe current activities and future plans of the State to promote the self-determination of deaf Filipinos and their organizations through their recognition, financing, training, and resource support.

Article 2.1 - To the maximum of available resources; progressive realization

In 2011, the Department of Education spending on children with disabilities is estimated to be about 0.01% of the country's GDP (6). Since 2009, annual subsidies to the Special Education Centers included provisions for procurement of learner materials (7). Special Education policy since 1997 specifically stated that Filipino Sign Language shall be used in the education of deaf students. Yet the Department of Education has not demonstrated any institutional efforts in relation to teacher training, materials production, research or use of FSL all this time.

In the 2nd Decade of Persons with Disabilities (2003-2012) for the country, a Presidential Proclamation mandated all government agencies (including the Department of Education) to allocate at least 1% of their agency budgets for persons with disabilities. This was legally authorized in the national budget annually for a decade. In the current 3rd Decade for Persons with Disabilities (2013-2022), this earmarking of agency budgets has been lost.

For the entire 2nd Decade, there was no documented plan or expenditure by the Department of Education to carry out this mandate, for instance in research or materials development on FSL for deaf students. To date, there has not even been a final report on the 2nd Decade nor an assessment of the accomplishments of the entire Decade. Ironically, the Special Education Division contracted services for regional training of teachers in the use of *artificial sign systems*.

Proposed questions:

Please report on the accomplishments, challenges and expenditures of the 2nd Decade of Persons with Disabilities in terms of progressive realization in the education of children with disabilities, disaggregated including for deaf children and youth. Explain how these insights shall be applied to the current 3rd Decade of Persons with Disabilities (2013-2022).

Please describe short- to long- term plans in the inclusive education of deaf students, i.e., indicators, budgeting, monitoring and evaluation mechanisms for hiring of deaf teachers, sign

language interpreters, and production of accessible learner materials for the 40,000 barangay (village) schools of the Philippines.

Article 2.2 - Non-discrimination (on the basis of language)

In the last session of Congress, the Department of Education outright opposed the recognition of a national sign language, i.e., FSL, as advocated by the Philippine Federation of the Deaf, and the Deaf community. It currently implements a Mother Tongue Based -Multilingual Education policy across the country. Nineteen (19) Philippine languages have been selected, and materials production have been moving forward extensively to create curricula, lessons, teacher's guides, learner materials, etc.

Filipino Sign Language is already mandated for use in education by two laws: Republic Act 10533 ("K-12" law); and Republic Act 10410 (Early Years Act). However, unlike the other 19 languages, no efforts have been exerted by the Department of Education to implement parallel activities for FSL. Despite repeated inquiries over a span of several years by this group on why FSL was being neglected, there were only a few cursory replies.

Aside from compliance to this Covenant, the State also has international commitments to the International Covenant on Civil and Political Rights (Article 27) (8), and the Convention on the Rights of Persons with Disabilities (Article 30) (9), which uphold the rights of minority groups to their language and culture, including sign language and deaf culture.

Proposed questions:

Do deaf students have equal access to information in the classroom to their mother language, i.e., Filipino Sign Language, on an equal basis as other Filipino children have to their respective mother tongue? Please describe how this is being implemented for deaf students, including funds allocated toward this end since the institution of the Mother Tongue Based policy in education.

Explain intended measures by the State to endow Filipino Sign Language the same status as all other indigenous languages of the Philippines, and recognize Deaf Filipinos as a linguistic and cultural minority.

Articles 13 & 14 - Right to education

This Covenant has issued the 1994 General Comment No. 5 on Persons with Disabilities (10). However despite commitments to the ICESCR, institutionalization of segregated Special Education programs in schools still began in 1997. Until last year, education for all children with disabilities (including the deaf) has largely taken place separate from the rest of other children.

Because of the ratification of the UNCRPD in 2008, the shift from a 'Special Education' framework to an *Inclusive* Education framework has begun. It shall necessitate the provision of *sign language learning environments*. This require several components to be put in place to be responsive to the needs of Deaf students: hiring of Deaf teachers to facilitate communication in the classroom; the development of accessible sign language materials; and well planned activities and lessons.

In legislative deliberations (15th and 16th Congress) on a proposed Bill on the recognition of Filipino Sign Language as the national sign language, and its use in various language domains,

particularly education, the representatives of the Department of Education did not support the use of Filipino Sign Language in the public schools, and at times, outright objected to it.

Proposed questions:

Please give updates on the implementation of the use of Filipino Sign Language in education in Republic Acts 10533 (K-12 law), and 10410 (Early Years Act) for deaf students in terms of planning, budgeting & financing, teacher training education and certification (including deaf teachers), and development of instructional materials.

