

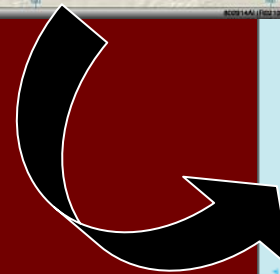
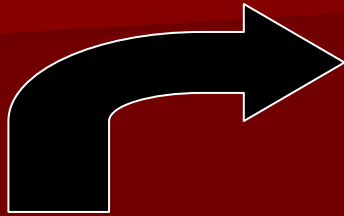
Disability Rights in the Philippines (with a focus on education)

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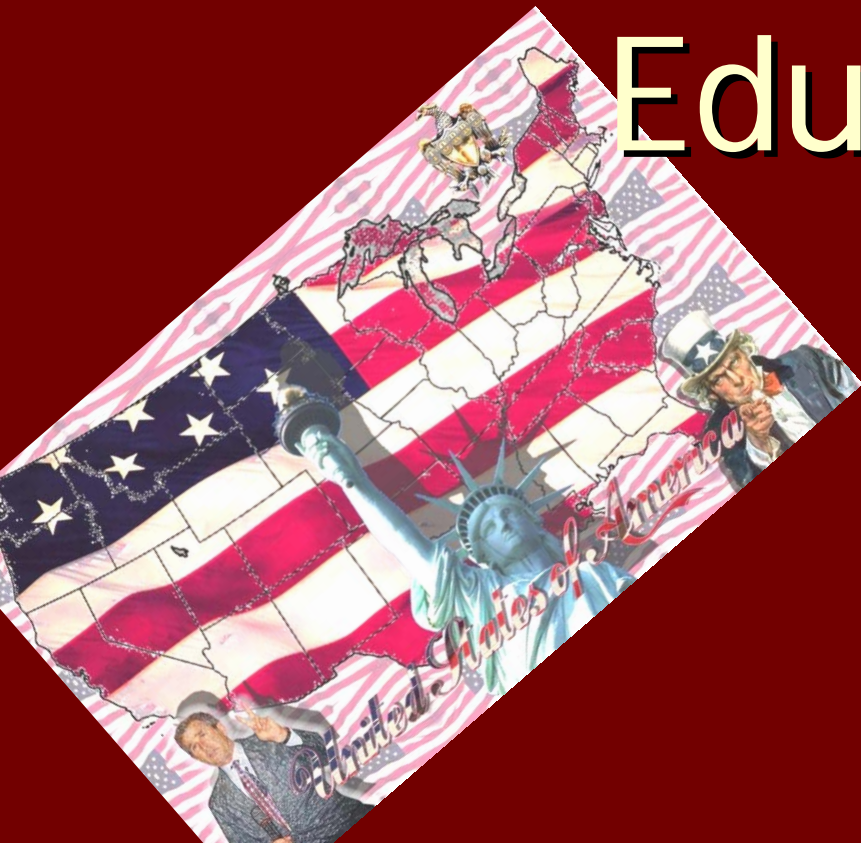
General Information about the Philippines

- Country name: Republic of the Philippines
- Form of Government: Democratic
- Capital: Manila
- Current population: ~91.1 million
- Simple literacy rate (2000): 92.3%
- Average yearly family income: P173,000 (pesos)
- Imports: feed for animals, mineral fuels, organic/inorganic chemicals, iron & steel
- Exports: petroleum products, gold, coconut oil, electronics, woodcrafts/furniture

Location of the Philippines



The United States of America: Disability Law and Education



Individuals with Disabilities Education Act (IDEA)

- The focus:
 - requires public schools to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs.
 - Development of Individualized Education Programs (IEP's) which reflect the individualized needs of each student.

IDEA: Preschool, Elementary, and Secondary Education

What it covers:

- Free appropriate public education
- Educational setting
- Evaluation and placement
- Procedural safeguards
- Nonacademic services
- Private education

IDEA: Postsecondary Education

What it covers:

■ Admissions and recruitment

- Qualified handicapped persons may not, on the basis of handicap, be denied admission or be subjected to discrimination in admission or recruitment

■ Treatment of students

- No qualified handicapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, housing...

■ Academic adjustments

- *Examples:* length of time permitted to complete degree, substitution of specific required courses, extended time for exams, auxiliary aids, etc.

