



COMMISSION ON HUMAN RIGHTS
REPUBLIC OF THE PHILIPPINES

Inputs of the Commission on Human Rights of the Philippines (CHRP) for the 14th session of the United Nations General Assembly's Open-Ended Working Group on ageing for the purpose of strengthening the protection of human rights of older persons (OEWGA)

15 April 2024

Contents

Introduction	1
Thematic focus areas of the 14th session	2
Accessibility, infrastructure and habitat (transport, housing and access)	2
Participation in public life and decision-making processes	4
Normative content of the thematic focus areas discussed at the 13th session	6
Right to health and access to health services	6
Social inclusion	8
Endnotes	10

Introduction

The CHRP is the country's national human rights institution, constitutionally mandated to promote and protect the human rights of all persons in the Philippines and Filipinos abroad. It has been accredited "A" status by the Global Alliance of National Human Rights Institutions (GANHRI) since 1999, which attests to its compliance with the *Principles relating to the status of national institutions*, also known as the Paris Principles.

In accordance with its constitutional mandate to "establish a continuing program of research, education, and information to enhance respect for the primacy of human rights"¹ and in response to the call for inputs by the Chair of the OEWGA, the CHRP submits the present written inputs for the 14th session of the OEWGA, which will be held from 20-22 and 24 May 2024 at the UN Headquarters, New York.

In this submission, the CHRP draws its analysis from the 1987 Constitution of the Republic of the Philippines (hereinafter the "Constitution"); relevant national laws and policies; existing international standards; reports by the government and non-governmental organizations; scholarly articles; and the CHRP's independent monitoring activities.

The CHRP has a broad mandate to promote and protect human rights. Through its policy units that prioritize work on the promotion and protection of the human rights of older persons, among other marginalized, vulnerable, and disadvantaged sectors, the CHRP monitors the situation of the sector, reports on their situation to government policy-makers and international human rights mechanisms, and submits recommendations to address issues in policy and practice that hinder the full enjoyment of their human rights. To strengthen the CHRP's work in this regard, in accordance with the Paris Principles, we are currently advocating for the enactment of a CHRP Charter, which will broaden further our geographical reach and legislative mandates, strengthen our fiscal autonomy, and address issues with respect to our full compliance with the Paris Principles (as per the recommendations of the GANHRI Sub-Committee on Accreditation). The CHRP calls on the international community, including the OHCHR, the UN DESA, the OEWGA Bureau and Member States, and other international human rights actors, bodies and mechanisms, to support our bid for the enactment of the proposed CHRP Charter.

CHR ng lahat: Naglilingkod maging sino ka man

Thematic focus areas of the 14th session
Accessibility, infrastructure and habitat (transport, housing and access)

National legal and policy framework²

1. In the Philippines, there are existing legislations and policy issuances that are being implemented, namely: Batas Pambansa No. 344³ or “the Accessibility Law”⁴, which was enacted on February 25, 1983. This Act provides for the minimum requirements and standards to make buildings, facilities, and utilities for public use accessible to disabled persons including older persons who are confined to wheelchairs and those who have difficulty in walking or climbing stairs, among others;⁵ The Magna Carta for Disabled Persons⁶ (RA 7277), this law has a specific chapter on accessibility;⁷ and Republic Act 10070, “directs local government units to organize and establish a Person with Disability Office,” which will among others functions, coordinate the implementation of the Magna Carta and the Accessibility Law.⁸
2. The Department of Transportation (DOTr) issued two policy issuances, namely: Joint Memorandum Circular No. 2018-001,⁹ to ensure the safety of persons with disabilities and senior citizens in boarding and disembarking an aircraft in the course of their travels; and Department Order No. 2017-018,¹⁰ mandating all Airport Authorities to facilitate compliance by requiring aircraft operators having accessible passenger boarding ramps for the use of persons with disabilities and senior citizens. These two policy issuances are the results of the lobbying efforts made by the National Council of Disability Affairs (NCDA) through the assistance of the DOTr Commuters Affairs Office-Persons with Disabilities’ Commuters Rights Group in mobilizing commuters with disabilities nationwide to demand their rights to have accessible public transport in land, air and sea travels.
3. On access/right to housing:
 - The right to housing of older persons is generally recognized and guaranteed in the Philippine Constitution and in the Bill of Rights provides for the guarantees against unreasonable searches and seizures inside the home¹¹ and for liberty of abode.¹² Also, Article XIII, sections 9 and 10 of the Constitutions provides;¹³
 - Republic Act No. (RA) 11201 or the “Department of Human Settlements and Urban Development (DHSUD) Act,¹⁴ reaffirms the State policy to “ensure that underprivileged and homeless citizens have access to an adequate, safe, secure, habitable, sustainable, resilient and affordable home;”¹⁵
 - The Magna Carta of the Poor,¹⁶ gives particular consideration to ensuring that senior citizens, as one of the basic sectors¹⁷ “right to adequate housing,”¹⁸ to have a decent, affordable, safe, and culturally appropriate to live in, with dignity, security of tenure in accordance with the Urban Development and Housing Act of 1992,¹⁹ in peace, with access to basic facilities, and livelihood;
 - Republic Act 9994 or the Expanded Senior Citizens Act of 2010, is the most comprehensive and older persons-specific law in the Philippines, with specific provisions for government;²⁰
 - The National Urban Development and Housing Framework (NUDHF): 2017-2022, provides an overarching framework for urban development and housing. Its key framework principles make explicit references to older persons, among other groups, with respect to inclusive urbanization and the need for culturally-sensitive housing development that adhere to appropriate standards.²¹
4. On infrastructure, the Implementing Rules and Regulations (IRR)²² of Republic Act 7277, states that the environment and transportation shall be designed so that it shall be accessible and shall ensure safety for disabled people, including older persons.²³

What are the challenges and barriers faced by older persons for the realization of their right to accessibility, infrastructure use, and habitat?²⁴

5. The CHRPP, in its report,²⁵ mentioned that “the Philippine Government’s goal of enhancing the accessibility and mobility of persons with disabilities (to include the senior citizens/ older persons), is still far from being realized. Many facilities such as private and public buildings, public transportation, and roads, remain inaccessible.²⁶
6. The Department of Social Welfare and Development, in its Philippine Plan of Action for Senior Citizens, “challenges were noted pertaining to the implementation of the Accessibility Law.²⁷ In a screening/survey undertaken by the National Council for Disability Affairs (NCDA) in 2014, out of the 1,200 local government agencies screened nationwide, only 40 or only 0.033% passed the criteria set for the minimum requirement for accessibility law.²⁸

Data and research²⁹

7. A very recent study entitled “Aging in the Philippines,”³⁰ revealed transportation issues as among the key challenges of the elderly in accessing healthcare. Further, “limited access to transportation can hinder elderly individuals’ ability to reach healthcare facilities, particularly in remote or rural areas. Many elderly individuals may face difficulties in traveling long distances to access medical services, which can result in delayed or inadequate healthcare.³¹
8. The CHRPP has available research on this theme, namely: 2020 National Human Rights Situation of Older Persons³²; and Survey on the Enjoyment by Older Filipinos of their Human Rights.³³ These two studies

present information on the CHRP's assessment³⁴ and recommendations³⁵ regarding older persons' rights to accessibility, infrastructure, and habitat in the country.

Equality and non-discrimination³⁶

9. The CHRP continues to call attention to and provide technical assistance to the government where the interventions and policies are discriminatory. Specific to senior citizens (older persons), there are advisories³⁷ and policy issuances³⁸ in coordination with the concerned government agencies to address the issues faced against discrimination.

Remedies and Redress³⁹

10. The Department of Transportation (DOTr) Task Force on Accessibility⁴⁰ was created under Special Order No. 2007-77 and one of its functions and responsibilities is to "monitor, survey and conduct ocular inspection relative to the provisions of the Accessibility Law, its Implementing Rules and Regulations and the Magna Carta for Disabled Persons.⁴¹ Other general mechanisms are available where senior citizens can direct their complaints, namely: (a) the "Office for Senior Citizens Affairs"⁴² (OSCA) in every city and municipality in the country;" (b) the National Commission of Senior Citizens⁴³ (NCSC), that "State shall promote the advocacy of and collaboration between different stakeholders and senior citizens to ensure the effective implementation of various programs and services and ensure a supportive and enabling environment for the elderly."⁴⁴
11. The CHRP has participated in various activities as part of the DOTR Task Force Accessibility Audit programs and activities, such as:
 - (a) For the period of 2008 until 2015, CHRP has actively participated on the regular activities of the Task Force together with the members from the national government agencies, namely: National Council on Disability Affairs (NCDA), Department of Transportation (DoTR), and Department of Public Works and Highways (DPWH). Among the main activity that the Task Force regularly undertakes is the conduct of the Accessibility Audit, led by DoTR, wherein the members are conducting visits to building/facilities to conduct ocular monitoring visits to evaluate their compliance on the minimum requirements accessibility as enumerated on Accessibility Feature for PWD.⁴⁵ Reports of the Accessibility Audit are prepared by the DoTR as reference in the provision of technical assistance and other measures to further improve their respective compliance of agencies to the Accessibility Law in the country.
 - (b) On April 2023, the CHRP is requested to engage into an agreement⁴⁶ by the Life Haven Center for Independent Living, Inc.⁴⁷ (Life Haven), through the Project Wheels of Justice⁴⁸ led by the latter for the enablement of the persons with disabilities to fully participate in society.

