**THE PHILIPPINES’ CONTRIBUTION**

**TO THE OHCHR ANALYTICAL REPORT ON THE RIGHT TO WORK**

**AND THE ENJOYMENT OF ALL HUMAN RIGHTS**

**BY PERSONS WITH DISABILITIES (PWDs)**

(pursuant to HRC resolution A/HRC/43/7)

Based on historical accounts, the Philippine government’s concern for the welfare of persons with disability began as early as 1917 and the national concern was manifested with close collaboration with non-government organizations.

On 16-20 January 1978, the Philippines hosted the Second International Conference on Legislation Concerning the Disabled organized by the Rehabilitation International’s national affiliate, the Philippine Foundation for the Rehabilitation for Disabled Persons (PFRD). During the said conference, Presidential Decree No. 1509 creating the National Commission Concerning Disabled Persons (NCCDP) was signed. NCCDP was tasked to prepare and adopt an integrated and comprehensive long-term National Rehabilitation Plan (NRP). With the success of the important work began during the International Year of Disabled Persons, the Decade of Disabled Persons (1981-1991) was proclaimed for nationwide observance on December 17, 1981 with NCCDP as lead agency.

Since 2008, the National Council on Disability Affairs (NCDA) has been mandated[[1]](#footnote-1) to be the government policy-making, planning, monitoring, coordinating and advocating for the prevention of the causes of disability, rehabilitation and equalization of opportunities in the concept of rights-based society for persons with disabilities and lead in the implementation of programs and projects.

The **NCDA** is tasked to monitor the implementation of several laws to ensure the protection of PWDs’ civil and political rights, among others:

* Republic Act No 7277 (Magna Carta for Disabled Persons); Batas Pambansa Blg. 344 (Accessibility Law);
* Republic Act 6759 (White Cane Act); and
* ILO Convention No. 159 (Vocational Rehabilitation of Persons With Disability).

It has also been tasked, through Proclamation No. 125, to coordinate activities and to monitor the observance of the Asian and Pacific Decade of Disabled Persons (1993-2002) in the Philippines. Proclamation No. 125 was issued by the President on January 15, 1993, to enjoin both the government and the private entities to organize projects based on the policy categories mentioned in the agenda for action of the decade.

Through the years, the Philippines has progressively taken concrete measures to respond to the differentiated needs and concern of almost 1.6 million persons with disability in the country. The Philippines is pleased to share the country’s initial contribution on the government’s key actions taken as follows:

* Enactment of Republic Act 7277 (s.1992) of the Magna Carta for Persons with Disabilities that grants the rights and privileges of disabled persons and promulgates the provision for the rehabilitation, self-development, and self-reliance of persons with disability and their integration to society.
* Republic Act 9442 (s. of 2006) amends RA 7277 which stipulates expanded privileges and incentives of public services to persons with disability as well as insertion of new sections on deliverance from public ridicule and deliverance from vilification.
* The country’s accession to the Convention on the Rights of Persons with Disabilities (CRPD) in 2008 further reinforced the recognition of and empowerment of persons with disabilities as rights holders.
* Convening by the NCDA of the First National Disability Summit in September 2009 to foster greater participation of civil society and all concerned stakeholders in monitoring the implementation of the CRPD.
* In 2012, the Philippines enacted a law establishing polling precincts accessible to persons with disabilities and, in 2016, a law that expanded their privileges and benefits.
* In 2018, President Rodrigo Duterte signed the Mental Health Act mandating state support for persons with mental health conditions. Efforts are ongoing to strengthen the Accessibility Law to properly address physical and communication and technology barriers.
* The International Day of Persons with Disabilities (IDPD) is celebrated worldwide on December 3 of every year pursuant to United Nations General Assembly Resolution 47/3 (1992) to remind the world to support the full and equal participation of persons with disabilities and to act for the inclusion of persons with disabilities in all aspects of society and development.
* This year, 2020, the Philippine nation will observe the event with the theme “Building Back Better: toward a disability-inclusive, accessible and sustainable post COVID-19 World”. It aims to promote understanding of disability issues and mobilize support for the dignity, rights and well-being of persons with disabilities. The annual theme focuses on how society can strive for inclusivity as a means of empowering persons with disability. A series of webinars will be conducted that will provide relevant information and knowledge on how persons with disabilities can fully empower their lives and everyday activities within their families, schools, and in their communities. These webinars are intended to all persons with disabilities, media personnels, doctors, therapist, parents, social workers, teachers, local service provides and duty bearers, among others. The Webinars will.

