



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

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**HUMAN RIGHTS ADVISORY**  
**CHR A2014-005**

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**ON THE CELEBRATION OF THE 36<sup>TH</sup> NATIONAL DISABILITY  
PREVENTION AND REHABILITATION WEEK**

**Introduction**

As the country's national human rights institution mandated to promote and protect human rights of all persons, including persons with disabilities, the Commission on Human Rights issues this advisory in celebration of the 36<sup>th</sup> National Disability Prevention and Rehabilitation Week, to show support to persons with disabilities.

Persons with disabilities (PWDs) include those who have long-term physical, mental, intellectual or sensory impairments which in interacting with various barriers may hinder their full and effective participation in society on an equal basis with others.<sup>1</sup>

A barrier is anything that gets in the way of people with disabilities participating in day-to-day activities, or taking part in opportunities that are available to the public. Among them are physical or environmental barriers found in buildings and spaces that stop people from using a service or going to an event; information and communication barriers that stop people from getting information; attitudinal barriers are when people think and make decisions about disability based on incorrect information; and systemic barriers are policies, practices, or procedures that discriminate against people with disabilities.

People with disabilities face these barriers every day—from physical obstacles in buildings to systemic barriers in employment and civic programs. Yet, often, the most difficult barriers to overcome are attitudes other people carry regarding people with disabilities. The most pervasive negative attitude is focusing on a person's disability rather than on an individual's abilities.<sup>2</sup>

Unlike physical and systematic barriers, attitudinal barriers that often lead to discrimination cannot be overcome simply through laws. The best remedy is familiarity, getting people with and without

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<sup>1</sup> Art. 1, par. 2, United Nations Convention on the Rights of Persons with Disability

<sup>2</sup> <http://www.ncwd-youth.info/attitudinal-barriers-for-people-with-disabilities>

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disabilities to mingle as co-workers, associates and social acquaintances. In time, most of the attitudes will give way to comfort, respect and friendship.<sup>3</sup>

Disability affects hundreds of millions of families in developing countries. Currently around ten percent of the total world's population, or roughly 650 million people, live with disability.<sup>4</sup> About 16 per thousand of the country's population had disability. Of the 92.1 million household population in the country, 1,433 thousand persons or 1.57 percent had disability.<sup>5</sup> Despite the passage of several laws, PWDs continue to feel discriminated and left behind.

One of the biggest problems encountered in tackling the issue of disability lies not in the individual living with the condition, but in the societal view towards it, and the reaction that such view entails.<sup>6</sup> PWDs are viewed by society at large as objects of charity, treatment, protection and assistance rather than subjects with rights.

To address this issue, Proclamation No. 361, as amended by Administrative Order No. 35, was signed in 19 August 2000, calling for a weeklong celebration of the National Disability Prevention and Rehabilitation every July 17 to 23. This endeavors to stimulate public awareness on disability and encourage every citizen to take active responsibility in the upliftment of the economic and social conditions of the 91,000 persons with disabilities of our society.

For this year's celebration of the 36<sup>th</sup> National Disability Prevention and Rehabilitation Week (NDPR), the National Working Committee agreed on the theme: **"Talino at Paninindigan ng Taong May Kapansanan: Pasaporte sa Kaunlaran"**. This theme signifies our commitment to promote the capabilities, skills and talents of persons with disabilities as a means of improving their lives and economic status. Furthermore, it also aspires to mainstream and include disability agenda in all programs of government and non-government organizations in order to fulfill their obligations to persons with disabilities as duty bearers.

This can be achieved by way of effectively addressing discrimination on the basis of disability<sup>7</sup>, denial of reasonable accommodation<sup>8</sup> and non-provision of universally designed<sup>9</sup> products, environments, programmes and services.

 <sup>3</sup> Ibid.

<sup>4</sup> <http://www.disabled-world.com/disability/statistics/>

<sup>5</sup> Results from the 2010 Census

<sup>6</sup> Manual on Access to Justice of Persons with Disabilities, UP Foundation, Inc., p. 1, funded by the American Bar Association

<sup>7</sup> Discrimination on the basis of disability means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.

<sup>8</sup> Reasonable accommodation means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment of exercise on an equal basis with others of all human rights and fundamental freedoms.

<sup>9</sup> Universal design means that products, environments, programmes and services that are usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

The standard for attaining equality in all areas of employment for PWDs laid down in Article 27 of the United Nations Convention on the Rights of Persons with Disability. State Parties to the Convention, like the Philippines, have agreed to pursue equality of people with disabilities in all areas of employment.

*"States Parties recognise the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities." The CRPD then says that States Parties will both safeguard and promote the realisation of our right to work, to include people who acquire a disability during the course of employment, by taking appropriate steps that include legislation. It also says States Parties shall pursue a number of additional efforts in relation to people with disabilities and employment.<sup>10</sup>"*

This year, the Philippine Government has passed RA 10524, "An Act Expanding the Positions Reserved for Persons with Disability, Amending for the Purpose RA 7277, as amended, otherwise known as The Magna Carta for Persons with Disability", which requires that at least one percent (1%) of all positions in all government agencies, offices or corporations be reserved for persons with disability. Private corporations with more than one hundred (100) employees are likewise encouraged to reserve at least one percent (1%) of all positions for persons with disability.