Thematic focus areas of the 14th session
Participation in public life and decision-making processes

National and local legal and policy framework⁴⁹

1. In the Philippines, there are national legislations that guarantee the right to participation of senior citizens (older persons) in public life, namely: (a) The 1987 Philippine Constitution guarantees the right to participate in public life, particularly through the protection of the right to suffrage;⁵⁰ (b) Republic Act 10366, the right of older persons and persons with disabilities (PWDs) to participate in the electoral process.⁵¹ The law authorizes the Commission on Election (COMELEC) to establish voting centers exclusively for PWDs and senior citizens;⁵² (c) Republic Act 7491,⁵³ expounded the Party-List Law System Act of 1995. The party-list system is an avenue for marginalized groups like older persons to be represented in Congress; (d) Republic Act 8425,⁵⁴ under this law, basic sectors such as older people are represented in the National Anti-Poverty Commission (NAPC), as coordinating and advisory body for the implementation of this particular law; and (e) National Commission on Indigenous Peoples-CEB Resolution, “to set up the processes and mechanisms for the mandatory representation of ICCs/IPs, in local legislative councils”.⁵⁵ These mandatory representatives are usually the elders of tribes and other cultural communities.

What steps have been taken to ensure participation in public life and in decision-making processes without discrimination?

2. The Commission on Election (COMELEC), has continuously and tirelessly adopted a policy of inclusivity towards the vulnerable sectors of our society, particularly the members of the Persons with Disabilities, Senior Citizens, and even to pregnant voters.⁵⁶ This resulted in various special projects such as: (a) Organization of a Technical Working Group (TWG) with the CHR;⁵⁷ (b) Designating special polling places and focal persons;⁵⁸ (c) Guidelines for Registration of Persons with Disabilities were promulgated. This was issued amending the existing Certification/Attestation by Assistor to have a portion called “Supplementary Data (Persons with Disabilities/Sr. Citizens with Disabilities);⁵⁹ (d) Establish Precincts Assigned to Accessible Polling Places Exclusively for PWDs and Senior Citizens);⁶⁰ (e) Special Registration Day for persons with disability and senior citizens and ordered that Express Lanes be established during regular registration days;⁶¹ (f) Designed and implemented sensitivity training to persons performing electoral duties, including COMELEC field officers, members of the Board of Electoral Inspectors (BEI) and accredited Citizen’s Arms;⁶² (g) Setting-up of a Special Registration Days for Persons with Disabilities and Senior Citizens;⁶³ (h) Accessible Polling Places (APPs);⁶⁴ and Memorandum of Understanding with Department of Interior and Local Government (DILG), Department of Health (DOH) and Philippine Red Cross.⁶⁵ Efforts are also being made between CHR and the COMELEC to have an existing MOA to recognize, formalize, and institutionalize the Bantay Karapatan sa Halalan (BKH), a multisectoral group from civil society organizations and CHR tasked to conduct promotion and monitoring activities affecting people’s right to suffrage.
3. In the sector of Indigenous peoples (IPs), the Indigenous Peoples Voting Project piloted the concept of Separate Polling Places (SPPs) and Accessible Voting Centers (AVCs) in different Indigenous Peoples (IP) communities.⁶⁶ The IP Voting Project seeks to address the issues of access, and discrimination encountered by IP voters on election day.⁶⁷
4. In addition, there are other existing mechanisms that serve as a basis for providing space for senior citizens (older persons) to ensure their participation in public life). First, “system of decentralization”, local government units (LGUs) are delegated more powers, authority, responsibilities, and resources at various levels/units: provincial, city, municipal, and barangay governance in the Philippines.⁶⁸ Second, supervision of the DSWD, to ensure the establishment of Senior Citizens Centers in all cities and municipalities, to respond to older persons’ socialization and interaction needs as well as to serve as a venue for the conduct of other meaningful activities.⁶⁹ Third, senior citizens⁷⁰ as one of the basic sectors represented in the National Anti-Poverty Commission⁷¹ (NAPC). Fourth, the “Office of the Senior Citizens Affairs (OSCA) is headed by a senior citizen who shall be appointed by the mayor for a term of three (3) years without reappointment from a list of three (3) nominees of the sangguniang panlungsod⁷² or the sangguniang bayan.”⁷³

Data and research⁷⁴

5. The COMELEC, “shall keep an updated record of persons with disabilities and senior citizens who are registered as voters, which indicates the types of disability and the assistance they need, to assist it in determining policy directions for more inclusive and accessible electoral processes. The record shall be made accessible to concerned government offices, accredited citizens’ arms, civil society monitoring groups, and other organizations that promote the rights of persons with disabilities and senior citizens, subject to specific guidelines, the Commission may promulgate to protect the privacy of the individuals concerned.”⁷⁵

Equality and non-discrimination⁷⁶

6. In the country, there are specific avenues whereby senior citizens can participate in politics and legislation⁷⁷, such as: (a) As elective sectoral representatives to the House of Representatives;⁷⁸ (b) As elective district congressmen and senators; (c) As members of senior citizens organizations;⁷⁹ and (d) As

a member of the electorate (voting privileges).⁸⁰ Among the challenges and barriers faced by senior citizens, (as present in the discussion and analysis of findings: factors that affect political participation⁸¹ of the elderly in the Philippines), ⁸² are as follows:

- Senior Citizens Affairs (SCA's) not functioning enough to expand participation of older persons in organizations, more so, in politics and legislation;⁸³
 - Need for senior citizens group to regroup and seriously think about winning seats through the party list system;⁸⁴
 - Need to maintain credibility in the public eye;⁸⁵
 - DSWD should be doing more for the elderly;⁸⁶ and
 - Support of advocacy groups in passing of pro-elderly bills.⁸⁷
7. The National Commission on Indigenous Peoples (NCIP), in its 2021 Annual Report,⁸⁸ implemented activities with the participation of senior citizens, in cognizant with the 36 Specific Rights⁸⁹ under the four (4) Bundle of Rights⁹⁰ for the Indigenous.

Accountability⁹¹

8. In the Philippines, the Department of Interior and Local Government (DILG) has an existing policy issuance⁹² relative to procedures⁹³ in handling senior citizens' complaints, particularly concerning the benefits granted to them by law, including the prescribed complaint form.⁹⁴ As mandated by law, one of the functions of the Office for Senior Citizens Affairs⁹⁵ (OSCA), is "to assist the senior citizens in filing complaints or charges against any individual, establishments, business entity, institution, or agency refusing to comply with the privileges under this Act before the Department of Justice (DOJ), the Provincial Prosecutor's Office, the regional or the municipal trial court, the municipal trial court in cities, or the municipal circuit trial court."⁹⁶
9. On the sector of indigenous peoples (including senior citizens), a culturally appropriate grievance redress system, are established, namely: grievance redress system (GRS) and Indigenous Peoples' Conflict Resolution Practices,⁹⁷ to facilitate the resolution of issues and concerns in the availment of the basic services, particularly the elderly.⁹⁸
10. Anti-Elder Abuse Act seeks to provide senior citizens who are victims of violence with protection and legal assistance, medical assistance, support services from the DSWD and LGU concerned, livelihood assistance, and all other appropriate programs to ensure the personal safety and security of seniors and prevent the recurrence of violent acts committed against them. Commission of domestic violence, elder abuse, and emotional abuse as defined in the Act shall suffer the penalties of imprisonment and a fine. Several bills (HB 0109, 0897, 1917, 2096, 2973, 3280, 4297, 4696, 4818, 5116, 6476, 9423, 9435, 9777 and SB Nos 2291, 1408, 816, 712, 639, and 582) on the Anti-Elder Abuse Act are still pending with the House of Representatives and the Senate for the 19th Congress. These bills have not yet become a law. Considering that anti-elder abuse bills have been filed since the 17th Congress. It appears that they are not among the most important pieces of legislation in either house.⁹⁹

Normative content of the thematic focus areas discussed at the 13th session
Right to health and access to health services

Definition¹⁰⁰

1. The human right of older persons to the highest attainable standard of physical and mental health is not defined in the Philippine legal framework. However, the Constitution provides for a population-wide State guarantee to “protect and promote the right to health of the people and instill health consciousness among them.”¹⁰¹ This is further elaborated in the social justice provisions of the Constitution, which provides that “the State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost” and that priority shall be given to the needs of older persons, among other groups.¹⁰²
2. These Constitutional provisions are operationalized through:
 - a. The Universal Health Care Act mandated the State, as a matter of policy, to adopt: “(a) an integrated and comprehensive approach to ensure that all Filipinos are health literate, provided with healthy living conditions, and protected from hazards and risks that could affect their health; (b) a health care model that provides all Filipinos access to a comprehensive set of quality and cost-effective, promotive, preventive, curative, rehabilitative and palliative health services without causing financial hardship, and prioritizes the needs of the population who cannot afford such services; (c) a framework that fosters a whole-of-system, whole-of-government, and whole-of-society approach in the development, implementation, monitoring, and evaluation of health policies, programs and plans; and (d) a people-oriented approach for the delivery of health services that is centered on people’s needs and well-being, and cognizant of the differences in culture, values, and beliefs.”¹⁰³
 - b. Specific to mental health, the Mental Health Act declared it a State policy to affirm “the basic right of all Filipinos to mental health as well as the fundamental rights of people who require mental health services” and to commit “to promoting the well-being of people by ensuring that: mental health is valued, promoted and protected; mental health conditions are treated and prevented; timely, affordable, high quality, and culturally-appropriate mental health care is made available to the public; mental health service are free from coercion and accountable to the service users; and persons affected by mental health conditions are able to exercise the full range of human rights, and participate fully in society and at work free from stigmatization and discrimination.”¹⁰⁴ The law also required mental health services, in terms of quality, to be “age-appropriate,” among others.¹⁰⁵
 - c. Specific to older persons, the Expanded Senior Citizens Act mandated the State to “provide a comprehensive health care and rehabilitation system for disabled senior citizens to foster their capacity to attain a more meaningful and productive ageing” and to “establish community-based health and rehabilitation programs for senior citizens in every political unit of society.”¹⁰⁶
3. In view of the above and in accordance with existing international human rights standards, it must be declared in a legally-binding universal instrument that **older persons have the right to the enjoyment of the highest attainable standard of physical and mental health, on an equal basis with others and without discrimination on the basis of age or other status and the right to access goods, facilities, and services that are age-appropriate and that meet their physical, mental, cognitive, and psychosocial health and care needs.**¹⁰⁷

Scope of the right¹⁰⁸

4. All persons, regardless of age, have the right to the highest attainable standard of physical and mental health. This right is inherent to every individual and the entitlement to its full enjoyment is in no way diminished by the ageing process. All older persons should be able to fully enjoy this right on an equal basis with others. Therefore, the normative elements of this right under the International Covenant on Economic, Social, and Cultural Rights (ICESCR) should apply to older persons: availability, accessibility (non-discrimination, physical accessibility, economic accessibility or affordability, information accessibility), acceptability, and quality.¹⁰⁹ Availability should mean having an integrated and comprehensive approach, combining elements of promotive, preventive, curative, rehabilitative, and palliative healthcare.¹¹⁰ Quality healthcare for chronically and terminally ill older persons should respect their autonomy, spare them avoidable pain, and enable them to die with dignity.¹¹¹ Quality should also mean ensuring age-appropriate interventions based on scientific and medical evidence, not ageist assumptions on older age.