Among the key programs undertaken by various lead agencies with respect to promoting the right to work include:

**Department of Trade and Industry**

* Continuing issuance of directives and conduct of programs for persons with disabilities in line with the “Framework for Persons with Disabilities Economic Empowerment” of the Department of Trade and Industry (DTI) and in collaboration with persons with disabilities groups and stakeholders. The Framework, which identifies three levels of assistance for the economic empowerment of persons with disabilities, namely: to increase self-worth; confidence and competency; employment and engagement in entrepreneurship.
* In line with the 2012 Incheon Strategy – Towards Inclusive, Barrier Free and Rights based Society for PWDs –, the DTI identified several goals to “make the right real” that can reduce poverty and enhance work and employment prospects. The Strategy includes the enhanced access to the physical environment, public transportation, information and communication including gender equality and women empowerment. These are programs on enterprise level assistance, advocacy and communications and enabling environment that includes enforcement of existing policies such as the law on accessibility.
* Of the existing programs of DTI, the Shared Services Facility (SSF) topped the list of services rendered with 3,222 registered PWDs. The second most availed service as recorded in the DTI national chart shows 2,321 PWDs who availed the training programs under the SME Roving Academy (SMERA) which is a continuous learning program for the development of micro, small and medium enterprises (MSMEs) to learn from and contribute to the domestic and international markets. Once trained and capable of engaging in economic activity such as entrepreneurship, DTI further provides business advisory, mentoring services, product development and to enable PWDs to improve their operations and enhance their organizational sustainability.
* The consumer advocacy and related services concerning PWDs and senior citizens will be more enhanced with PWD sensitivity trainings scheduled with the National Council on Disability Affairs office. The joint DTI-DA-DOE Administrative Order No. 17-01 Series of 2017 widened the coverage of basic necessities to include noodles, water in bottles and containers, and LPG.
* Since Philippine law promotes equal opportunity for employment mandating that at least one percent of all positions in all government agencies, offices or corporal ions shall be reserved for persons with disability, the DTI as of March 2017 reports that there are eleven PWD employees from DTI Head Office, Regional Offices and Attached Agencies.
This is also in conformity to the Magna Carta for PWDs that no persons with disability shall be denied access to opportunities for suitable employment and that qualified employees with disability can be accorded with the same privileges, benefits as that a qualified able bodied person.
* In line with other government programs for the development of entrepreneurial skills among persons with disabilities, has developed a Directory of Persons with Disabilities Entrepreneurs and Enterprise Organizations. The department also conducted consultations in selected provinces to realize appropriate intervention and business development services assessed towards strengthening the PWD Economic Empowerment Program.
* The DTI conducted initial consultations in Regions IV, Misamis Oriental, Nueva Ecija and Ifugao, other lined up provinces are Palawan and Ilocos Sur. These consultations were coordinated by the Product Development and Design Center of the Philippines (PDDCP), Bureau of Domestic Trade (BDT), Cottage Industry Technology Center (CITC), Small Business Corporation (SBC), Bureau of Small and Medium Enterprise Development (BMSMED), Philippine Trade Training Center (PTTC), Regional Operations Development Group (RODG), Bureau of Export Trade Promotion (BETP), and Office of Special Concerns (OSC).
* The Directory, divided according to product and service sectors, compiles primary data on 1,070 persons with disabilities enterprises across the country. It has been disseminated to industry associations, producers, and exporters for partnerships with persons with disabilities groups for subcontracting, supplier of inputs, and market matching. It is used to promote products and services of persons with disabilities organizations and individuals.
* In order to promote the cooperatives and start-ups organized by persons with disabilities, the DTI issued a Circular for DepEd to purchase tables and chairs made of engineered bamboo. Through the Circular, DTI was also able to conduct skills training on engineered bamboo slots making in Aklan and Guimaras. However, such undertaking has yet to be adopted by the cooperatives of persons with disabilities transacting with DepEd due to unavailability of facilities and equipment to capacitate them.
* Persons with disabilities enterprises, through Likhang Persons with Disability, were able to generate Php 99,165.00 (USD 2,000) from cash sales and book orders. Likhang Persons with Disability, a three-day trade fair, was participated by 17 persons with disabilities enterprises. Although it was able to raise funds, Likhang Persons with Disability encountered a low turnout of participants from Persons with disabilities enterprise. Based on the outcome of the fair, the DTI recommended that most of the products from persons with disabilities enterprises need upgrading to be more attractive in the market. In order to help persons with disabilities enterprises, the DTI helped in skills training, product design and development, financing, and marketing. Other activities and programs were also conducted at the regional level.
* DTI’s various attached agencies has been tapped to assist persons with disabilities enterprises. The Product Development and Design Center of the Philippines (PDDCP) endeavours to improve existing products and services of persons with disabilities. The Bureau of Domestic Trade (BDT) improves market access of persons with disabilities products and services, through market information, market-matching subcontracting, and opportunities in local trade fairs and exhibits. The Cottage Industry Technology Center (CITC) provides special technical and skills-trainings to trainers and mainstream persons with disabilities in existing Community-Based Enterprise programs.
* The Bureau of Export Trade Promotion (BETP) includes qualified persons with disabilities enterprises in its export promotions services. Bureau of Small and Medium Enterprise Development (BSMED) undertakes policy support and advocacy of persons with disabilities enterprise related concerns. The Philippine Trade Training Center (PTTC) provides relevant training and counselling. The Small Business Corporation (SBC) facilitates access to credit of eligible persons with disabilities cooperatives and organizations. The DTI Regional Operations and Development Group (RODG) identify persons with disabilities enterprises eligible for Micro, Small, and Medium Enterprises programs and services. They then coordinate delivery of these services at the local level. The DTI, in partnership with the Regional Operations Development Group, was able to accomplish a skills training on engineered bamboo and processing of fish products to 23 persons with disabilities in Region VI.
* At the Cordillera Administrative Region (CAR), the DTI provided technical assistance and referrals to the Department of Environment and Natural Resources for business registration and sourcing of raw materials for furniture production. The Department has also provided technical assistance to clients with disability in business name registration and Philippine Contractors Accreditation Board licensing. The Department also maintains an express lane for persons with disabilities.
* The DTI Region V has also provided the following assistance: organizational development seminar for 37 persons with disabilities; consultancy on financing; business counselling; product development; market-matching; *bayong* (Straw Bag) enhancement training; finishing techniques for *bayong*; provision of business info through film showing; skills enhancement training (referrals); consumerism & gender and development seminar.
* The DTI Region X provided skills trainings and other activities to 91 recipients. The activities include *bayong* bag-making, wing bean processing, entrepreneurial training, small- and medium-enterprise development, and marketing promotion, product and market matching, product development, and beads plus fashion accessories making.
* The DTI, through its Personal Computers for Public Schools Project (PCPS), have provided computers to public high schools. Personal Computers for Public Schools Project provide special computer classes to hearing impaired students.