Explain measures by the State to ensure the full participation of Deaf people in all aspects of planning, implementation and monitoring of deaf education.

Article 15 - To take part in cultural life

This Covenant's General Comment No.5 on Persons with Disabilities also instructs States Parties to make provisions for: "... adapted television and theatre for deaf persons"(10). In the Covenant's General Comment No. 21 on the right to take part in cultural life, the Committee has stated the need for recognition of specific cultural and linguistic identity of the deaf. Accessibility to persons with disabilities has also been acknowledged as a prerequisite element for the right to take part in cultural life (11).

Only about 2-3% of children with disabilities (including deaf children) are in the school system. Thus, other avenues of learning are essential such as broadcast media and community sources of information. The 2nd Decade of Persons with Disabilities formulated a National Plan of Action which included a 2007 mid-decade target for the State to establish a sign language interpreting system. There were no reports on this at all (for the mid-Decade as well as the end of the Decade), and so eight years after, there is still no nationwide interpreting system. Amendment of the outdated Accessibility Law (Batas Pambansa 344) has been extremely slow and unproductive, and still excludes access to information and communication.

Proposed House Bills (for the 15th and 16th Congress sessions) on TV newscast interpreting insets barely received any time or attention in the legislative calendar by the designated Congress Committee. In a policy meeting last week with the National Council on Disability Affairs, it also became evident that the policy-making body has extremely limited understanding about the needs of the deaf, as well as some fundamental concepts in sign language interpreting, and accessibility.

Proposed questions

Assess progress to date by the State in terms of ensuring accessibility to cultural life, and explain short- to long-term plans to comprehensively address gaps and problems.

Demonstrate how the State shall develop a framework for deaf learners at all levels to connect education and cultural participation to promote full inclusion in society.

Describe how the linguistic (i.e., Filipino Sign Language) and cultural identity of the Filipino Deaf community shall be actively promoted in education.

About the Deaf Education Council

The Council was created as an ad hoc body in 2011 following a dialogue with the Department of Education and various Deaf and hearing civil society stakeholders, at the facilitation of two Congressmen from the Philippine House of Representatives [12]. The dialogue was intended to highlight the many concerns regarding the quality of education of deaf learners at the primary and secondary levels of the public school system. The Council has also initiated discussions with the Early Childhood Care and Development Council for the use of Filipino Sign Language as mandated by law for community daycare centers, the Professional Regulation Commission for the Licensure Exam for Teachers, Congress and Senate legislators for proposed Bills on Filipino Sign Language. The Council is made up of four Deaf leaders of the Philippine Federation of the Deaf, and three hearing multilinguals.

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Notes:

1 Persons with Disability in the Philippines (2010 Census). <https://psa.gov.ph/content/persons-disability-philippines-results-2010-census>

2 Philippines - 2000 Census of Population and Housing. Type of Disability. <https://psa.gov.ph/nsoda/index.php/catalog/78/datafile/F5/V121>

3 DepEd Enrollment Schoolyear 2011-2012.

4 CRPD compliant budget advocacy project. 2013. Philippine Coalition on the UNCRPD.

5 Philippines - 2000 Census of Population and Housing. Type of Disability. <https://psa.gov.ph/nsoda/index.php/catalog/78/datafile/F5/V121>

6 CRPD compliant budget advocacy project. 2013. Philippine Coalition on the UNCRPD.

7 DepEd Order No. 13 s. 2009

8 ICCPR Article 27: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

9 CRPD Article 30: "4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture."

10 CESCR General Comment No. 5. Persons with disabilities

"35. School programmes in many countries today recognize that persons with disabilities can best be educated within the general education system.....in the case of deaf children, for example, sign language should be recognized as a separate language to which the children should have access and whose importance should be acknowledged in their overall social environment."

11 CESCR General Comment No. 21. Right to participate in cultural life

"In order to facilitate participation of persons with disabilities in cultural life, States parties should, inter alia, recognize the right of these persons : to the recognition of their specific cultural and linguistic identity, including sign language and the culture of the deaf..."

"B. Elements of the right to take part in cultural life

16. The following are necessary conditions for the full realization of the right of everyone to take part in cultural life on the basis of equality and non-discrimination.

... (b) Accessibility consists of effective and concrete opportunities for individuals and communities to enjoy culture fully, within physical and financial reach for all in both urban and rural areas, without discrimination. It is essential, in this regard, that access for older persons and *persons with disabilities*, as well as for those who live in poverty, is provided and facilitated. Accessibility also includes the right of everyone to seek, receive and share information on all manifestations of culture in the language of the person's choice.."