State obligations¹¹²

5. The general and specific legal obligations by the State under the ICESCR should apply to the implementation of the right to health of older persons. This means that States must guarantee that the right will be exercised without discrimination on the basis of age and must take deliberate, concrete, and targeted steps towards the full realization of the right.¹¹³ States must respect, protect, and fulfill the right to health of older persons on an equal basis with others and without discrimination.¹¹⁴ It must be underscored, however, that discrimination on the basis of age is not explicitly prohibited under international law.¹¹⁵ This gap must be addressed in a comprehensive international legally-binding instrument for the promotion and protection of the human rights of older persons.
6. In situations where resources are stretched and healthcare goods, facilities, and services must be rationed and allocated, states must ensure that prioritization policies and practices, such as hospital triage approaches, comply with human rights standards. These policies must not unreasonably deprioritize older

persons or prevent them from accessing healthcare and treatment solely based on their age. The COVID-19 pandemic has highlighted how ageist assumptions about older people have led to the withholding or refusal of medical treatment based on arbitrary age limits.¹¹⁶

7. The World Health Organization has determined that ageism has a dramatic impact on the health of older persons.¹¹⁷ “Ageism shortens lives; leads to poorer physical health and worse health behaviors; impedes recovery from disability; results in poorer mental health; exacerbates social isolation and loneliness; and reduces quality of life.”¹¹⁸ States must therefore undertake special measures¹¹⁹ to reduce or eliminate ageism in society while ensuring that the promotion of positive and healthy ageing does not inadvertently result in the stigmatization of disability and poor health in older age. This should include providing State support to scientific and medical research on health in older age.

Special considerations¹²⁰

8. The pervasiveness of ageism against older persons¹²¹ must be emphasized. Ageism can lead to age discrimination, which can have debilitating and dangerous effects to the life and well-being of older persons.
9. Existing data on the prevalence of certain non-communicable or chronic diseases, such as dementia and heart diseases, must be recognized and addressed by the State. However, it must be underscored that older persons are not a homogeneous group and may have varying and changing healthcare needs. International human rights law must guarantee the availability of systems to detect and manage the healthcare needs of older persons in the present and future generations. Also, such systems must apply an intersectional approach in the collection and interpretation of health data.
10. The interpretation of the right to health of older persons must apply a life course analysis, underlining the compounding impact of discrimination (based on protected attributes such as sex and race) and other social conditions in the earlier stages of the life of an individual to their health and well-being in older age. International human rights law must recognize existing scientific evidence pointing to the fact that chronological age has a weak correlation to physical and mental decline; and that “behaviors, genetic inheritance, and most substantially, social factors throughout the life course appear to be more strongly correlated with physical functioning and quality of life in old age.”¹²² Varying social conditions experienced by individuals in earlier stages of life, such as gender or race-based discrimination and inability to fully enjoy economic and social rights due to poverty, may play a causal role in variations in the quality of life of older persons.¹²³ Applying a life course analysis also underscores the need for international human rights law to address questions related to understanding whether the “differences or inequalities observed in abilities and quality of life among older persons are unfair and unjust” and whether these differences and inequalities necessitate human rights-based national and global responses.¹²⁴

Implementation¹²⁵

11. The mandatory coverage of all Filipino senior citizens in the country’s national health insurance program (NHIP), through legislative fiat,¹²⁶ sought to address the wide disparity among older persons in terms of accessing its services. Before this law was enacted in 2014, not all senior citizens were automatically covered by the NHIP. Only those who voluntarily enrolled through past employment or otherwise, as well as those considered “indigent” were covered. The law mandated the national government to shoulder the premium contributions of all Filipino senior citizens who are not formally employed. Socialized healthcare for older persons is a beneficial practice that helps to eliminate economic barriers to accessing healthcare goods and services.
12. Main challenges confronted in the country include:¹²⁷
 - a. The government lacks a complete, comprehensive database of older persons. There is also a need for digitization of existing data and information. As a result of this data gap, government programs and policies do not always address age-specific health needs (especially for specific illnesses). The collection of age-disaggregated health data by statistics and health authorities must be prioritized by the government.
 - b. Availability: Health supplies and services are lacking. Free medicines do not always reach the intended end-users or marginalized older persons. Geriatric doctors and nurses are lacking. There is also a need to educate healthcare workers on aging and needs of older persons. Only a few doctors are trained on geriatrics. Mental healthcare professionals and services are lacking. There is also a lack of infrastructure to support mental health services (e.g., recreational public parks, social programs).
 - c. Accessibility: Access to services is mostly presence-based, i.e., physical appearance is required to access services. This further marginalizes older persons with limited mobility and older persons living in geographically isolated and disadvantaged areas.
 - d. Health programs for senior citizens are fragmented. There is a need for a national long-term care framework for older persons which will help them maintain their functional mobility. The framework should provide a roadmap for a more comprehensive health service for older persons.

Normative content of the thematic focus areas discussed at the 13th session
Social inclusion

Definition¹²⁸

1. The social exclusion of older persons is “a complex process that involves the lack or denial of resources, rights, goods and services as people age, and the inability to participate in societal relationships and activities, available to the majority of people across the varied and multiple domains of society.”¹²⁹ Ensuring that older persons are not excluded in society necessitates the **protection, respect, and fulfillment of their rights recognized under the International Covenant on Economic, Social, and Cultural Rights (ICESCR)**, including the right of older persons to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions (article 11), social security (article 9), work, including the right to the opportunity to gain living by work which is freely chosen or accepted (article 6) and to the enjoyment of just and favorable conditions of work (article 7), and enjoyment of the highest attainable standard of physical and mental health (article 12), **on an equal basis with others and without discrimination on the basis of age or other status.**
2. At the national level, the Expanded Senior Citizens Act¹³⁰ (ESCA), which is the most comprehensive older persons-focused legislation in the country, was enacted with the aim of enhancing the social inclusion of Filipino senior citizens, as seen in the law’s objectives: “(a) to recognize the rights of senior citizens to take their proper place in society and make it a concern of the family, community, and government; (b) to give full support to the improvement of the total well-being of the elderly and their full participation in society, considering that senior citizens are integral part of Philippine society; (c) to motivate and encourage the senior citizens to contribute to nation building; (d) to encourage their families and the communities they live with to reaffirm the valued Filipino tradition of caring for the senior citizens; (e) to provide a comprehensive health care and rehabilitation system for disabled senior citizens to foster their capacity to attain a more meaningful and productive ageing; and (f) to recognize the important role of the private sector in the improvement of the welfare of senior citizens and to actively seek their partnership.”¹³¹ Similarly, the law which created the National Commission of Senior Citizens (NCSC) declared it a State policy to adopt measures where “senior citizens are assisted and appreciated by the community as a whole, provide services and activities beneficial to senior citizens, their families and the communities they serve, and establish community-based health and rehabilitation, educational, and socio-economic programs for all senior citizens.”¹³²
3. Consistent with the guarantees under national laws, ensuring the social inclusion of older persons also includes **recognizing their equal dignity and entitlement to universal human rights, understanding their specific needs, and acknowledging and facilitating their past, present and future contributions to society.**¹³³

Scope of the right¹³⁴

4. At the national level, the following standards refer to:
 - a. On ensuring that older persons can live independently and be included in the community: Laws that enable the social inclusion of persons with disabilities in general may be applied for older persons with disabilities. The Accessibility Law was enacted to promote the realization of the rights of persons with disabilities “to participate fully in the social life and the development of the societies in which they live and the enjoyment of the opportunities available to other citizens.”¹³⁵ The law is for the benefit of persons with disabilities in general by providing minimum requirements and standards to make buildings, facilities, and utilities for public use accessible to persons with disability, including older persons who are confined to wheelchairs and those who have difficulty in walking or climbing stairs, among others. The Magna Carta for Disabled Persons aims to provide persons with disabilities the opportunity to participate fully into the mainstream society and recognizes that persons with disabilities have the same rights as other people to take their proper place in society, should be able to live freely and as independently as possible, and that their rights “must never be perceived as welfare services.”¹³⁶
 - b. On ensuring the social inclusion of older persons living in institutions: Particularly on mental health, the State promotes “deinstitutionalization and other recovery-based approaches to the delivery of mental health care services”¹³⁷ with the aim of enabling “social participation, recovery-based approaches to mental health, and individualized care in accordance with the service user’s will and preference.”¹³⁸ The law also guarantees that mental health service users shall have the right to “access to aftercare and rehabilitation when possible in the community for the purpose of social reintegration and inclusion.”¹³⁹
 - c. On access to prompt remedies and redress when older persons’ rights related to social inclusion are violated: Mechanisms are sought to be made available at the local level to enhance the accessibility of these mechanisms, especially for poor older persons and older persons with disability. At the regional level, there are Department of Justice Action Centers that act on complaints, requests for legal assistance, and walk-in queries, with priority to senior citizens. There are also Offices for Senior Citizens Affairs (OSCAs), mandated by law¹⁴⁰ to be established in all cities and municipalities of the country, that provide assistance to “senior citizens in filing complaints or charges against any individual, establishments, business entity, institution, or agency refusing to comply”¹⁴¹ with laws and policies related to the rights and privileges of senior citizens. At the barangay level (which is the

smallest political unit of the country), there are alternative dispute resolution mechanisms such as mediation and conciliation programs.

