

**Inputs of the Commission on Human Rights of the Philippines to the Report to the General Assembly of the United Nations Independent Expert on the Enjoyment of All Human Rights by Older Persons**

**5 June 2020**

1. The Commission on Human Rights of the Philippines (hereinafter the ‘Commission’)[[1]](#footnote-1) submits to the UN Independent Expert on the Enjoyment of All Human Rights by Older Persons, Dr. Claudia Mahler, its inputs relative to the report that will be made to the UN General Assembly on the impact of the COVID-19 pandemic on the enjoyment of human rights by older persons.
2. For this submission, the Commission utilized its own documentation of independent monitoring activities and statements which were subjected to the internal deliberations of our Commission *en Banc* (‘CeB)’. This submission also took into consideration reports from the government, civil society, media, academe, international/non-governmental organizations, and other advocates for the human rights of older persons in the country. This also included the responses from stakeholders (older persons’ groups including the Coalition of Older Persons Association of the Philippines, non-governmental organizations such as the Coalition of Services of the Elderly, Inc., the academe, and government representatives) that were surfaced during the online consultation and dialogue organized by the Commission from 27 to 28 May 2020.[[2]](#footnote-2)

**[Q1] Please provide more information on the situation and measures taken in state run or financed facilities with a focus on the needs of older persons with underlying health conditions. Please provide any information concerning shelters for older women to protect them from abuse or from homelessness.**

***Measures on state run facilities for older persons:***

* ***State-run care facilities.*** The Department of Social Welfare and Development (‘DSWD’) is the government agency primarily responsible for caring for the marginalized and disadvantaged sectors of society. As such, it sets standards and provides consultative services to enable institutions, organizations, and persons engaged in social welfare activities, both in public and private settings, to comply with the said standards and to monitor compliance. The DSWD provides ladderized standards on the operation of 24-hour residential care services for abandoned, abused, neglected, or voluntarily committed children, youth, women, persons with disabilities, and older persons, among others.[[3]](#footnote-3) The specific indicators in the ladderized system are categorized into five (5) work areas, namely:
* Administration and Organization;
* Program Management;
* Case Management;
* Helping Strategies /Interventions; and
* Physical Structures and Safety.
1. While local government units (‘LGUs’)[[4]](#footnote-4) likewise provide social welfare and development services, there is no common framework that guides them on how best they could provide these services to their constituents. The absence of a common framework results in varying and inconsistent measures of quality service delivery from one LGU to another. Thus, the DSWD is mandated to set standards for quality service delivery to promote and protect the social well-being and best interest of clientele.
2. The National Inspectorate Committee for DSWD Centers and Residential Care Facilities[[5]](#footnote-5) is primarily tasked to assess the DSWD facilities, and to recommend actions to address the identified needs of various centers and institutions to make them compliant with standards. Older persons are among the target beneficiaries of this intervention.
3. At present, the Commission does not have information on the situation inside care facilities run by the DSWD and the LGUs. The community quarantine measures which affected all stakeholders, including the Commission, have regretfully restrained its capability to conduct missions and visitations to these facilities. There is also no government mechanism for the monitoring and immediate reporting of the situation inside these state-run facilities for older persons.
4. ***Geriatric wards.*** During the online consultation and dialogue organized by the Commission, the representative from the Department of Health (‘DOH’) shared that across the country, only 35 hospitals have geriatric wards. In a mapping done by the Institute of Aging of the University of the Philippines Manila (a state university), they found that among these hospitals, only one has a COVID-19 geriatric ward. The COVID-19 health crisis has revealed how the institutional capabilities to provide age-responsive health care is severely lacking in the country.
5. ***COVID-19 ethical guidelines for leaders in health care institutions.*** A group of health professionals, including the members of the Institute of Aging of the University of the Philippines Manila, established a “Task Force Ethics Guidelines COVID-19 Philippines 2020” as a response to the morally distressing dilemmas brought by COVID-19 which were seen in other countries where older people were deprioritized for life-saving measures. The Task Force developed the “Ethical Guidelines for Leaders in Health Care Institutions during the COVID-19 Pandemic.”[[6]](#footnote-6) The Ethical Guidelines emphasize that age alone cannot be the sole basis for triage decisions.
6. ***Granting of 20% discount to vitamins and mineral supplements for older persons.*** The DOH recently amended its guidelines on the grant of 20% discount and tax exemption (value added tax) on medicines and drugs by and for older persons to include vitamins and minerals.[[7]](#footnote-7) The guideline was issued on May 5, 2020 and requires a 30-day publication for it to take effect. During the online consultation and dialogue organized by the Commission, older persons asked the DOH to disclose whether the publication requirement had already commenced. The DOH representative was not able to clarify this issue. The guideline also states that for the discount and the tax exemption to be applied, there must be a medical prescription from a physician. Older persons and medical professionals alike call for the DOH to remove this requirement, at least for vitamins and mineral supplements. However, the DOH has yet to take a position on this issue.