United Nations Guidelines on Education and Disability Rights



Convention on the Rights of Persons with Disabilities

8 guiding principles of the convention:

1. Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons
2. Non-discrimination
3. Full and effective participation and inclusion in society
4. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
5. Equality of opportunity
6. Accessibility
7. Equality between men and women
8. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 24: Education

- States Parties recognize the right of persons with disabilities to education.
- States Parties shall ensure an inclusive education system at all levels, and life-long learning, directed to:
 - (a) The full development of the human potential and sense of dignity and self worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
 - (b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
 - (c) Enabling persons with disabilities to participate effectively in a free society.

In realizing this right, States Parties shall ensure: (continued from article 24)

- That persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary and secondary education on the basis of disability;
- That persons with disabilities can access an inclusive, quality, free primary and secondary education on an equal basis with others in the communities in which they live;
- Reasonable accommodation of the individual's requirements;
- That persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
- That effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

Enabling children with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community (article 24)

- Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication, orientation and mobility skills, and facilitating peer support and mentoring
- Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
- Ensuring that the education of persons, and in particular children, who are blind or blind, is delivered in the most appropriate languages and modes and means of communication for the individual

Teaching positions: (article 24)

- States Parties shall take appropriate measures to employ teachers, including those with disabilities, who are qualified in sign language and Braille, and to train professionals and staff who work at all levels of education
- incorporate disability awareness

•General: (section 24)

persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others (reasonable accommodation)

Convention on the Rights of the Child (1989)

■ Article 2: (Non-discrimination)

- Convention applies to all children, whatever their race, religion or abilities
- ...whether they have a disability or whether they are rich or poor. No child should be treated unfairly on any basis.

■ Article 23:

- recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

Convention on the Right of the Child, continued...

- Assistance...shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services...
- States Parties shall promote the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children

Dakar Framework for Action (2000)

- To achieve education for all by 2015
- goal will only be achieved when all nations recognize that the universal right to education extends to individuals with disabilities, and when all nation act upon their obligation to establish or reform public education systems that are accessible to individuals with disabilities.
- Flagship on Education for All and the Right to Education for Persons with Disabilities has been established to act as a catalyst to ensure that the right to education, and the goals of the Dakar Framework, are realized for individuals with disabilities.

Compare/Contrast of United Nations vs. United States

COMPARE

- Both the UN and US law ensure free primary and secondary compulsory education to those with disabilities. This right is based on equal opportunity and without discrimination.
- Reasonable accommodation for the individual's requirements as well as receiving support required to facilitate their education. The US goes more in depth.
- Both require effective individualized support measures to be provided.

CONTRAST

- The UN does not address postsecondary education for those with disabilities.
- The UN focuses on the full development of the human potential and sense of dignity and self worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity.
- The UN also addresses the development by persons with disabilities of their personality, talents, and creativity not only their mental and physical abilities.
- The UN focuses on enabling those with disabilities to become full and equal participators in society.

The image features a decorative border with the Philippine flag. The top and bottom corners show the white triangle containing the golden sun and three stars, set against a blue and red background. The central area is a solid dark red field.

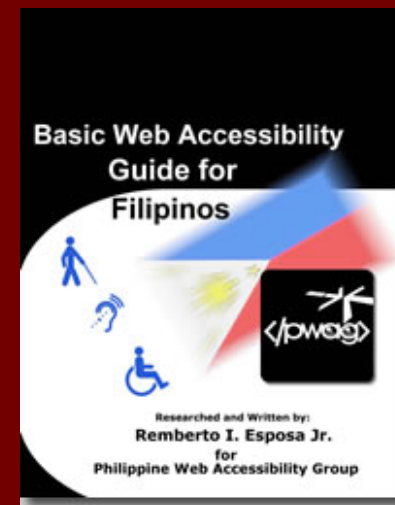
General Discrimination Laws of the Philippines

General Discrimination laws in the Philippines

1987 National Constitution (present)

■ Article 3: Bill of Rights

- **Section 3:** "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."
- **Section 6:** "No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, *incommunicado*, or other similar forms of detention are prohibited."
- **Section 18** "No involuntary servitude in any form shall exist except as a punishment for a crime whereof the party shall have been duly convicted."



1987 National Constitution (present).

Continued...

Article 2: declaration of principles and state policies

- Section 13 (state policy). "The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs."
- Section 17. "The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development."
- Section 24. "The State recognizes the vital role of communication and information in nation-building."
- Section 26. "The State shall guarantee equal access to opportunities for public service and prohibit political dynasties as may be defined by law."

1987 National Constitution (present). Continued...

Article 13: Social Justice and Human Rights

- ***Section 1.*** "The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good."
- ***Section 13.*** "The State shall establish a special agency for disabled person for their rehabilitation, self-development, and self-reliance, and their integration into the mainstream of society."