State obligations¹⁴²

5. The general and specific legal obligations by the State under the ICESCR, particularly under articles 6, 7, 9, 11, and 12, should apply to the implementation of these rights. This means that States must guarantee that these rights will be exercised without discrimination on the basis of age and must take deliberate, concrete, and targeted steps towards the full realization of these rights.¹⁴³ States must respect, protect, and fulfill the rights of older persons on an equal basis with others, without discrimination, and with the aim of enhancing their social inclusion.
6. “One of the barriers to ensuring the social inclusion of older persons is the lack of understanding of their contributions and untapped potential, and that lack of understanding is deeply rooted in ageist stereotypes and prejudices.”¹⁴⁴ As such, the State must also undertake special measures¹⁴⁵ to reduce or eliminate ageism in society. This includes providing State support to research activities that seek to understand the causes and manifestations of ageism in societies.

Special considerations¹⁴⁶

7. The heterogeneity of older persons as a population group must be emphasized. Blanket paternalistic policies based on arbitrary age limits, while intended to protect older individuals, may inadvertently restrict their enjoyment of rights and freedoms.¹⁴⁷ Duty-bearers must therefore carefully consider whether the use of chronological age as the criteria for the differentiation of treatment in law, policy, and practice is not arbitrary and is reasonable, objective, and aims to achieve a purpose which is legitimate under international human rights law.¹⁴⁸ International human rights law must prohibit discrimination on the basis of older age or any distinction, exclusion, restriction or preference based on older age, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by older persons, on an equal footing with others, of all rights and freedoms.¹⁴⁹ This brings into question policies that are widely accepted in many societies such as the Philippines but may, in fact, be forms of age discrimination, such as mandatory retirement policies¹⁵⁰ (which may be a form of social exclusion of older persons because it excludes them from material and financial resources in later life, especially in cases where old age social protection is not available or insufficient).
8. International human rights law must also pay special attention to older persons experiencing other forms of discrimination that intersect and compound with old age discrimination, in particular, older women, older indigenous peoples, older persons with disabilities, older persons belonging to minority groups, and older migrants, among others. The social exclusion experienced by these individuals in the earlier stages of life may compound and result in more severe experiences of marginalization and exclusion in older age.

Implementation¹⁵¹

9. The creation of a dedicated agency, the NCSC, to address the issues facing older persons in the country, underscores the importance of prioritizing this demographic within the work of the national government. Prior to the creation of the NCSC, the concerns of senior citizens were handled by a coordinating committee composed of several national government agencies that was deemed inadequate in dealing with the concerns of senior citizens because it lacked a central leadership to guide policies on a national scale.¹⁵² The NCSC was also designed in a way that acknowledges the contributions of older persons themselves in shaping and delivering the policies that affect them, since the law mandates for the NCSC leadership to be composed of senior citizens from various regions of the country.
10. The national government mandated the yearly celebration of the Elderly Filipino Week,¹⁵³ as a way to promote the contributions of older persons to society and nation-building and to engage the public in addressing societal issues confronted by senior citizens.¹⁵⁴ This may be deemed as one of the ways to combat ageism in society at large.
11. The exclusion from material and financial resources, which is a manifestation of social exclusion in later life, is one of the main challenges faced by many older Filipinos. While there are contributory and non-contributory pension schemes in the country, these are deemed insufficient and do not cover all senior citizens. In 2011, 78.9% of senior citizens did not have any pension at all.¹⁵⁵ While this number was reduced to 36.9% in 2020 due to the expansion of the social pension program,¹⁵⁶ the amount of monthly social pension remained at PHP1,000 (or approximately USD18), which is insufficient to cover the basic needs of older individuals. The CHRP, in consultation with older persons groups, has repeatedly called on the legislature and the national government to close the pension coverage gap to 0%, through the adoption of policies such as a universal social pension program, and to increase the minimum amount of pension benefits to a level which is sufficient to provide a decent retirement for senior citizens.
12. Although there are prescribed mandatory retirement ages for all workers, older persons may still be hired and employed to continue working and earning for themselves and their families. They can be hired as consultants or contractual workers where their taxes and other benefits are treated differently. Some private businesses actively promote the employment of senior citizens.¹⁵⁷ Currently, there are also proposed legislation that aim to address employment issues and open more job opportunities to older persons.¹⁵⁸

Endnotes

- ¹ Phil. Const. art. XIII, sec. 18(5), available at <https://www.officialgazette.gov.ph/constitutions/1987-constitution/> (last accessed Apr. 12, 2024).
- ² *Questionnaire*: What are the national legal provisions and policy frameworks that recognize older persons' rights to accessibility, infrastructure and habitat (transport, housing and access)? This could include but is not limited to: a) The right of older persons to adequate housing, including land, property and inheritance; b) The right of older persons to access and enjoy, on an equal basis with others, the physical environment, transportation, information and communications (including ICTs), and other facilities and services open or provided to the public, both in urban and in rural areas (e.g. buildings, roads, transportation and other indoor and outdoor facilities, schools, housing, green spaces, medical facilities and workplaces; information, communications and other services, including electronic services and emergency services); and c) policies/programmes that enable older persons to live independently and to be included in their communities as they age.
- ³ An Act to Enhance the Mobility of Disabled Persons by Requiring Certain Buildings, Institutions, Establishments and Public Utilities to Install Facilities and Other Devices, Batas Pambansa Blg. 344, (1982).
- ⁴ The Accessibility Law requires buildings, institutions, establishments and other public utilities to install facilities and other devices that would enhance the mobility of persons with disability such as sidewalks, ramps, railings and the like. This Act provides for the minimum requirements and standards to make buildings, facilities and utilities for public use accessible to disabled persons including older persons who are confined to wheelchairs and those who have difficulty in walking or climbing stairs, among others. Rule II, Section 1.3 of the IRR states that the built environment and transportation shall be designed so that it shall be accessible and shall ensure safety to disabled people, including older persons.
- ⁵ Commission on Human Rights of the Philippines, 2020 National Human Rights Situation of Older Persons, p. 16, (2020).
- ⁶ An Act Providing for the Rehabilitation, Self-Development and Self-Reliance of Disabled Persons and their Integration into the Mainstream of Society and for Society and for Other Purposes, [Magna Carta for Disabled Persons], Republic Act 7277, § 25 (1992).
- ⁷ Republic Act 7277, which includes provisions on ensuring "the attainment of a barrier-free environment" in public and private buildings and other infrastructure mentioned in the Accessibility Law and by allocating funds for PWD-enabling features in government buildings and facilities; promoting the mobility of PWDs by allowing them to drive motor vehicles; and enhancing PWDs' access to public transportation through the DSWD's development of an assistance program which may be in the form of a subsidized transportation fare.
- ⁸ Establishing Institutional Mechanism to Ensure the Implementation of Programs and Services for Persons with Disabilities in Every Province, City and Municipality, Amending Republic Act No. 7277, Otherwise known as the Magna Carta for Disabled Persons, as Amended, and for Other Purposes, 40§, (2010).
- ⁹ Department of Transportation, et.al. Installation of Accessible Passenger Boarding Ramps/Aircraft Stairs for PWDs and Senior Citizens, [Joint Memorandum Circular No. 2018-001], (Feb. 21, 2018) available at <https://drive.google.com/file/d/1F04xfwEckxr6zwaqnMBKCMfXhXm9kFgU/view>, (last accessed Apr. 06, 2024).
- ¹⁰ Department of Transportation, Installation and use of PWD and Senior Citizens Accessible Passenger Boarding Ramps by Airline Operations and Airport Ground Handlers, [Department Order No. 2017-018], (Dec. 18, 2017), available at <https://drive.google.com/file/d/1F04xfwEckxr6zwaqnMBKCMfXhXm9kFgU/view>, (last accessed Apr. 06, 2024).
- ¹¹ Phil. Const. art. III, sec. 2.
- ¹² Phil. Const. art. III, sec. 6.
- ¹³ Phil. Const. Art. XIII: Section 9. The State shall, by law, and for the common good, undertake, in cooperation with the public sector, a continuing program of urban land reform and housing which will make available at affordable cost decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlements areas. It shall also promote adequate employment opportunities to such citizens. In the implementation of such a program the State shall respect the rights of small property owners. Section 10. Urban or rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in a just and humane manner.
- ¹⁴ An Act Creating the Department of Human Settlements and Urban Development, Defining its Mandate, Powers and Functions, and Appropriating Funds Therefor, "Department of Human Settlements and Urban Development Act", [Department of Human Settlements and Urban], Republic Act No. 11201, (2018).
- ¹⁵ Republic Act No. 11201.
- ¹⁶ An Act Providing for a Magna Carta of the Poor [Magna Carta of the Poor], Republic Act No. 11291 (2018).
- ¹⁷ *Id.*, at sec. 3.
- ¹⁸ *Id.*, at sec. 4.
- ¹⁹ An Act to Provide for a Comprehensive and Continuing Urban Development and Housing Program, Establish the Mechanism for its Implementation, and for Other Purposes [Urban Development and Housing Act of 1992], Republic Act 7279 (1992).
- ²⁰ An Act Granting Additional Benefits and Privileges to Senior Citizens, Further Amending Republic Act No. 7432, As Amended, Otherwise Known as "An Act to Maximize the Contribution of Senior Citizens to Nation Building, Grant Benefits and Special Privileges and for Other Purposes" [Expanded Senior Citizens Act of 2010], Republic Act No. 9994, §6 (2010).
- Section 5(e) provides: "The national government shall include in its national shelter program the special housing needs of senior citizens, such as establishment of housing units for the elderly."
 - Section 5(g) provides: "The government shall provide incentives to individuals or nongovernmental institutions caring for or establishing homes, residential communities or retirement villages solely for senior citizens..."
 - Section 5(d) provides for discounts on utilities for "senior citizens center and residential care/group homes... organized and operated primarily for the purpose of promoting the well-being of abandoned, neglected, unattached, or homeless senior citizens..."
- ²¹ Housing and Land Use Regulatory Board, National Urban Development and Housing Framework-2017-2022, available at <https://www.urbanagendaplatform.org/sites/default/files/2022-04/NUDHF%202017-2022.pdf> (last accessed Apr. 12, 2024).
- ²² National Council on Disability Affairs (NCDA), Implementing Rules and Regulations of the Magna Carta for Disabled Persons, Republic Act No. 7277
- ²³ *Id.*, at rule II.
- ²⁴ *Questionnaire*: What are the challenges and barriers faced by older persons for the realization of their right to accessibility, infrastructure use, and habitat (transport, housing, and access) at the national and international levels?
- ²⁵ Commission on Human Rights of the Philippines, 2020 National Human Rights Situation of Older Persons (2020), (on file with the author).
- ²⁶ *Id.*, at p.17.
- ²⁷ Department of Social Welfare and Development, Philippine Plan of Action for Senior Citizens, p. 57 (2019-2022), available at <https://www.population-trends-asiapacific.org/files/policies/good-practices/Philippine%20Plan%20of%20Action%20for%20Senior%20Citizens%20DSWD%202019-2022.pdf> (last accessed Apr. 8, 2024).
- ²⁸ *Id.*, at p. 32.
- ²⁹ *Questionnaire*: What data, statistics, and research are available at the national level regarding older persons' rights to accessibility, infrastructure, and habitat (transport, housing, and access)?
- ³⁰ Fintech for Longevity Academy, Aging in the Philippines, available at <https://www.fintech4longevity.com/blog/the-aging-in-the-philippines> (last accessed Apr. 8, 2024).
- ³¹ *Id.*
- ³² Commission on Human Rights of the Philippines, 2020 National Human Rights Situation of Older Persons (2020), (on file with the author).