***On existing shelters for older women to protect them from abuse or from homelessness:***

1. The DSWD manages institutions for Senior Citizens (with older women as among the clients) situated in different areas of the country, with direct supervision of their respective regional offices.[[8]](#footnote-8) These institutions are:
* Golden Acres, Home for the Aged, which provides care to senior citizens aged 60 and above, both male and female, who are abandoned, neglected, and needy;
* Jose Fabella Center**,** a residential institution that provides temporary shelter for the stranded, vagrants, and mendicants);
* Sanctuary Center**,** a residential institution that serves as halfway home to females 18 years old and above who are improving from psychosis and other mental illnesses;
* Home for Elderly, which provides care to senior citizens aged 60 and above, both male and female, who are abandoned, neglected, and needy; and
* Home for the Aged, which provides care to senior citizens aged 60 and above, both male and female, who are abandoned, neglected, and needy.
1. There are more than a hundred nursing homes in the Philippines that provide home care and other specialized interventions (retirement, assisted living or residential care, individual long-term care, care for patients afflicted with Alzheimer’s disease and other kinds of dementia, adult day care for the local elderly, rehabilitation for stroke patients, other short-term care, palliative care, in-patient behavioral and mental health care)for older persons. These institutions are being managed by faith-based organizations, non-government organizations, and a few government agencies situated in major cities in the Philippines. However, based on the directory and the information available, there are limitations at this point to verify how many of the institutions are licensed and accredited by the DSWD.
2. The Commission reiterates that, at present, we have no information on the situation inside these DSWD-run institutions and facilities for older persons.

**[Q2] Please provide information how and how many older persons called for assistance, help or made official complaints during the pandemic.**