Magna Carta for Disabled Persons

(Republic Act 7277), "An Act providing for the rehabilitation, self-development and self-reliance of disabled persons and their integration into mainstream society and for other purposes".

- "Disabled persons have the same rights as other people to take their proper place in society. They should be-able to live freely and as independently as possible."
- Section 2, part E: "To facilitate integration of disabled persons into the mainstream of society, the State shall advocate for and encourage respect for disabled persons."
- The State shall exert all efforts to remove all social, cultural, economic, environmental and attitudinal barriers that are prejudicial to disabled persons."



PHILIPPINES DISABILITY LAWS



DEFINITION of DISABILITY

- (1) a physical impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual;
- (2) a record of such an impairment
- (3) being regarded as having such an impairment

RIGHT TO VOTE

"...The Congress shall also design a procedure for the disabled and the illiterates to vote without the assistance of other persons. Until then, they shall be allowed to vote under existing laws and such rules as the Commission on Elections may promulgate to protect the secrecy of the ballot."

*(Constitution: (1987)
Article V, section 2)*



IRR OF RA 7277

Auxiliary Aids and Services include:

- Qualified interpreters or other effective methods of delivering materials to individuals with hearing impairments;
- Qualified readers, taped tests, or other effective methods of delivering materials to individuals with visual impairments; Acquisition or modification of equipment or devices; and
- Other similar services and actions or all types of aids and services that facilitate the learning process of people with mental disability.
- Auxiliary Social Services – are the supportive activities in the delivery of social services to the marginalized sectors of society.

EDUCATION



- **Special Education** – educational program that caters to various types of learners with special needs from preschool to tertiary levels and their formal or nonformal programs that are complementary mutually reinforcing and a comparable standards.
- **Quality Education** – a learning process that makes the individual a better person and prepares him to cope with rapid social change with appropriate skills and positive values leading to productive and meaningful life as responsible citizen.

EDUCATION CONT...

- **Special Class** – refers to a class generally for one type of a learner with special needs organized within the regular school and taught by a SPED teacher.
- **Special Education (SPED)** – the type of education specifically designed for learners with special needs who can not profit maximally from regular education such that they require trained personnel, teaching methods, instructional materials and adaptations in facilities and equipment.
- **Special Education Needs** – take the form of the need for one or more of the following: (a) the provision of special means of access to the curriculum through special equipments, facilities or resources, modification of the physical environment or specialized teaching techniques; (b) provision of a special or modified curriculum; (c) particular attention to the social structure and emotional climate in which education takes place (UNESCO), World Education Report, 1991)
- **Special Education Teacher** – professionally trained educators teaching learners with special needs.

REASONABLE ACCOMMODATIONS

Reasonable Accommodations includes:
improvement of existing facilities used any employees in order to render these readily accessible to and usable by disabled persons;
and modification of work schedules,
reassignment to a vacant position, acquisition or modification of equipment or devices,
appropriate adjustments or modifications of examinations, training materials or company policies, rules and regulations, the provision of auxiliary aids and services, and other similar accommodations for disabled persons.

ADMINISTRATIVE ORDER NO. 35

SECTION 1.

The National Council for the Welfare of Disabled Persons (NCWDP) will spearhead the holding of a series of activities involving government and private agencies to highlight the nation's efforts towards disability prevention and rehabilitation leading to the effective integration of persons with disabilities into the mainstream of society.



BP 344

SECTION 4.

Any person violating any provision of this Act or of the rules and regulations promulgated hereunder shall, upon conviction by a court of competent jurisdiction, suffer the penalty of imprisonment of not less than one month but not more than one year or a fine of P2,000 to P5,000 or both, at the discretion of the court: Provided, That in the case of corporations, partnerships, cooperatives or associations, the president, manager or administrator, or the person who has charge of the construction, repair or renovation of the buildings, space or utilities shall be criminally responsible for any violation of this Act and/or rules and regulations promulgated pursuant thereto.

Now, taking a look at the reality of disability law involving education and discrimination in the Philippines

- The situation of disability in the Philippines
- Women in the Philippines
- Judith Heumann on Education
- Discrimination Case
- Rehabilitation Programs and KAMPI
- Comparison of conditions in the Philippines and U.S.



Discussion Questions

- What are some of the weaknesses of Philippine disability law, and what are some of the potential implications of these weaknesses?
- In reviewing the disability laws in the Philippines, are there any parts that you think could be beneficial/strengthen disability law in the United States?
- In comparing the laws of the United States and the Philippines, what are some of the similar reasons for courts' discriminating against people with disabilities in their decisions?

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