In November 2013, President Benigno S. Aquino III signed Proclamation No. 688 declaring the period of 2013-2022 as the Philippine Decade of the Incheon Strategy to "Make the Right Real" for Persons with Disabilities in support of the 3<sup>rd</sup> Asian and Pacific Decade of Persons with Disabilities. The observance of a third decade of persons with disabilities aims to build on the gains towards disability-inclusive development.

The Incheon Strategy provides the Asian and Pacific region, and the world, with the first set of regionally agreed disability-inclusive development goals. Developed over more than two years of consultations with governments and civil society stakeholders, the Incheon Strategy comprises 10 goals, 27 targets and 62 indicators. The Incheon Strategy builds on the Convention on the Rights of Persons with Disabilities and the Biwako Millennium Framework for Action and Biwako Plus Five towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific. It will enable the Asian and Pacific region to track progress towards improving the quality of life, and the fulfilment of the rights, of the region's 650 million persons with disabilities, most of whom live in poverty.<sup>11</sup>

Universal design shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

<sup>10</sup> Art. 27, United Nations Convention on the Rights of Persons with Disabilities

<sup>11</sup> <http://www.unescapsdd.org/publications/incheon-strategy>

## Human Rights-Based Approach to Disability

The Commission on Human Rights seeks to ensure that the dignity, human rights and freedom of all persons, including persons with disabilities, are always respected, promoted and protected in a rights-based approach since PWDs have the same human rights as others, and, therefore, must be able to enjoy them on an equal basis with others.

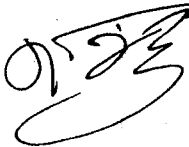
All persons must be treated equally before the law without discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, including disability. In protecting and promoting PWD rights, the Manual on Access to Justice of Persons with Disability suggests that the threshold problem in the Philippines is the notion that the PWD claim to equality and non-discrimination is a plea for privilege. Those with this attitude assume that it is optional for government, employers, teachers and private businesses to grant PWD claims, and that if they do so, it is out of mercy, not duty. Indeed, it is ingrained in Philippine culture that it is a virtue to feel pity for others – to say “kawawa naman” – and this entrenches and ennobles what is essentially a discriminatory attitude.<sup>12</sup>

A human rights-based approach to PWD protection enables victims to take direct action to enforce their legally protected rights recognized both internationally and domestically.<sup>13</sup> It ensures respect for PWDs by providing objective and neutral standards for equal treatment; identifying the government agencies that will apply and interpret these standards; and empowering these agencies to order the implementation of these standards or punish those who failed to do so.<sup>14</sup>

PWD claims are seen as a plea for special treatment, rather than as a plea for appropriate treatment. In the first, they are seen as asking for exceptions to the general rule. In the second, it is recognized that the general rule has been drafted by the majority to suit their own conditions, and that different rules are needed to suit those who live under other conditions like PWDs. To make PWDs live by rules designed for other people is discriminatory and exclusionary.<sup>15</sup>

The traditional approach looks at the PWD and asks what he lacks compared to fully-abled persons. In contrast, this manual<sup>16</sup> begins with the fundamental guarantees of equal citizenship, and asks what laws, procedure and structures prevent the PWD from the full exercise of his/her legally protected rights.<sup>17</sup>

In ensuring equal treatment and access to equal opportunities, the Commission on Human Rights believes in the capacity of PWDs to claim their rights and make decisions for their lives based on their free and

 <sup>12</sup> Prepared by the Univ. of the Philippines Foundation, Inc., funded by the American Bar Association; and also lectured by Prof. Raul Pangalangan.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Manual on Access to Justice of Persons with Disability

<sup>17</sup> Ibid.

informed consent. The government should provide reasonable accommodation and universal design. They should, however, ensure elimination of all forms of barriers and discrimination on the basis of disability.

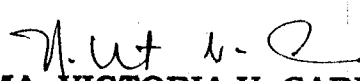
The government should take necessary steps to reduce poverty and enhance work and employment for PWDs; promote participation in the political processes and in decision-making; enhance access to the physical environment, public transportation, knowledge, information and communication; and strengthen social protection. They should also expand early intervention and education of children with disabilities; ensure gender equality and women's empowerment; and ensure disability-inclusive disaster risk reduction and management.

The Commission **fully supports** the celebration and commits to continuously exercise its mandate to promote and protect the human rights of persons with disability, and monitors the compliance of the State to its obligation to respect, protect and fulfill the human rights of all.

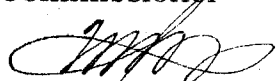
Issued this 23<sup>rd</sup> day of July 2014, Quezon City, Philippines.

  
**LORETTA ANN P. ROSALES**  
Chairperson

**CECILIA RACHEL V. QUISUMBING**  
Commissioner

  
**MA. VICTORIA V. CARDONA**  
Commissioner

  
**NORBERTO DELA CRUZ**  
Commissioner

  
**JOSE MANUEL S. MAMAUAG**  
Commissioner