³³ Conducted by Social Weather Stations for the Commission on Human Rights of the Philippines (CHRP), Survey on the Enjoyment by Older Filipinos of their Human Rights, 2023 (on file with the author).

³⁴ *Supra* note 32 at p. 22. *Id.*

³⁵ *Id.*

³⁶ *Questionnaire*: What measures are being taken to eliminate ageism, ageist stereotypes, prejudices, and behaviors that hinder older persons' rights to accessibility, infrastructure, and habitat (transport, housing, and access)?

³⁷ CHRP Advisories:

- (a) [Advisory on the Human Rights of Older Filipinos Amid the COVID-19 pandemic](#);
- (b) [Advisory Series on Human Rights in the Time of COVID-19 in the Philippines](#);
- (c) [Human Rights Advisory on Protecting the Rights of Persons Deprived of Liberty \(PDL\) during the COVID-19 Crisis and Early Release of Older Persons, Low-Risk Inmates and Persons with Chronic Medical Condition or Bailable Offenses](#);

³⁸ CHRP policy issuance (in coordination with concerned National Government Agencies):

- (a) [DILG Memorandum Circular No. 2020-110 entitled "Rule on the Mobility of Older Persons in Quarantine Situations as prescribed by the IATF-EID and the Role of OSCAs in these situations" signed by the DILG Secretary on August 18, 2020](#);

³⁹ *Questionnaire*: What mechanisms are necessary, or already in place, for older persons to submit complaints and seek redress for denial of their rights to accessibility, infrastructure, and habitat (transport, housing, and access)?

⁴⁰ DOTR Task Force on Accessibility, available at <https://dotr.gov.ph/dotr-task-force-on-accessibility.html#task-force-members>, (last accessed Apr. 15, 2024).

- serves as catalyst of all the activities pursued by the Department regarding the Accessibility Law and its Implementing Rules and Regulations, Magna Carta for Disabled Person and the United Nations Convention on the Rights of Person with Disabilities (UNCRPD) and ensures that all disseminated guidelines are appropriately utilized and revised to suit emerging developments; and
- was constituted, composed of representatives from the DOTC-Central Office and at least two (2) each from the Sectoral Offices and Attached Agencies and Corporations.

⁴¹ Department of Transportation, DOTR Task Force on Accessibility, available at <https://dotr.gov.ph/dotr-task-force-on-accessibility.html#functions-and-responsibilities> (last accessed Apr. 8, 2024).

⁴² The OSCA is mandated, among others, "[t]o assist the senior citizens in filing complaints or charges against any individual, establishments, business entity, institution, or agency refusing to comply with the privileges under [Republic Act No. 9994] before the Department of Justice (DOJ), the Provincial Prosecutor's Office, the regional or the municipal trial court, the municipal trial court in cities, or the municipal circuit trial court, (RA 9994, Section 6).

⁴³ *Id.*

⁴⁴ An Act Creating the National Commission of Senior Citizens, providing for its functions, abolishing the National Coordinating Council and Monitoring Board, Amending for this Purpose Republic Act No. 7432 as amended, and appropriating funds, therefor, National Commission of Senior Citizens Act, [Republic Act 11350], (2018)

⁴⁵ BP 344 Implementing Rules and Regulations (IRR) Amendments Minimum Requirements for Accessibility, available at https://drive.google.com/file/d/1XsOaD_KAuNlKwEC8WistxPAXv_CkPw5X/view?usp=sharing (last accessed Apr. 15, 2024).

⁴⁶ Life Haven Center for Independent Living, Inc. (Life Haven) and CHRP, Memorandum of Agreement, (2023)), (on file with the author).

⁴⁷ Life Have Center for Independent Living, Inc.# (Life Haven) available at <https://www.lifehaveninc.org/about-us> (last accessed Apr. 15, 2024).

⁴⁸ *Supra* 46 at p. 2: The Project Wheels of Justice, main objectives are:

- To understand the current status and level of awareness of persons with disabilities who are Valenzuelanos with regards to the Accessibility Law and other policies related to the right to access;
- To provide awareness and capacity building activities to all stakeholders on the Accessibility Law and other policies related to the right to access;
- To provide free paralegal services to persons with disabilities and assist them on their legal journey in relation to the Accessibility Law and other policies related to the right to access;
- To offer services to business and property owners in Valenzuela to assist in complying with the Accessibility Law and other policies related to the right to access; and
- To build a strong partnership with the local government and other government and non-government agencies to ensure that Valenzuela City becomes an accessible city

⁴⁹ *Questionnaire*: What are the national and local legal provisions and policy frameworks in your country that guarantee: a) Right to equality and prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in the context of participation in public life and in decision-making processes; b) Elimination of all forms of ageism and age discrimination from laws, frameworks, programs, policies, strategies and practices regarding participation in public life and decision-making processes; c) Right to freedom of expression, including freedom to seek, receive and impart information; d) Right to peaceful assembly; e) Right to freedom of association; f) Right to take part in the government of one's country, directly or through freely chosen representatives; g) Active, free and meaningful participation of older persons and their representative organizations in all matters related to participation in public life and in decision-making processes; and h) Access to prompt remedies and redress when older persons' above mentioned rights are violated.

⁵⁰ Phil. Const. art. V.

⁵¹ An Act Authorizing the Commission on Elections to Establish Precincts Assigned to Accessible Polling Places Exclusively for Persons with Disabilities and Senior Citizens, [Republic Act No. 10366], (2012).

⁵² Republic Act No. 10366, sec. 9.

⁵³ An Act Providing for the Election of Party-List Representatives through the Party-List System, and Appropriating funds therefor, Party-List System Act, [Republic Act No. 7491], (1995).

⁵⁴ An Act institutionalizing the Social Reform and Poverty Alleviation Program, Creating for the Purpose the National Anti-Poverty Commission, Defining its Powers and Functions, and for other Purposes [Social Reform and Poverty Alleviation Act], Republic Act No. 8425,(1997).

⁵⁵ National Commission on Indigenous Peoples, A Resolution Amending Sections 9(F), 12,13, and 18 (d) of National Commission on Indigenous Peoples Administrative Order No. 3, Series of 2018, Otherwise Known as the "Revised Guidelines for the Mandatory Representation of Indigenous Peoples in Local Legislative Making Bodies," and Amending All References Thereto from "Aspirants" to "Nominees" and Thereby Making Addendum to CEB Resolution No. 08-006-2020, [CEB Resolution No. 08-008-2020, Series], (2012).

⁵⁶ Commission on Elections, Persons with Disabilities and Senior Citizens, available at

<https://comelec.gov.ph/?r=SpecialProjects/PersonsWithDisabilitiesAndSeniorCitizens> (last accessed Apr. 11, 2024).

⁵⁷ In 2008, COMELEC formed a Technical Working Group (TWG) with the Commission on Human Rights (CHR) and other non-government organizations to study the issues being experienced by Persons with Disability in their exercise of their right to suffrage, available at <https://comelec.gov.ph/?r=SpecialProjects/PersonsWithDisabilitiesAndSeniorCitizens> (last accessed Apr. 11, 2024).

⁵⁸ In 2010, COMELEC began extending preferential treatment to Senior Citizens, Pregnant Voters and Persons With Disabilities, by designating *polling places* located at the ground floor of the *voting centers* or by providing them express lanes (Min. Res. 10-0326). The Commission also designated focal persons for the sector of Persons With Disabilities (Min. Res. 10-1134), available at <https://comelec.gov.ph/?r=SpecialProjects/PersonsWithDisabilitiesAndSeniorCitizens> (last accessed Apr. 11, 2024).