**Department of Social Welfare and Development (DSWD)**

* Republic Act (R.A.) No. 7277, Section 9, mandates the government to create appropriate training and assistance in developing vocational technical programs for developing skills which may help persons with disabilities acquire technical knowledge. Likewise, entrepreneurial opportunity programs will be introduced to those interested in business ventures and opportunities.
* Programs to aid persons with disabilities in self employment and employment in the regular market are in place. The DSWD runs the Sustainable Livelihood Self-Employment Assistance Kaunlaran program which seeks to enable the poor to have access to credit, promote entrepreneurship, increase understanding on values of honest work, pay debts, social responsibility and increase of income. The program is community-based and provides capacity building to improve participant’s socio economic status. The program is carried out through support given to microenterprises, directing these ventures to become more organizationally and economically viable. Many recipients of the program are persons with disabilities. The program is directed to the general impoverished population which includes persons with disabilities; however, disaggregated data on the number of PWD recipients of this program has not yet been accounted for.
* The Bureaus of the Department of Labor and Employment (DOLE), particularly the Bureau of Local Employment implemented micro-enterprise projects for persons with disabilities from 1995 to 2009 under the “Tulong Alalay sa Taong May Kapansanan” (Help and Assistance for Persons with Disabilities) or TULAY Project. Since January 2010, implementation of TULAY has been transferred to the Bureau of Workers with Special Concerns. TULAY projects, implemented nationwide through the DOLE Kabuhayan Program are classified as training and/or financial assistance aimed to engage Persons with Disabilities in sustainable self-employment through easy to learn livelihood undertakings. Participants in TULAY projects were given the following capacity building services: shortperiod training skills with the provision of livelihood tools, materials, and inputs. Persons with Disabilities who are introduced to a new set of training skills were given start-up or livelihood formation projects. On the other hand, persons with disabilities with existing skills that can be improved by training were given financial assistance for livelihood enhancement. Skills trainings include simple house-to-house or service-oriented technical and vocational trainings on massage, plumbing, cosmetology, electrical servicing, welding, native snack preparation, car wash, motorcycle repair, cellular phone repair, appliance repair and upholstery repair.
* The TULAY program which provides skills training on technical, vocational and entrepreneurship abilities of persons with disabilities, has served a total of 4,144 persons with disabilities from the period of 2008 to 2010.