1. Since March 2020, the imposition of community quarantine and stringent social distancing measures caused restrictions in mobility among people, suspension of operations, closure of business establishments, implementation of alternative work arrangements in government and private offices, and stoppage of mass public transportation. These developments caused severe disruption in economic activities all over the country, strongly affecting the means of livelihood and subsistence of low-income households, most especially senior citizens, among others.
2. The Commission regularly monitors the reports from the media, various social media channels, and stakeholders or partners. Some of the reports are as follows:
3. Based on the reports, some of the measures imposed by the National government and the LGUs were not well-received. These include measures that limit the freedom of movement of older persons, such as quarantine rules that impose 24-hour curfews, as well as the decision to ban senior citizens from major public transportation options. These measures, although benign in their purpose to protect older persons, are ageist; they perpetuate a stereotype of an unhealthy, frail, and physically vulnerable older person.
4. In Visayas, senior citizens and students were placed under 24-hour curfews. While the intention was to protect older persons, blanket measures of this nature would disproportionately hurt the poorest.
5. Regarding economic necessity, almost half of the older population are still working despite health issues; however, most of them are low-income informal workers, such as street vendors and tricycle drivers. Majority of them are not covered by the pension system because: they neither had sufficient disposable income to save for a pension when they were younger; nor did they meet the strict eligibility criteria for the current social pension for the poorest sectors. In this context, the work cessation had the potential to render them and their families hungry, buried in debt, or both.
6. 60% of older persons live with at least one child and a significant proportion of them are dependent on their family for financial support. More older women than men report that their children living in the country are their main source of income.[[9]](#footnote-9) However, many of their children are also working as daily wage earners affected by the lockdown. In these circumstances, adult children will find it difficult to make both ends meet, much less provide for the medicines and other basic needs of their aging parents.[[10]](#footnote-10)
7. 4% of the elderly are homeless. This population is in a more disadvantaged position to deal with the effects of the outbreak.
8. Other groups at particular risk are older women living alone without any relatives in the community, and skipped generation households (these refer to older persons who take care of their grandchildren while the parents are away or are working abroad).
9. There has been an increase in the number of reports of domestic violence during the quarantine. A vast number of them involve at-risk older persons, particularly the disabled and care dependent.
10. Despite the meager pension older persons receive, i.e., 75% and 25% of pensioners from the Social Security System (‘SSS,’ the private sector pension system) and the Government Social Insurance System (‘GSIS’), respectively, receive a monthly pension of PhP5000 ($100) and below, older persons “receiving with pension are excluded in the Social Amelioration Program (‘SAP’)”, an emergency cash aid program of the government. Civil society groups and older persons organizations “lament” this policy and called for the inclusion of all older persons in SAP.[[11]](#footnote-11)
11. The Department of Transportation (‘DOTR’) has implemented a ban on older persons from riding the major trains in the country’s capital region, Metro Manila. With the limited public transportation options in the country while the community quarantine is still in force, older persons are left with limited options to travel. In one instance which became viral on social media, an older person almost passed out after walking for an hour to ride the train, only to be turned away because of the ban.[[12]](#footnote-12) The Commission called out the DOTR on this ageist policy twice (before the implementation of the ban: [in this link](http://chr.gov.ph/statement-of-commissioner-karen-s-gomez-dumpit-focal-commissioner-on-the-rights-of-older-persons-and-women-on-the-proposed-lrt-and-mrt-ban-for-older-persons-and-pregnant-women-during-the-implementa/) and during the first two days of implementation: [in this link](http://chr.gov.ph/statement-of-commissioner-karen-s-gomez-dumpit-focal-commissioner-on-ageing-and-the-human-rights-of-older-persons-on-the-train-ban-in-metro-manila-under-gcq/)).
12. The Department of the Interior and Local Government (‘DILG’), which is the government agency monitoring the work of *barangays* (the smallest unit of government in the country), has disclosed during the online consultation and dialogue organized by the Commission that they are currently collating the reports received on complaints and requests for assistance by older persons at the *barangay* level. At present, the report is still not available because most regions in the country have not submitted their respective reports yet. The Commission continues to request for this report. The DILG added that some of the most common complaints and requests for assistance include:
13. Many older people requested for assistance to obtain medicine, vitamins, and additional financial assistance.
14. Law enforcement and *barangay* personnel assigned in checkpoints are not aware that older people who need immediate medical response and have supporting documents are allowed to pass through checkpoints.
15. Some older persons who are not registered residents are being denied assistance.
16. There were also numerous requests for assistance due to absence of and limited income.
17. During the online consultation and dialogue organized by the Commission, the following issues and concerns were shared by older people participants who represent older people’s organizations:
18. *Mobility and freedom of movement*
* Older people should not be locked down when the rest of the population are already allowed to go outside their homes. They are against discriminatory policies on the freedom of movement. Like the rest of the population, they know the risks, are capable of taking care of themselves, and are still capable of doing work outside their homes.
* The participants are requesting to clarify the government rules on older people in areas where community quarantine is still being imposed. They said the language of the protocol causes misunderstanding because it states the prohibition first and then provides the exceptions last. A rewording of the policy or an issuance of a clarificatory policy on this is needed to remove misinterpretation among enforcers on the ground.
* The participants are requesting for national authorities to ensure that the government rules (which do not prohibit older people from going outside their homes) are implemented properly by local governments, enforcers, frontliners, and the private sector. They also believe the inconsistent policy on their freedom of movement in community quarantine situations is because there is no coordinating body where complaints, clarifications, and issues can be forwarded for speedy and appropriate resolution. There is also a lack of information dissemination campaign on these rules.
* The participants are requesting that the IATF guidelines and other protocols be translated in a language that can be easily understood by implementers. Translating to the local language or avoiding the use of legalese when promoting the rules can be a good start.
* Older people need clarification on whether they still need to obtain quarantine passes and travel passes in order to move around their localities.
1. *Social protection*
* A lot of issues came up on the Social Amelioration Program (‘SAP’) of the national government which is cash transfer assistance for selected households. Older people are requesting clarification on who should be entitled to SAP. They are also requesting for the government to reconsider the non-inclusion of pensioners especially those receiving minimal private sector pension (or the Social Security System) and the social pensioners. They are saying that pension should not be considered as government cash relief for COVID-19 and that most pensioners actually get less than the amount provided under the SAP.
* The Senior Citizens Sector of the National Anti-Poverty Commission recommended the early release of the 13th month Social Security System (‘SSS’) pension. This is in lieu of the inclusion of SSS pensioners in SAP.
* Older people continue to call out the national government for the delayed distribution of the social pension.
* Older people are also requesting for the SSS management to clarify when the Php1,000.00 increase in SSS pension will be implemented.
1. *Work -* Older people are requesting for clarification on whether they shall benefit from programs of the Department of Labor and Employment for workers affected by the closure of businesses because of the quarantine measures.
2. *On marginalized older people*
* The participants call on the government to intensify its efforts to reach out to invisible older people in communities: those living in isolation, the homeless, and other older people not in the government’s radar.
* The participants call on the government to start thinking about older migrant Filipino workers. A lot of older overseas Filipino workers refuse to go home because of lack of social protection in the country.
* Older people call on the government to look into the situation of older people deprived of liberty or those inside jails, prisons, etc. They request for their immediate release considering the heightened vulnerability inside these places for the deprivation of liberty amid the health crisis.
1. *Participation in the decision-making processes*
* The participants call for a national consultation for the organization of the National Commission of Senior Citizens (‘NCSC’).[[13]](#footnote-13) Also, they call for participation in the policy-making and decision-making from the national to the city/municipal level on COVID-19 crisis measures.
* The participants call on the immediate organization of the NCSC and for it to represent the sector in the national policy-making bodies.
1. *Health and adequate standard of living*
* The lockdown has negative repercussions to the mental health of older people especially those living in non-ideal housing situations.
* The participants revisited the Expanded Senior Citizens Act of 2010 and all its promises for healthcare and social safety nets that are, until now, far from being fully realized.
* The lockdown also has negative repercussions to the physical health of older people who need to go outside of their homes for exercise and to bask under the sun.
* The promise of provision of geriatric wards under the law in public hospitals is lacking in implementation.
1. *Violence -* The participants call for the monitoring and tracking of cases of domestic violence to ensure they are addressed.
2. *Ageism and human rights*
	* The participants call out ageism in all its forms. They denounce the negative stereotypes attached to old age. They also call on other older people to recognize internalized ageism.
	* The participants are concerned that ageism has permeated government prioritization of programs.
	* The participants advocate for the use of the human rights framework (vs. welfare-based approach) in the discourse on older persons.
	* The participants recognize the role of NCSC to promote a human rights-based approach on older persons issues and concerns and in combating ageism in the society. Thus, they call for the NCSC’s immediate organization as mandated by law.
3. The law mandates that an Office of the Senior Citizens Affairs (‘OSCA’)[[14]](#footnote-14) shall be established in all cities and municipalities of the country. An OSCA which is headed by a senior citizen functions 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 the law 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. The Commission currently has no information on the functioning of OSCAs in the country.