⁵⁹ As a result, [Resolution 9220](#) or the Guidelines for Registration of Persons with Disabilities was promulgated and [Minute Resolution 11-0708](#) was issued amending the existing *Certification/Attestation by Assistor* to have a portion called "*Supplementary Data (Persons with Disabilities/Sr. Citizens with Disabilities)*." In the said supplementary data, the applicant shall identify and tick-off their disability and

the assistance they need to enable the COMELEC to respond with particularity. Both were first implemented and used respectively during the National PWD Registration Week held on 18-23 July 2011 ([Min. Res. 11-0623](#)), available at <https://comelec.gov.ph/?r=SpecialProjects/PersonsWithDisabilitiesAndSeniorCitizens> (last accessed Apr. 11, 2024).

⁶⁰ With the enactment of [Rep. Act No. 10366](#) (An Act Authorizing the COMELEC to Establish *Precincts Assigned to Accessible Polling Places Exclusively for PWDs and Senior Citizens*), COMELEC promulgated Res. No. 9763 which served as the Implementing Rules and Regulations therefor, available at <https://comelec.gov.ph/?r=SpecialProjects/PersonsWithDisabilitiesAndSeniorCitizens> (last accessed Apr. 11, 2024).

⁶¹ In 2014, not only did COMELEC set another Special Registration Day for persons with disability and senior citizens and ordered that Express Lanes be established during regular registration days ([Res. No. 9853](#)), the Commission also exempted them from payment of legal fees for the issuance of the certified true copy of *Voter Registration Records* (CVL Form 1-B) or the *Certification* as a registered voter ([Min. Res. 14-0837](#)), available at <https://comelec.gov.ph/?r=SpecialProjects/PersonsWithDisabilitiesAndSeniorCitizens> (last accessed Apr. 11, 2024).

⁶² The COMELEC, in close coordination with the CHR, NCDA, Senior Citizens and Persons with Disability organizations, designed and implemented *sensitivity trainings* to persons performing electoral duties, including COMELEC field officers, members of the BEI and accredited Citizen's Arms, to familiarize them with the needs and to address the attitudinal barriers faced by the members of these sectors (Resolution No. 9763), available at <https://comelec.gov.ph/?r=SpecialProjects/PersonsWithDisabilitiesAndSeniorCitizens> (last accessed Apr. 11, 2024).

⁶³ COMELEC Min. Res. Nos. 15-0448 and 15-0454 in 2015, [Res. No. 10166](#) in 2016, [Res. No. 9853](#) in 2017 and [Res. 10417](#) in 2018.

⁶⁴ Commission on Elections, General Instructions for the Members of the Electoral Boards and Barangay Board of Canvassers (BBOCs) in Connection with the Conduct of the October 23, 2017, Synchronized Barangay and Sangguniang Kabataan (SK) Elections, Resolution No. 10211, (Oct. 03, 2017).

⁶⁵ On 07 May 2018, COMELEC signed a Memorandum of Understanding with DILG, DOH and PHIL RED CROSS to provide voters, specially Persons with Disability, Senior Citizens, Pregnant Women and persons rendering election-related services with free, timely and effective basic first aid assistance, essential medicines and access to emergency medical services, available at https://dilg.gov.ph/PDF_File/issuances/memo_circulars/dilg-memocircular-201956_c67f5c6741.pdf (last accessed Apr. 11, 2024).

⁶⁶ Commission on Elections, Indigenous Peoples, 14 September 2019, available at <https://comelec.gov.ph/?r=SpecialProjects/IndigenousPeoples> (last accessed Apr. 11, 2024).

⁶⁷ *Id.*

⁶⁸ Department of Social Welfare and Development, Philippine Plan of Action for Senior Citizens.

⁶⁹ *Id.*

⁷⁰ Republic Act No. 8425, §3.

⁷¹ Republic Act No. 8425, §5.

⁷² An Act Granting Additional Benefits and Privileges to Senior Citizens, Amending for the Purpose Republic Act 7432, otherwise known as "An Act to Maximize the Contribution of Senior Citizens to Nation Building, Grant Benefits and Special Privileges and for Other Purposes, [Expanded Senior Citizens Act of 2003]", Republic Act No. 9257, § 6, 2003).

⁷³ An Act Providing for a Local Government Code of 1991, [Local Government Code of 1991], Republic Act No. 7160, § 13 (1991).

⁷⁴ *Questionnaire*: What data and research are available regarding older persons' participation in public life and in decision-making processes? Please indicate how national or subnational is disaggregated by sex, age and inequality dimensions, and what indicators are used to monitor older persons' participation in public life and in decision-making processes.

⁷⁵ *Supra* note, at 36, sec. 5.

⁷⁶ *Questionnaire*: What are the challenges and barriers that older persons face regarding participation in public life in decision-making processes, including the impact of intersectional discrimination and inequality based on age, gender, disability, race, ethnicity, migratory status, and other grounds?

⁷⁷ Alfredo M. Antonio, Filipino Senior Citizens Participation in Development: Preliminary Discussion and Analysis of the Extent of the Participation in the Philippine Politics and Legislation (Paper submitted on partial fulfillment of the requirements of the course DVS523P: "Participation and Development", Department of Political Science, College of Liberal Arts, De La Salle University), p. 3.

⁷⁸ Phil. Const. art. VI, §5. Republic Act No. 7941.

⁷⁹ An Act Establishing a Senior Citizens Centers in all Cities and Municipalities of the Philippines, and Appropriating Funds, Therefore, [Senior Citizens Center Act of the Philippines], Republic Act No. 7876, (1995).

⁸⁰ Alfredo M. Antonio, Filipino Senior Citizens Participation in Development: Preliminary Discussion and Analysis of the Extent of the Participation in the Philippine Politics and Legislation (Paper submitted in partial fulfillment of the requirements of the course DVS523P: "Participation and Development", Department of Political Science, College of Liberal Arts, De La Salle University), p. 3.

⁸¹ The [National Commission of Senior Citizens](#), one of its key programs is called PACE: Participation, Communication and Education, it refers to:

- The senior citizens in our society are an indispensable and valuable segment of our population. It is of utmost importance to encourage their participation, communication, and education in this kind of program, as it enables them to remain engaged and informed. By doing so, they can continue to make meaningful contributions to their communities and lead fulfilling lives. There are several ways for seniors to stay active and connected, such as volunteering, attending events, or enrolling in courses. It is our collective responsibility to work on this program together and provide our seniors with the necessary resources to thrive and lead a fulfilling life, (available at <https://www.ncsc.gov.ph/programs>), last accessed Apr. 15, 2024.
- The need for the Commission to embark new programs to support the political participation of the senior citizens in the country, being the focal national government agency that is mandated to promote the advocacy of and collaboration between different stakeholders and senior citizens (SCs) to ensure the effective implementation of various programs and services, particularly on the development of SCs and advancing their health, and well-being, and ensuring a supportive and enabling environment for the elderly, (An Act Creating the National Commission of Senior Citizens, Providing for its Functions, Abolishing the National Coordinating Council and Monitoring Board, Amending for the Purpose Republic Act No. 7432, as Amended, and Appropriating Funds Therefor, [National Commission of Senior Citizens Act], Republic Act No. 11350, §2 (2018).

⁸² *Id.*

⁸³ Senior Citizens Affairs (SCA'S) not functioning enough to expand participation of older persons in organizations, more so, in politics and legislations, (*Supra* 57).

- There are various senior citizens associations in the Philippines. If they are "legal" organizations of the elderly, they should be federated under the FSCAP as mandated by law. Interestingly, the SCA's fall under the jurisdiction of the OSCAs under the supervision of the Office of the Mayor. To date, there is a dearth of scholarly literature detailing the impact of SCA's in terms of facilitating the participation of senior citizens in organizational and political affairs (of the SCA's themselves and the government in general.) What is known so far with regard to the SCA's is that they collect their senior citizen IDs from the OSCAs as these offices are the ones processing and releasing these cards.
- Corollary to this is the non-existence of Senior Citizens Centers as provided in RA 7876. There might be some projects for the elderly— or there are already the municipalities that have these centers— but they remain unheard of. LGUs should seriously consider the setting-up of these centers, not only for the purpose of providing the elderly with something to do, but should open up avenues for them to be able to do something worthwhile for themselves and their communities. The elderly should be encouraged to join organizations and be trained in leadership skills and other productive ventures.

⁸⁴ *Id.*

- Interestingly, one of the major avenues that the elderly can actually engage in is the Party List System, considering that a few well-meaning groups of older men had tried to win at least one slot for the past three elections, without the benefit of winning even one. The problem with FSCAP and its regional and local chapters is that the "legal" SCA's do not constitute a significant whole and that local politicians traditionally co-opt the "services" of these elderly during elections. This is one of the probable reasons why certain

mayors make sure that the elderly are “addressed” during their birthdays or if and when certain constituents reach the senior age of 60.

- If organizations of older persons, including the FSCAP and COPAP, are intent on winning at least one slot at the House of Representatives, they better sit down and discuss among themselves possible bases of unity— translated into a simple platform that can be understood by older persons and those who take care of them. It would seem to the researcher, based on his interviews with the COPAP leadership, that FSCAP and COPAP are not yet on fully “speaking” terms. But they need to do something about this Party List System because as it is, it is a viable alternative for them to consider for pro-elderly legislation could be more effectively effected.

