**Recommendations by UN human rights mechanisms concerning the rights of persons with disabilities with respect to the Philippines**

**Main issues raised by TBs**

* Discrimination of children with disabilities
* Need for a comprehensive policy for the protection and promotion of the rights of **children with disabilities**
* Access to reproductive health-care services
* Violence against women with disabilities: review legal definition of rape as to place the lack of consent at its centre, rather than commission by force or violence
* Need for participation of children with disabilities and members of their families in the planning, implementation and evaluation of programmes;
* Need for data collection, including on **children with disabilities**
* Need for awareness raising campaigns on the rights of **children with disabilities**
* Need for training of professionals working with **children with disabilities**, and judges, lawyers, etc., on the rights of women with disabilities

Concluding Observations of the CAT Committee, 57th session, 2016

TO BE PUBLISHED SOON.

Concluding Observations of the CEDAW Committee, 64th session, 2016

TO BE ADOPTED IN JULY 2016

Concluding Observations of the CESCR Committee, 2016

TO BE ADOPTED IN OCTOBER 2016

Concluding Observations of the Human Rights Committee, [CCPR/C/PHL/CO/4](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsiaqBGETQELDeUDeMGqSOzXwurgh4sBtf4Ep35I2CqgM%2fk%2fcb2JyMUrBUyUi30Y7ONnA5u0UjKE7RiSdmq8viVyLJ7FWdgihJ3iJlBBswXVy), 2012

13. The Committee regrets the absolute ban on abortions, which compels pregnant women to seek clandestine and harmful abortion services, and accounts for a significant number of maternal deaths. The Committee also regrets the issuance of Executive Order 0030 in Manila City which prohibits the disbursement of funds for the purchase of materials and medicines for artificial birth control (arts. 2, 3, 6 and 17).

The State party should review its legislation with a view to making provision for exceptions to the prohibition of abortion, such as protection of life or health of the mother, and pregnancy resulting from rape or incest, in order to prevent women from having to seek clandestine harmful abortions. The State party should **also ensure that reproductive health services are accessible for all women and adolescents**. In this regard, the State party should lift Executive Order 0030 for Manila city in so far as it prohibits the disbursement of funds for the purchase of materials and medicines for artificial birth control. Furthermore, the State party should increase education and awareness-raising programmes, both formal (at schools and colleges) and informal (in the mass media), on the significance of using contraceptives and the right to reproductive health.

Concluding Observations of the CRC Committee, 52nd session, 2009, CRC/C/PHL/CO/3-4

29. While noting efforts by the State party to eliminate discrimination against children, including through the implementation of the Girl Child Plan and a number of programmes targeting indigenous and minority children, the Committee reiterates its concern at discrimination faced by many children, in particular children living in poverty, **children with disabilities**, indigenous and minority children, including Muslim children living in Mindanao, migrant children, street children and children living in rural areas as well as children living in conflict areas, as regards their access, inter alia, to social and health services and education. The Committee also remains concerned at the de facto discrimination still affecting the girl child and impeding the full enjoyment of her rights, mainly due to societal attitudes toward girls and women. The Committee further expresses its concern at the fact that the State party has not yet addressed the situation of children born out of wedlock, who still face discriminatory practices such as their classification as “illegitimate” and their restricted right to inherit.

30. The Committee urges the State party to increase its efforts to eliminate discrimination against children and in particular to:

(a) Adopt and implement a comprehensive strategy addressing all forms of discrimination, including multiple forms of discrimination against all vulnerable groups of children and aimed at combating discriminatory social attitudes towards girls, children living in poverty, **children with disabilities**, indigenous and minority children, including Muslim children living in Mindanao, migrant children, street children and children living in rural areas as well as children living in conflict areas;

**Children with disabilities**

53. While welcoming the State party’s ratification of the Convention on the Rights of **Persons with disabilities** in 2008, the Committee expresses its concern at the lack of a comprehensive policy to ensure that **children with disabilities** have equal access to social, educational, health and other services. The Committee also remains concerned at the high prevalence of disability among Philippine children, due to a number of causes, including malnutrition and unsanitary living conditions as a result of extreme poverty. The Committee is further concerned that those children continue to face de facto discrimination and that they have an invisible role in society.

54. The Committee recommends that the State party strengthen its measures to protect and promote the rights of **children with disabilities**, inter alia, by:

(a) Developing and implementing a comprehensive policy for the protection and promotion of the rights of **children with disabilities** and enforcing existing legislation to ensure that **children with disabilities** have equal access to social, educational, health and other services;

(b) Strengthening the existing database and monitoring system on **children with disabilities**;

(c) Ensuring participation of **children with disabilities** and members of their families in the planning, implementation and evaluation of programmes;

(d) Making every effort to provide programmes and services for all **children with disabilities**, including mental disabilities, and ensure that such services receive adequate human and financial resources;

(e) Carrying out awareness campaigns to sensitize the public about the rights and special needs of **children with disabilities** and encourage their inclusion in society;

(f) Providing training for professional staff working with **children with disabilities**, such as teachers, social workers, medical, paramedical and related personnel;

(g) Taking into account article 23 of the Convention, the Committee’s general comment No. 9 (2006) the rights of **children with disabilities** as well as the Convention on the Rights of **Persons with disabilities**.

Views of the CEDAW Committee on Communication No. 18/2008, *Karen Tayag Vertido v the Philippines*, adopted on 16 July 2010, CEDAW/C/46/D/18/2008

8.9 Acting under article 7, paragraph 3, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and in the light of all the above considerations, the Committee is of the view that the State party has failed to fulfil its obligations and has thereby violated the rights of the author under article 2 (c) and (f), and article 5 (a) read in conjunction with article 1 of the Convention and general recommendation No. 19 of the Committee, and makes the following recommendations to the State party:

(a) Concerning the author of the communication

• Provide appropriate compensation commensurate with the gravity of the violations of her rights

(b) General

• Take effective measures to ensure that court proceedings involving rape allegations are pursued without undue delay

• Ensure that all legal procedures in cases involving crimes of rape and other sexual offenses are impartial and fair, and not affected by prejudices or stereotypical gender notions. To achieve this, a wide range of measures are needed, targeted at the legal system, to improve the judicial handling of rape cases, as well as training and education to change discriminatory attitudes towards women. Concrete measures include:

(i) Review of the definition of rape in the legislation so as to place the lack of consent at its centre;

(ii) Remove any requirement in the legislation that sexual assault be committed by force or violence, and any requirement of proof of penetration, and minimize secondary victimization of the complainant/survivor in proceedings by enacting a definition of sexual assault that either:

- requires the existence of “unequivocal and voluntary agreement” and requiring proof by the accused of steps taken to ascertain whether the complainant/survivor was consenting; or

- requires that the act take place in “coercive circumstances” and includes a broad range of coercive circumstances.”

(iii) Appropriate and regular training on the Convention on the Elimination of All Forms of Discrimination against Women, its Optional Protocol and its general recommendations, in particular general recommendation No. 19, for judges, lawyers and law enforcement personnel;

(iv) Appropriate training for judges, lawyers, law enforcement officers and medical personnel in understanding crimes of rape and other sexual offences in a gender-sensitive manner so as to avoid revictimization of women having reported rape cases and to ensure that personal mores and values do not affect decision-making.