**[Q3] Please provide information on reports, speeches and measures which had a special focus on older persons during the pandemic. Please include best and bad practices.**

1. Given the magnitude of issues and concerns affecting older persons, the Commission released a human rights advisory, press statements, as well as correspondence to the different Executive Agencies of the government reminding them of the need for the issuance of guidelines with utmost consideration to older persons. The following is a list of the Commission’s resource and advocacy materials for the protection and promotion of the human rights of older persons in the Philippines amid the COVID-19 crisis:
* *CHR Advisory on the Human Rights of Older Filipinos Amid the Coronavirus Disease 2019 pandemic*, available at [https://bit.ly/3aLOgcM](http://chr.gov.ph/wp-content/uploads/2020/04/Advisory-on-the-Human-Rights-of-Older-Filipinos-amid-the-Coronavirus-Disease-2019-Pandemic-CHR-V-A2020-07.pdf). This advisory discusses the different risks faced by older Filipinos and provides recommendations to the government on how to respond to their needs and concerns. The advisory also emphasizes the need for crisis responses to take into consideration the differential needs and challenges faced by older persons, as a “one-size-fits-all” response tends to overlook the specific, yet wide-ranging risks faced by older people in emergency contexts.
* *Press Statement of Commissioner Karen S. Gomez-Dumpit (Focal Commissioner on Ageing and the Rights of Older Persons) on the Simple Application of Chronological Age as a basis for Policy Response Against COVID-19*, available at<https://bit.ly/2VPhl2Z>. The Commission recommends the relaxation of the rules in the general community quarantine scheme. Older people should not be “prohibited,” but only “discouraged” from going outside their homes. This not only respects the autonomy of older people to decide for their own, but it would also protect them from the punitive aspects of the enforcement of the community quarantine.
* *Press Statement of Commissioner Karen S. Gomez-Dumpit (Focal Commissioner on the Rights of Older Persons and Women)* *on the Proposed LRT and MRT Ban for Older Persons and Pregnant Women during the Implementation of the General Community Quarantine Scheme in Metro Manila* ([in this link](http://chr.gov.ph/statement-of-commissioner-karen-s-gomez-dumpit-focal-commissioner-on-the-rights-of-older-persons-and-women-on-the-proposed-lrt-and-mrt-ban-for-older-persons-and-pregnant-women-during-the-implementa/)).
* *Press Statement of Commissioner Karen S. Gomez-Dumpit (Focal Commissioner on Ageing and the Human Rights of Older Persons) on the Train Ban in Metro Manila under GCQ* ([in this link](http://chr.gov.ph/statement-of-commissioner-karen-s-gomez-dumpit-focal-commissioner-on-ageing-and-the-human-rights-of-older-persons-on-the-train-ban-in-metro-manila-under-gcq/)).
1. The Commission has also issued several COVID-19 advisories mentioning the human rights situation of older persons in general, as follows:
* [*On Human Rights in the Time of COVID-19 in the Philippines*](http://chr.gov.ph/wp-content/uploads/2020/04/CHR-Advisory_Human-Rights-in-the-Time-of-COVID-19-in-the-Philippines-CHR-V-A2020-002.pdf): The Commission has issued this advisory series to assist the government in fulfilling the right to health in this most crucial time. Actions restricting the movement of people are valid restrictions in this time of public health emergency aimed to enable our health system to cope with the rising number of COVID-19 cases and allow the country much-needed time to help reach a solution to this health crisis. However, the obligation of the government in undertaking measures to protect the population from this highly transmissible disease must be lawful, necessary, and proportionate. Human rights should be of primordial concern during a pandemic. A human rights-based approach to the COVID-19 crisis is essential to ensure that all are able to enjoy their human rights. Attention to those who are unable or have difficulties to cope with directives, because of their specific situations, must be given due consideration to enable them to comply with restrictions imposed under the enhanced community quarantine. These disadvantaged, marginalized, and vulnerable sectors include older persons, the infirm, persons with disabilities, the informal sector, daily wage earners, families living poverty, and the homeless, among others.
* [*On the Right to Freedom of Movement*](https://drive.google.com/file/d/1YF2O7bOfxJwbzgV2PQ3MZ1kKe-9yd5QI/view?usp=sharing): The Commission has issued this advisory that discusses the right to freedom of movement on the premise that rights are interrelated and interconnected. In this time of public health emergency, the right to freedom of movement, being interrelated to the right to health, has to be considered in all the measures and interventions of the government.
* [*On the Right against Discrimination of People Associated with COVID-19:*](https://drive.google.com/file/d/18XnVlY7em_9FHFrnFYCL-2IaCYy4NXaW/view?usp=sharing) The Commission has issued this advisory to remind all duty-bearers, as well as private individuals, of their obligation to respect and protect the right against discrimination of all people associated with COVID-19. This is being issued amid the reports of discrimination committed against health and other frontline workers; persons infected, who have recovered from, who are under monitoring, who are under investigation for COVID-19 and their families and household members; and people who have travel history to China or other countries with high incidence of infection from the disease.
* [*On the Rights of Workers*](https://drive.google.com/file/d/197hQbGzNu_SGoLV_2Qiw_xyYbXq_MGMX/view?usp=sharing): With increasing numbers of partial or total lockdowns in place that restrict operations of business and movement of the vast majority of workers, for many it has become impossible to work while others have experienced dramatic alterations in their methods of work. The Commission calls on all stakeholders, including employers and business enterprises, to take proactive action, and adopt a more cooperative and human rights-based approach to ease the burden and mitigate the social and economic risks of the COVID-19 pandemic, while maintaining an environment for continued employment, decent work, and commercial activity.