⁸⁵ *Id.*

- However, a concomitant issue with regard to this is the effectiveness of the leadership of the senior citizens— apart from those who run for elective positions (LGU level and Congress or Senate level). These senior citizens groups need to articulate to the public that they could actually lead their sector; otherwise, Filipino public would just see these people as “needing their tender, loving care” or to this effect.
- Which brings the researcher to the next point: the role of education (formal and non-formal) in developing their skills and attitudes.
- The Census 2000 revealed a glaring fact that exists among the elderly of past two or three generations: more than half among them were not able to finish any level of schooling, thus making them illiterate. If older persons’ organizations wish to engage in local and national politics, they should go back to school, literally and figuratively. Therefore, the role of non-formal education and adult education cannot be overestimated here.
- It is also important for SCA’s to learn the rudiments of political engagement, so to speak. Like what COSE had initially done, teaching the elderly about the importance of laws, voting and especially the PLS, could be an important step in the right direction, if they are to become lawmakers in the near future. The legislative process, tedious as it is, would truly engage the patience and commitment of elderly representatives, be it at the local and national arena, in passing legislations.

⁸⁶ *Id.*

- The DSWD is a government agency that probably only occasionally does something about the plight of the elderly, for example, during times of calamities (fire, floods, etc.). DSWD has been mandated by law to initiate actions to ensure that senior citizens centers are established in cities and municipalities— not only the physical OSCAs that have yet to bring about the positive integration and involvement of senior citizens in community affairs.
- Reading through the “national reports” of DSWD representatives to the UNESCAP regional meetings re updates about plan implementation with regard to the MIPAA, the Philippine Government must be doing a lot about the plight of the elderly in the country, especially in the countryside. However, the fact remains that there are problems with regard to the implementation of RA 9257 even as certain congressmen are already thinking about amending the said law for its technical loopholes and apparent ineffectiveness. On the other hand, it might be asking too much from this government agency to be focusing its efforts on the plight of the elderly considering the problems it is currently facing, apart from the fact that it has to deal with all the impoverished sectors in the society. DSWD might be doing something but their actions are hardly felt at the grassroots level.

⁸⁷ *Id.*

- What about the support of other NGOs to the elderly sector? Non-government institutions mostly focus on children, women, peasants, the labor sector, and others, but not necessarily the elderly sector. By far, only COSE remains to be the legitimate NGO that is directly involved in organizing associations of senior citizens in the Philippines. If the rights and welfare of older persons in the Philippines are to be secured and protected, advocacy from a wider network of support groups will be required in aid of legislation.

⁸⁸ National Commission on Indigenous Peoples, *The Journey of Indigenous Peoples for Genuine, Recognition, Respect, and Self-Governance*, 2021 Annual Report.

⁸⁹ *Id.*

⁹⁰ *Id.*, at (a) Rights to Ancestral Domains/Lands), (b) Right to Self-Governance and Empowerment, (c) Social Justice and Human Rights, (d) Rights to Cultural Integrity.

⁹¹ *Questionnaire*: What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress when their right to participate in public life and in decision-making processes is violated?

⁹² Department of Interior and Local Government, Update Implementation on RA 9257: Dissemination of Procedure on Handling of Senior Citizen’s Complaint by the OSCA and the OSCA Complaint Form, [Memorandum Circular No. 2006-77], (July 5, 2006).

⁹³ *Id.*, Procedure on Handling of Senior Citizen’s Complaint by the Office for Senior Citizens Affairs (OSCA).

⁹⁴ Philstar Global, Guidelines for senior citizens’ complaints set, July 30, 2006, available at <https://www.philstar.com/cebu-news/2006/07/30/350206/guidelines-senior-citizens-complaints-set> (last accessed Apr. 12, 2024).

⁹⁵ An Act Granting Additional Benefits and Privileges to Senior Citizens, Further Amending Republic Act No. 7432, As Amended, Otherwise Known as “An Act to Maximize the Contribution of Senior Citizens to Nation Building, Grant Benefits and Special Privileges and for Other Purposes” [Expanded Senior Citizens Act of 2010], Republic Act No. 9994, §6 (2010).

⁹⁶ Republic Act No. 9994, §6.

⁹⁷ Culturally appropriate grievance redress system, (Department of Social Welfare and Development, Philippines: Expanded Social Assistance Project, 2019 (on file with the author).

- The establishment of a grievance redress system (GRS), is crucial in facilitating the resolution of issues and concerns.
- Indigenous Peoples’ Conflict Resolution Practices, conflicts between two or more indigenous people will be addressed by the community in the context of customary laws and dispute resolution mechanisms.

⁹⁸ *Id.*

⁹⁹ Gabriel Pabico Lalu, Congress urged to pass bill severely penalizing elder abuse, March 11, 2020, available at [Congress urged to pass bill severely penalizing elder abuse | Inquirer News](https://www.inquirer.net/ph/news/2020/march/11/congress-urged-to-pass-bill-severely-penalizing-elder-abuse), (last accessed Apr. 15, 2024).

¹⁰⁰ *Questionnaire*: (1) How is the human right of older persons to the highest attainable standard of physical and mental health defined in the national and local legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional and international legal frameworks? (2) The human right to health encompasses both access to health care and attention to the material and other conditions which are necessary for its full enjoyment. What provisions have been made to ensure that older persons enjoy access, on an equal basis with others, to social protection, adequate water and sanitation, adequate housing and to health education?

¹⁰¹ Phil. Const. art. II, sec. 15.

¹⁰² Phil. Const. art. XIII, sec. 11, “The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged sick, elderly, disabled, women, and children. The State shall endeavor to provide free medical care to paupers.”

¹⁰³ An Act Instituting Universal Health Care for All Filipinos, Prescribing Reforms in the Health Care System, and Appropriating Funds Therefor [Universal Health Care Act], Republic Act No. 11223, sec. 2 (2019), available at <https://www.officialgazette.gov.ph/2019/02/20/republic-act-no-11223/> (last accessed Apr. 12, 2024).

¹⁰⁴ An Act Establishing a National Mental Health Policy for the Purpose of Enhancing the Delivery of Integrated Mental Health Services, Promoting and Protecting the Rights of Persons Utilizing Psychosocial Health Services, Appropriating Funds Therefor and Other Purposes [Mental Health Act], Republic Act No. 11036, sec. 2 (2018), available at <https://www.officialgazette.gov.ph/2018/06/20/republic-act-no-11036/> (last accessed Apr. 12, 2024).

¹⁰⁵ *Id.*, at sec. 14.

¹⁰⁶ An Act Granting Additional Benefits and Privileges to Senior Citizens, Further Amending Republic Act No. 7432, As Amended, Otherwise Known As “An Act to Maximize the Contribution of Senior Citizens to Nation Building, Grant Benefits and Special Privileges

and For Other Purposes” [Expanded Senior Citizens Act], Republic Act No. 9994, sec. 2 (2010), available at <https://www.officialgazette.gov.ph/2010/02/15/republic-act-no-9994/> (last accessed Apr. 12, 2024).

¹⁰⁷ The CHRP agrees with and adopts, with some changes, the definition by HelpAge International in their report “Healthy ageing for us all: what older people say about their right to health” (2023, p. 16), available at <https://www.helpage.org/resource/healthy-ageing-for-us-all/> (last accessed Apr. 12, 2024).

¹⁰⁸ *Questionnaire*: (3) What are the key normative elements of the human right of older persons to the enjoyment of the highest attainable standard of physical and mental health? Please provide references to existing standards on elements including but not limited to: a) Prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in all matters related to health; b) Provision of promotive, preventive, curative, rehabilitative and palliative health facilities, goods and services, as well as health care and support, including on aspects such as quality of care, long-term and palliative care and support; c) Availability, accessibility, acceptability and quality of health facilities, goods and services as well as health care and support, including aspects such as quality of care, long-term and palliative care and support; d) Exercise of older persons’ legal capacity on an equal basis with others, including the ability to make an informed consent, decisions and choices about their treatment and care; e) Access to prompt and effective remedies and redress when older persons’ right to health is violated.

¹⁰⁹ Committee on Economic, Social, and Cultural Rights (CESCR), General Comment No. 14: The right to the highest attainable standard of health (art. 12), adopted at the Twenty-second Session of the CESCR, on 11 August 2000, E/C.12/2000/4, paras. 7-13.

¹¹⁰ This combines elements under the Universal Health Care Act and as enumerated by the CESCR in General Comment No. 14.

¹¹¹ CESCR, General Comment No. 14, para. 25, *supra* note 100.

¹¹² *Questionnaire*: (4) What are the measures that should be undertaken by the State to respect, protect and fulfill the human right of older persons to the highest attainable standard of physical and mental health, regarding the normative elements as provided above?

¹¹³ CESCR, General Comment No. 14, para. 30, *supra* note 100.

¹¹⁴ *Id.*, at paras. 33-37.

¹¹⁵ The CHRP notes that the CESCR has recognized “age” as one of the protected attributes against discrimination under the ICESCR, as per CESCR General Comment No. 20). However, language in General Comments issued by Treaty Bodies are arguably not legally-binding or may not carry the same weight as the language in treaties from which they were based. The CHRP continues to advocate for the explicit recognition in international human rights law of the right to be free from discrimination on the basis of age.

¹¹⁶ The Independent Expert, in her report, stated: “In one particular case, triage was performed taking into account two ethical considerations, namely, the likelihood of short-term survival with the support of the scarce resources and intensive care services and the likelihood of long-term survival. With this categorization, children and adults up to 49 years of age were assigned the highest priority, while older persons aged from 60 to 85 were regarded as lower priority.” (para. 36) U.N. General Assembly, Report of the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler, *Impact of the coronavirus disease (COVID-19) on the enjoyment of all human rights by older persons*, paras. 33-36, A/75/205 (Jul. 21, 2020).

¹¹⁷ World Health Organization, *Global Report on Ageism*, p. 48 (2021).

¹¹⁸ *Id.*

¹¹⁹ The concept of “special measures” must be consistent with the guidance provided by the Committee on the Elimination of Racial Discrimination under General Recommendation No. 32 “The meaning and scope of special measures in the International Convention on the Elimination of All Forms Racial Discrimination”, CERD/C/GC/32 (Sep. 24, 2009).

