

**COMMISSION ON HUMAN RIGHTS OF THE PHILIPPINES**

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**Inputs to Draft General Comment No. 7 on articles 4 (3) and 33 (3)**

**22 May 2018**

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**Introduction**

1. The Commission on Human Rights of the Philippines (hereinafter the “Commission”)[[1]](#footnote-1) submits its written inputs to the Committee on the Rights of Persons with Disabilities (hereinafter the “Committee”) as contribution to the development of the draft General Comment No. 7 (GC 7) on articles 4.3 and 33.3 of the Convention on the Rights of Persons with Disabilities (CRPD), relating to consultation and involvement of persons with disabilities, including children with disabilities in decision-making processes, through their representative organizations.
2. These inputs took into consideration the Commission’s own documentation of independent monitoring activities and statements which were subjected to the internal deliberations of the Commission En Banc. This submission also referred to the focus group discussion organized by the Commission on 4 May 2018.[[2]](#footnote-2) Local and international reports from government, civil society, the media, and international non-government organizations were also considered in this submission.

**Definition of representative organizations**

1. While there is general agreement with the definitions of “disabled persons’ organizations/ organizations of persons with disabilities (DPOs/OPDs),” the Commission would like to highlight that the draft GC 7 should consider individuals with disabilities who are not formally or officially affiliated or members of DPOs/OPDs but are independently proactive and important stakeholders in the monitoring and implementation of CRPD.
2. DPOs/OPDs should be independent and free from pressures of non-government organizations (NGOs), political parties or government intervention. There is concern that some DPOs/OPDs which are identified as civil society organizations (CSOs) / NGOs or attached with government do not entirely represent the voices of members with disabilities but instead serve the interests of the leadership of such organizations. One example cited is the situations of persons with intellectual disabilities and persons with psychosocial disabilities being represented by NGOs, family members and the medical profession. They experience barriers and discrimination in self-advocacy, self-representation and speaking up for themselves.
3. The draft GC 7 should acknowledge the diversity within the disability rights movement and not all persons with disabilities are identified as members of DPOs/OPDs.

**Scope of article 4.3**

*Paragraph 21 of draft GC 7*

1. In the Philippines, barriers exist which hinders the participation of persons with disabilities in consultation processes, one of which is the failure of duty-bearers to effectively inform and provide access to persons with disabilities to participate in such consultations.
2. DPOs/OPDs have limited reach, thus persons with disabilities still lack information as to the existence of such organizations, therefore resulting to limited participation and representation of the sector in decision-making processes. As such, there is a standing need to localize and widen the reach of DPOs/OPDs especially in impoverished and rural areas where this problem is prevalent.
3. Persons with disabilities in the Philippines are often underrepresented or otherwise represented by a limited number of people from CSOs. This problem limits the inclusivity of multi-sectoral participation among persons with disabilities in consultations and in the decision-making process. Thus, there is a need to institutionalize mechanisms to support and empower persons with disabilities to organize independently or under DPOs. DPOs must also be strengthened to allow for full participation in decision-making processes in all government consultations.
4. One means to strengthen DPOs is their inclusion and participation in trainings, information and capacity building on public administration, government budgeting and spending and accounting and auditing. This is imperative to ensure the meaningful and influential participation of DPOs.
5. Further, not only must there be representation, but such representation must be balanced in terms of gender. Also, proper and inclusive funding and budget allocation must be ensured.

**Obligation of States Parties**

1. *“Timely and regular consultation”* should be inserted in the paragraphs that refer to the participation of and engagement with persons with disabilities. Consultation should not only be timely but also *regular*, the inclusion of persons with disabilities should not be an afterthought or only limited to discussions on disability-related laws, policies and programs.
2. In the Philippines, there is a need to put in practice regular consultation with persons with disabilities on all aspects of government initiatives, laws, policies, and processes. It must be ensured that persons with disabilities are duly consulted from the inception or planning stage of such initiatives up to implementation and monitoring.
3. Persons with disabilities should be properly represented in the local, regional and national levels. This advocacy can be done by providing assistance in organizing disability rights groups as well as ample support and assistance, financial or otherwise.
4. In Philippine setting, Local Government Units (LGUs) play a crucial role in the involvement of persons with disabilities in decision-making processes. LGUs have the primary obligation to support local disability groups as to empower them to have a voice in government decision-making processes and to help them reach out to members of the sector emanating from the smallest units of the community which are often unreached. It is likewise upon LGUs to ensure accessibility, reasonable accommodation, non-discrimination and proper education of persons with disabilities within their specific jurisdiction. In sum, LGUs have the obligation to empower persons with disabilities and to capacitate members of the sector to become active members of society that has the power to demand for the proper and adequate provision of government services.
5. Relative to the preceding paragraph, the government has the duty to institutionalize the practice of providing information and effective capacity building utilizing not merely materials in accessible formats, but in various languages and understandable presentations considering that most Filipinos with disabilities are deprived of even basic education.

**Relationship with other provisions of the Convention**

1. The Commission acknowledges paragraph 54 that provides for the inclusion of accessibility tools in all dialogues and consultation processes. Persons who are deaf or hard of hearing often find challenges in participating fully in consultations due to the lack of skilled sign language interpreters or the existing barriers during consultations. Persons who are moderating or facilitating dialogues should consider the particular needs of the deaf or hard of hearing and their interpreters. Participants in the consultations should speak slowly and clearly and allow time for interpreters to interpret for and with the deaf or hard of hearing participants.

**National Human Rights Institutions (NHRIs)**

1. The Commission welcomes the significant emphasis of draft GC 7 on the role of NHRIs, as mentioned in paragraphs 24, 27, 71, and 72. The Commission recommends that the draft general comment obliges States Parties to recognize the role of NHRIs, particularly for those governments that have not designated an independent monitoring mechanism (art. 33.2). As previously stated by the Commission in its independent submission to the Committee for its list of issues on the Philippines, a national human rights institution is the most likely form that an independent ‘framework’ would take in compliance with the national monitoring provisions under the Convention. Despite this interpretation of the role of an NHRI in the Convention, the current government is failing to support and strengthen the Commission in its monitoring function.

1. As the National Human Rights Institution (NHRI) of the Philippines, the Commission on Human Rights of has the mandate vested by the 1987 Philippine Constitution and the Paris Principles to promote and protect the full range of human rights including civil and political rights, and economic, social and cultural rights. It has the responsibility to regularly report and monitor human rights situations and violations, and recommend steps in advancing the realization of human rights and dignity of all. The Commission has “A”-status accreditation from the Sub-Committee for Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI). [↑](#footnote-ref-1)
2. Participants in the focus group discussion were representatives of DPOs/OPDs, government agencies, civil society and individual advocates: Association of Child Caring Agencies of the Philippines (ACCAP), Commission on Human Rights of the Philippines (CHRP), Life Haven, National Council of Social Development (NCSD), National Council on Disability Affairs (NCDA), NORFIL Foundation, Philippine Coalition on CRPD / Department of Education (DepEd), Philippine Federation of the Deaf (PFD), and Voice Over / ASEAN Disability Forum (ADF) -Philippines. [↑](#footnote-ref-2)