* [*On the Rights of Persons with Disabilities*](https://drive.google.com/file/d/1yySR_d40swlmnEE6xKcviAvQ-PEEKmOm/view?usp=sharing): The outbreak of COVID-19 worsens the situation of persons with disabilities and exacerbates existing inequalities as more barriers emerge that hinder the fulfillment of their human rights. The root cause remains that persons with disabilities are not part of the decision-making process to address the COVID-19 pandemic and that specific vulnerabilities and protection needs are not taken into consideration in the design of government interventions. Hence, the Commission emphasizes the need for inclusion and participation of persons with disabilities in government decision-making, in recognition of their character as rights-holders particularly during the COVID-19 crisis and the need to put in place appropriate responses that take into account multiple and intersecting vulnerabilities. The Commission urges the Philippine government to adopt the *Rights-Based Model of Disability* which calls for a disability-inclusive response to the COVID-19 crisis.Such responses must reflect the government's commitment to respect, protect, and fulfill all human rights of persons with disabilities.
* *O*[*n the Rights of Persons Deprived of Liberty*](http://chr.gov.ph/wp-content/uploads/2020/05/SIGNED_Policy_Advisory_on_PDL_Rights_and_Early_Release_of_OP_Low.pdf)*:* The Commission on Human Rights has issued this advisory to recommend measures to protect the rights of all Persons Deprived of Liberty (‘PDLs’) during the COVID-19 pandemic and enhanced community quarantine and calls on all related and concerned government authorities to seriously look into the early release of older persons, low-risk inmates, and persons with chronic medical condition or with bailable offense.
* [*On the Rights of Internally Displaced Persons*:](http://chr.gov.ph/wp-content/uploads/2020/04/CHR-Advisory_Human-Rights-Standards-on-the-Protection-of-Internally-Displaced-Persons-IDPs-During-the-COVID-19-Emergency-CHR-V-A2020-004.pdf) The Commission emphasizes the need to respond to the specific needs of Internally Displaced Persons especially the social and economic impacts brought about by this national health emergency. The government must provide special attention to the needs of IDPs, their host communities, asylum seekers, refugees, and migrants who often encounter difficulties in terms of gaining access to health services and relief assistance that are readily available to the general population. Guided by the United Nations Guiding Principle on Internal Displacement, which highlights the important role of the state insofar as providing protection to IDPs, specifically in terms of granting support and ensuring that the government provide timely information and assistance such as access to nutrition, healthcare, and adequate shelter in light of the rapid increase of COVID-19 cases in the country, the Commission strongly advocates for the passage of the IDP Bill to ensure that the rights of internally displaced persons are respected, protected, and fulfilled especially in times of emergency.
* [*On Withholding Relief Goods as Penalty for Violation of Curfew Ordinances*:](http://chr.gov.ph/wp-content/uploads/2020/04/Human-Rights-Advisory-on-Withhilding-of-Relief-Goods-as-Penalty-for-Violating-Curfew-Ordinances-CHR-V-A2020-05.pdf) Those adversely affected by the implementation of curfew ordinances are often marginalized and vulnerable groups including women and men from the informal sectors, daily wage earners who have lost their livelihoods because of the inadvertent consequences of the enhanced community quarantine, children, older persons, and persons with disabilities. While the Commission acknowledges the efforts of the local government units to impose health and safety regulations to prevent the spread of the virus, such initiatives should take into consideration the basic survival needs of members of their communities, including access to adequate food such as relief goods, and social safety nets that would help them recover when the health crisis ends.
* [*On the Rights of Indigenous Peoples*:](http://chr.gov.ph/wp-content/uploads/2020/04/Human-Rights-Advisory-on-Indigenous-Cultural-Communities-Indigenous-Peoples-ICCsIps-Amidst-the-COVID-19-Pandemic-CHR-V-A2020-006.pdf) The Commission issued this advisory to remind all concerned government agencies to immediately look into and act on the concerns of the ICCs/IPs especially those living in geographically isolated and disadvantaged areas (‘GIDA’) during the enhanced community quarantine (‘ECQ’) and throughout this COVID-19 pandemic. More than a week after the declaration of the ECQ, the Commission received a complaint alleging a lack of food provisions among Mangyan ICCs/IPs in some *barangays*  in Occidental Mindoro due to government-imposed restrictions on movement. Other members of indigenous communities complained that they have experienced difficulty bringing their crops to trading posts due to the proliferation of checkpoints manned by the Philippine National Police (‘PNP’) and the Armed Forces of the Philippines (‘AFP’) limiting their movement. Some indigenous farmers have even left their crops to rot because they could not transport them. If they cannot sell their products to the market, they will not be able to afford even the most basic needs. They are, understandably, deeply concerned about their lack of capacity to address COVID-19.
* [*Human Rights Aspects in the Implementation of RA 11469 or "Bayanihan to Heal as One Act”*:](https://bit.ly/3aG8y7p) In accordance with Article VI, Section 23(2) of the 1987 Constitution, the President of the Philippines requested Congress to convene a special session to enact a law granting authority for him to exercise necessary powers to carry out urgent measures to address the novel Coronavirus disease (COVID-19) national emergency. On March 24, 2020, the President signed into law the Bayanihan to Heal as One Act, which declares a state of national emergency over the entire country and a statement of policy, authorizes the President to exercise certain powers necessary and proper to carry out the declared national policy, provides an obligation on the part of the President to report to Congress all acts performed pursuant to the law, and provides for penalties for violations of certain acts described in the law. The CHR supports the government’s efforts to address the Covid-19 pandemic in order to contain, if not altogether eliminate, the virus in the country. However, it stresses that a human rights based approach should be adopted to implement the Bayanihan Act.
1. Other reports that were utilized by the Commission include:
* *The University of the Philippines Population Institute's (“UPPI”) research briefers on COVID-19*, available at<https://www.uppi.upd.edu.ph/research/covid-19>. UPPI shared the results of their demographic studies to provide context on the possible effects of COVID-19 to older Filipinos.
* *The Position Paper of the Aging and Disability Task Force (ADTF) on the Inclusion of Older People and Persons with Disabilities in COVID-19 Response and Planning*, available at<http://tiny.cc/nrg0nz>. The ADTF is a coalition of non-government organizations in the Philippines.