**Department of Labor and Employment (DOLE) and Technical Education and Skills Development Authority (TESDA)**

* There have also been a number of programs that are designed to provide students with disabilities the necessary skills in joining the general labor market. The Working Youth Center (WYC) Technology Ready Project for the youth is spearheaded by DOLE. The project was piloted in Davao City and it served 14 persons with disabilities each earning about Php 6,000 to Php 11,000 monthly income through home-based work opportunities via computer internet communication. The project was documented and is recommended to be replicated in other regions.
* The TESDA, in partnership with DOLE and private training institutions, provided trainings for PWDs on needed priority skills identified. On the other hand, existing skills of persons with disabilities beneficiaries can be improved through short-period formal training CRPD/C/PHL/1 41 in TESDA. Moreover, TESDA conducts competency assessment of its trained graduates, issues Competency Assessment Certificates, and provides data on certificate holders who are still unemployed. The Training for Work Scholarship Program is open to both persons with disabilities and non-persons with disabilities. These measures, as of September 2010, were able to help 1,678 scholars with disability nationwide.

**Civil Service Commission**

* To supplement the provision of R.A. No. 7277 pertaining to the employment of PWDs in the civil service, the State Party, through the Civil Service Commission (CSC), issued Memorandum Circular No. 23, s. 1999 that directs all government agencies to provide employment opportunities to qualified persons with disabilities in their respective agencies.

Based on available data, as of 30 October 2020, 1.86% of the total workforce in the Department of Foreign Affairs are persons with disabilities.

* Presidential Decree 626, section 10, defines job placement of a rehabilitee as an integral part of the rehabilitation program. Section 11 provides incentives to participating employers offering on-the-job training and possible employment of the rehabilitee. The following is the mode of payment of wages of the placed rehabilitee:
1. 50% of the wages for the first two weeks after the start of the on-the-job training;
2. 25% of the wages for the third and fourth weeks of the on-the-job training;
3. 10% of the wages for the fifth and sixth weeks of the on-the-job training;
4. 0% of the wages for the rest of the period of the on-the-job training.
* In 2008-2010, there were 19 occupationally disabled workers rehired by their former employers, 21 occupationally disabled workers finding new employment and 21 occupationally disabled workers who have generated income from their small businesses. Many of those rehired by their former employers were more than 41 years old or older. The program in some way encouraged employers to re-employ their former employees who have become occupationally disabled workers. All of those who have found new employment, rehired, and those who have generated income from their small business managed to do so within two years or less from entry to the program. Thus, breaking the period or cycle of long term unemployment. Seventeen (17) occupationally disabled workers have signified that they were either starting or contemplating to start a small business or seek a new job.
* The ECC formed the ECC Quick Response Team Program that ensures immediate presence of the Team during work-related contingencies. The Quick Response Team Program provides prompt and responsive employee compensation related assistance to workers in disasters and calamities in the form of psychosocial counselling, facilitation of prompt release of Employee Compensation related benefits and possible return to work of covered victims after being disabled. During the period 2008-2010, the Quick Response Team Program has served a total of 55 work-related contingencies assisting a total of 518 victims of which 371 or 72% have already received their Employee Compensation benefits.

**Community-Based Activities**

* Information Technology Literacy Program for Out-of-School Youth and Youth with Disability (SCALA Program) is a community-based basic computer literacy program that aims to enhance the employment opportunities of disadvantaged youth. It includes installation of training facilities with appropriate equipment. The program is implemented in partnership with Engineers without Borders of Canada and the LGUs. Pilot sites of the said project are located in Regions I, III, IV, V, VI, VII, VIII and Cordillera Administrative Region.

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1. NCDA was created by virtue of Executive Order 709 of 2008 under the Office of the President and by virtue E.O. 33 of 2011 attached to the Department of Social Welfare and Development.  [↑](#footnote-ref-1)