¹²⁰ *Questionnaire*: (5) What special measures and specific considerations should be considered in developing the normative content on older persons’ right to health? (6) How should the responsibilities of non-State parties such as the private sector be defined in the context of the human right to health of older persons?

¹²¹ According to the World Health Organization’s *Global Report on Ageism* (2021), “globally, one in two people are ageist against older people” (Executive Summary, p. xvi).

¹²² Sridhar Venkatapuram, Hans-Jörg Ehni & Abha Saxenac, *Equity and healthy ageing*, Bulletin of the World Health Organization, 95(11): 791-792 (2017), DOI: 10.2471/BLT.16.187609

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Questionnaire*: (6) What are good or promising practices and main challenges faced by your country in the adoption and implementation of the normative framework on the human right to health of older persons?

¹²⁶ An Act providing for the mandatory PhilHealth coverage for all senior citizens, amending for the purpose Republic Act No. 7432, as amended by Republic Act No. 9994, otherwise known as the Expanded Senior Citizens Act of 2010, Republic Act No. 10645 (2014).

¹²⁷ Responses by participants during the “CHR Consultation with Civil Society for the 13th Session of the United Nations Open-Ended Working Group on Ageing,” through Zoom (Feb. 7, 2023).

¹²⁸ *Questionnaire*: How are the key human rights related to older persons’ social inclusion defined in the national and local legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional and international legal frameworks?

¹²⁹ U.N. General Assembly, Report of the Independent Expert on the enjoyment of all human rights by older persons, para. 78, A/HRC/39/50 (Jul. 10, 2018).

¹³⁰ An Act Granting Additional Benefits and Privileges to Senior Citizens, Further Amending Republic Act No. 7432, As Amended, Otherwise Known As “An Act to Maximize the Contribution of Senior Citizens to Nation Building, Grant Benefits and Special Privileges and for Other Purposes” [Expanded Senior Citizens Act of 2010], Republic Act No. 9994 (2010), available at <https://www.officialgazette.gov.ph/2010/02/15/republic-act-no-9994/> (last accessed Apr. 12, 2024).

¹³¹ *Id.*, at sec. 2.

¹³² An Act Creating the National Commission of Senior Citizens, Providing for its Functions, Abolishing the National Coordinating Council and Monitoring Board, Amending for the Purpose Republic Act No. 7432, as Amended, and Appropriating Funds Therefor [National Commission of Senior Citizens Act], Republic Act No. 11350, sec. 2 (2019), available at <https://www.officialgazette.gov.ph/2019/07/25/republic-act-no-11350/> (last accessed Apr. 12, 2024).

¹³³ This is also based on the findings by the Independent Expert on the enjoyment of all human rights by older persons in the report A/HRC/39/50, para. 34, *supra* note 119.

¹³⁴ *Questionnaire*: Please provide references to existing national legal standards relating to older persons social inclusion on normative elements such as: a) the right of older persons to take part in cultural life; b) older persons’ inclusion in the digital sphere; c) ensuring that older persons can live independently and be included in the community; d) ensuring the social inclusion of older persons living in institutions; e) older persons’ inclusion in intergenerational policies and programmes; f) Access to prompt remedies and redress when older persons’ rights related to social inclusion are violated.

¹³⁵ An Act to Enhance the Mobility of Disabled Persons by Requiring Certain Buildings, Institutions, Establishments and Public Utilities to install Facilities and Other Devices, Batas Pambansa Blg. 344, sec. 1 (1982), available at [https://ncda.gov.ph/disability-laws/batas-pambansa-blg-344/](https://ncda.gov.ph/disability-laws/batas-pambansa/batas-pambansa-blg-344/) (last accessed Apr. 12, 2024).

¹³⁶ An Act Providing For The Rehabilitation, Self-Development And Self-Reliance Of Disabled Person And Their Integration Into The Mainstream Of Society And For Other Purposes [Magna Carta for Disabled Persons], Republic Act No. 7277 (1992), available at <https://ncda.gov.ph/disability-laws/republic-acts/republic-act-7277/> (last accessed Apr. 12, 2024).

¹³⁷ An Act Establishing a National Mental Health Policy for the Purpose of Enhancing the Delivery of Integrated Mental Health Services, Promoting and Protecting the Rights of Persons Utilizing Psychosocial Health Services, Appropriating Funds Therefor and Other Purposes [Mental Health Act], Republic Act No. 11036, sec. 37(d) (2018), available at <https://www.officialgazette.gov.ph/2018/06/20/republic-act-no-11036/> (last accessed Apr. 12, 2024).

¹³⁸ The Mental Health Act defines “deinstitutionalization” as the “process of transitioning service users, including persons with mental health conditions and psychosocial disabilities, from institutional and other segregated settings, to community-based settings that enable social participation, recovery-based approaches to mental health, and individualized care in accordance with the service user’s will and preference.” *Id.*, at sec. 4(d).

¹³⁹ *Id.*, at sec. 5(i).

¹⁴⁰ Expanded Senior Citizens Act of 2010, sec. 6.

¹⁴¹ *Id.*, at sec. 6(g).

¹⁴² *Questionnaire*: (3) What are the measures that should be undertaken by the State to respect, protect and fulfill relevant human rights to ensure the social inclusion of older persons?

¹⁴³ CESCR, General Comment No. 14, para. 30, *supra* note 100.

¹⁴⁴ U.N. General Assembly, Report of the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler, para. 66, A/HRC/48/53 (Aug. 4, 2021).

¹⁴⁵ The concept of “special measures” must be consistent with the guidance provided by the Committee on the Elimination of Racial Discrimination under General Recommendation No. 32 “The meaning and scope of special measures in the International Convention on the Elimination of All Forms Racial Discrimination”, CERD/C/GC/32 (Sep. 24, 2009).

¹⁴⁶ *Questionnaire*: (4) What special measures and specific considerations should be considered to respect, protect and fulfill relevant human rights to ensure the social inclusion of older persons?

¹⁴⁷ For example, the Philippines once adopted a blanket mobility restriction against all older persons during the COVID-19 pandemic. The policy prevented all older persons, without exception, from leaving their homes, with the aim of protecting them against the virus. The CHRPP called out the policy as discriminatory on the basis of age, considering that the application of age to differentiate individuals was not reasonable and justifiable within that context.

¹⁴⁸ This is consistent with the standards set forth by the non-discrimination principle under the ICESCR. Human Rights Committee (CCPR), General Comment No. 18: Non-discrimination, *adopted at the Thirty-seventh Session of the CCPR, on 10 November 1989*, para. 13.

¹⁴⁹ This is based on the definition of discrimination by CCPR. *Id.*, at para. 7.

¹⁵⁰ In the Philippines, the law provides for the mandatory retirement age in both the public and private sector at 65 years, in most cases. For Judges and Justices, 70 is the mandatory retirement age. For police and military officers, miners, and jockeys, the mandatory retirement age is below 60 years). While there is expectation that old age pension will cover for the financial needs of retired older persons, the benefit levels particularly that of the contributory pension scheme for former workers in the private sector and the social pension scheme are inadequate for the needs of retirees. With the inadequacy in the amount of old age pension for most retirees and the low pension coverage in the country, many older persons rely on family members for support or try to engage in gainful economic activity. Considering this, members of civil society oppose the proposals to lower the optional retirement age and call, instead, for more productive opportunities to earn income for themselves and their dependents.

¹⁵¹ *Questionnaire*: (5) What are the best practices and main challenges faced by your country in the adoption and implementation of relevant human rights to ensure the social inclusion of older persons?

¹⁵² Press Release by the Senate of the Philippines, *Senate Oks measure creating senior citizens commission* (Jan. 29, 2019), available at https://legacy.senate.gov.ph/press_release/2019/0129_prib3.asp (last accessed Apr. 12, 2024).

¹⁵³ Office of the President of the Republic of the Philippines, Declaring the First Week of October of Every Year as Linggo ng Nakatatandang Filipino (Elderly Filipino Week), Proclamation No. 470, s. 1994 (Sep. 26, 1994), available at <https://www.officialgazette.gov.ph/1994/09/26/proclamation-no-470-s-1994/> (last accessed Apr. 12, 2024).

¹⁵⁴ During the 2022 Elderly Filipino Week celebration, which was spearheaded by the NCSC, took the themes of promoting the confidence of senior citizens; their contributions and impact to others; their strategies to cope mentally, emotionally and physically; understanding their circles of concern, influence and control; their connections, sense of belongingness, network, and support given and received by others; their values leading with good values and character; and their special skills and competencies. Mike Jamisola, “NCSC leads Elderly Filipino Week celebration” (Sep. 14, 2022), available at <https://www.ncsc.gov.ph/post/ncsc-leads-elderly-filipino-week-celebration> (last accessed Apr. 12, 2024).

¹⁵⁵ Richa Noriega, “PIDS: 36.9% of Filipino seniors didn’t have pension in 2020” (Nov. 30, 2022), available at <https://www.pids.gov.ph/details/news/in-the-news/pids-36-9-of-filipino-seniors-didn-t-have-pension-in-2020> (last accessed Apr. 12, 2024).

¹⁵⁶ *Id.*

¹⁵⁷ Julianne Loreign Vicente, *PWDs, elderly want more employment opportunities*, Rappler, 4 Feb. 2024, available at <https://www.rappler.com/moveph/persons-with-disabilities-elderly-want-more-employment-opportunities/> (last accessed Apr. 12, 2024). SM Prime, For the elderly, there’re jobs at SM malls (website post on 22 Oct. 2014), available at https://www.smprime.com/latest_news/for-the-elderly-therere-jobs-at-sm-malls/ (last accessed Apr. 12, 2024).

¹⁵⁸ Ruth Abbey Gita-Carlos, *NCSC welcomes proposal to hire senior citizens*, Philippine News Agency, 21 Sep. 2023, available at <https://www.pna.gov.ph/articles/1210356> (last access Apr. 12, 2024).