**[Q4] Please provide examples how older persons have participated in decision-making processes during the pandemic. Please describe how their perspective and needs have been integrated in national policies and programmes on the way to recovery from COVID-19 to make it a more inclusive and age friendly society.**

1. From 28 to 29 May 2020, the Commission conducted an Online Consultation and Dialogue on the Human Rights of Older Persons amid the COVID-19 Crisis. The objectives of the consultation were to address issues on ageism vis-a-vis the COVID-19 crisis responses of the government and the private sector. The dialogue also aimed to educate older persons and other stakeholders on ageism, provide a venue for older persons to discuss their issues and concerns, and to encourage discussion among duty-bearers and rights-holders to address the issues and concerns of older persons.

On the first day of the consultation, the pool of participants came from “Seniors *sa Panahon ng* COVID,” a Facebook group created for older persons, and other older persons groups including the Coalition of Older Persons Association of the Philippines (‘COPAP’) and Senior Citizens Sector under the National Anti-Poverty Commission. The focus of the discussion was on ageism, issues, and concerns that older persons encountered on the ground.

On the second and last day of the consultation, a summary of policy recommendations were presented to representatives from relevant government agencies. Issues on the various interpretations of rules, such as the use of Senior Citizen Identification Cards in lieu of quarantine passes, were resolved.

1. The online consultation and dialogue organized by the Commission revealed how older persons were not adequately represented in the decision-making processes in the national government to formulate COVID-19 response measures. Older people participants in the online activity lamented that their inputs and suggestions are not considered in local and national policy-making, which should have been done by the Office of the Senior Citizens Affairs (in each city or municipality) and the National Commission of Senior Citizens (which is a government body mandated by Republic Act No. 11350[[15]](#footnote-15)). Republic Act No. 11350 was enacted in July 2019 but until now it is not yet fully organized because only one of the seven (7) members of the Commission has been appointed by the President.
1. As the National Human Rights Institution (NHRI) of the Philippines, the Commission on Human Rights is mandated by the 1987 Philippine Constitution and the Paris Principles to promote and protect human rights including civil and political rights, and economic, social, and cultural rights. The Commission has the following responsibilities: regularly report and monitor human rights situations and violations, and recommend steps for the promotion and protection of human rights. It has been accredited an “A” Status by the Sub-Committee for Accreditation of the Global Alliance of National Human Rights Institutions (“GANHRI”). [↑](#footnote-ref-1)
2. The unofficial documentation is available here: <https://drive.google.com/file/d/1hRrI4ikzQbpWcqqXq_foCRicR96XDXkd/view?usp=sharing> [↑](#footnote-ref-2)
3. Department of Social Welfare and Development, Amended Administrative Order No. 11, Series of 2007, entitled Revised Standards on Residential Care Service (A.O. 15, s, 2012). [↑](#footnote-ref-3)
4. Republic Act No. 7160, otherwise known as “The Local Government Code of 1991,” mandates the autonomy of the local government units (“LGUs”) in attaining their full development as self-reliant communities at the barangay, municipal, city, and provincial levels. Under RA 7160, the LGUs are given more powers, authority, responsibilities and resources to achieve self-reliance and become more effective partners in the attainment of national goals, including that of social welfare and development. [↑](#footnote-ref-4)
5. Department of Social Welfare and Development, Administrative Order No. 09, s. 2010 on Guidelines of the National Inspectorate Committee for DSWD Centers and Residential Care Facilities, (DSWD A.O. No. 09, s. 2010). [↑](#footnote-ref-5)
6. Task Force Ethics Guidelines COVID-19 Philippines 2020, “Ethical Guidelines for Leaders in Health Care Institutions during the COVID-19 Pandemic,” *available here* <https://www.pcp.org.ph/images/PJIM/2020/1stQ/Ethical-Guidelines-for-Leaders-in-Health-Care-Institutions-during-the-Covid-19.pdf> (last accessed 3 June 2020). [↑](#footnote-ref-6)
7. Department of Health, Administrative Order No. 2012-0007-A, “Amendment to Include Vitamins and Minerals Supplements in the Scope of Administrative Order No. 2012-0007, Entitled ‘Guidelines on the Grant of 20% Discount to Senior Citizens on Health-Related Goods and for Other Purposes,” issued 5 May 2020, *available at* <https://dmas.doh.gov.ph:8083/Rest/GetFile?id=653187> (last accessed 3 June 2020). [↑](#footnote-ref-7)
8. Department of Social Welfare and Development Institutions for Senior Citizens, available at <https://www.dswd.gov.ph/programs/residential-and-non-residential-facilities/centers-and-institution/> (last accessed on 01 June 2020). [↑](#footnote-ref-8)
9. 2018 Longitudinal Study on Ageing and Health in the Philippines [↑](#footnote-ref-9)
10. 2018 Longitudinal Study on Ageing and Health in the Philippines [↑](#footnote-ref-10)
11. OneNews, “Give COVID-19 Cash Aid to All Senior Citizens - Advocates,” *available at* <https://www.onenews.ph/give-covid-19-cash-aid-to-all-senior-citizens-advocates> [↑](#footnote-ref-11)
12. ABS-CBN News, Twitter post, available here <https://twitter.com/ABSCBNNews/status/1267336017796673536> (last accessed 3 June 2020). [↑](#footnote-ref-12)
13. The National Commission of Senior Citizens was established by law (Republic Act No. 11350 enacted in July 2019). At present, only one of the seven Commissioners has been appointed by the President of the Philippines making the Commission inoperational. [↑](#footnote-ref-13)
14. An Act Granting Additional Benefits and Benefits and Privileges to Senior Citizens, Further Republic Act Act. No. 7432, as amended, otherwise as “An Act to Maximize the Contribution of Senior Citizens to Nationa Building, Grant Benefits and Special Privileges and for Other Purposes, or (Expanded Senior Citizens Act of 2010, (Sec. 6, Republic Act. No. 9994). [↑](#footnote-ref-14)
15. See full copy of the law here: <https://www.officialgazette.gov.ph/downloads/2019/07jul/20190725-RA-11350-RRD.pdf> [↑](#footnote-ref-15)