**INPUTS OF THE COMMISSION ON HUMAN RIGHTS OF THE PHILIPPINES (CHRP) FOR THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR) FOR AN EXPERT WORKSHOP AND A COMPREHENSIVE THEMATIC STUDY ON THE HUMAN RIGHTS DIMENSION OF CARE AND SUPPORT**

**12 APRIL 2024**

1. The CHRP[[1]](#endnote-1) submits this written input for the OHCHR on the human rights dimensions of care and support.[[2]](#endnote-2) In this submission, the CHRP utilizes its own documentation of independent monitoring activities that have undergone internal deliberations of the Commission en Banc, and draws upon national laws and policies, and research and studies by national government agencies, non-government organizations, educational institutions, and international organizations.

**National legal framework[[3]](#endnote-3)**

1. The 1987 Philippine Constitution provides general guarantees regarding the State’s duty to fulfill the right to health, including the State duty to adopt an integrated and comprehensive approach to health development and ensure that the needs of the underprivileged (i.e., the sick, elderly, disabled,[[4]](#endnote-4) women, and children)[[5]](#endnote-5) are prioritized. There are also constitutional provisions specific to the care needs of children,[[6]](#endnote-6) older persons,[[7]](#endnote-7) and war veterans.[[8]](#endnote-8) While these constitutional guarantees, arguably, are merely statements of principle/policy and are not self-executing, they provide useful guidance to legislators for succeeding laws that recognize and protect the rights related to care. Such laws that seek to give life to these general constitutional guarantees include the Universal Health Care (UHC) Act.[[9]](#endnote-9)
2. The UHC Act is a framework law that seeks to enhance the accessibility and affordability of quality health care services while prioritizing the needs of those who cannot afford such services.[[10]](#endnote-10) It also seeks to strengthen the existing National Health Insurance Program (NHIP) by covering a broader set of health care services including preventive, promotive, curative, rehabilitative, and palliative care for medical, dental, mental and emergency health services.[[11]](#endnote-11) It further seeks to protect healthcare workers by providing that they “shall be guaranteed permanent employment and competitive salaries.”[[12]](#endnote-12) The law, however, does not set a gender-responsive, disability-inclusive, and age-sensitive policy for the country’s health care system. These considerations can be found in other existing laws.
3. To ensure that the health care needs of older persons and persons with disabilities are met regardless of their economic capacity, the State has mandated their automatic enrollment to the NHIP, where, if not formally employed, their premium contributions will be shouldered by the national government, as per Republic Acts Nos. 10645[[13]](#endnote-13) and 11228.[[14]](#endnote-14) There are also comprehensive laws that seek to guarantee the rights of older persons and persons with disabilities, and grant them certain benefits and privileges with respect to accessing care services to cushion the socio-economic impacts of ageing and the environmental barriers that prevent them from living a life of dignity, i.e., the Expanded Senior Citizens Act of 2010,[[15]](#endnote-15) the Magna Carta for Disabled Persons,[[16]](#endnote-16) and the accessibility law for persons with disabilities.[[17]](#endnote-17)
4. The rights of paid care workers in the Philippines are protected under existing laws, primarily the Domestic Workers Act[[18]](#endnote-18) and the Caregivers’ Welfare Act.[[19]](#endnote-19)
   1. The Domestic Workers Act[[20]](#endnote-20) provides for the rights and privileges of domestic workers in the Philippines, which include nursemaids and general househelpers[[21]](#endnote-21) (whose tasks often involve taking care of children, sick, persons with disability, or older persons or assisting the primary caregiver). The law ensures that domestic workers are treated equitably and given the same recognition as formal sector workers.[[22]](#endnote-22) It provides measures to protect their rights to decent work conditions, against abuse and physical violence,[[23]](#endnote-23) to be treated with dignity,[[24]](#endnote-24) to privacy,[[25]](#endnote-25) to daily and weekly rest periods,[[26]](#endnote-26) to a minimum wage[[27]](#endnote-27) and against the withholding of wages,[[28]](#endnote-28) and to leave[[29]](#endnote-29) and social security benefits,[[30]](#endnote-30) among others. These rights guarantees are noteworthy considering that most domestic workers in the country work in an informal arrangement without an employment contract.
   2. The Domestic Workers Act allows children between the ages of 15 and 18 years to work and provides that they are entitled to minimum wage and all benefits under the law.[[31]](#endnote-31) Offences against a working child under this law will be meted out with a penalty one degree higher and the offender will be prohibited from hiring again a working child.[[32]](#endnote-32) Additional protection measures for a child working as a domestic worker are also provided under the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.[[33]](#endnote-33)
   3. The Caregivers’ Welfare Act sets it a State policy to recognize “the role of caregivers in national development” and the “need to protect the rights of the caregivers” to a decent employment and income and against abuse, harassment, violence, and economic exploitation.[[34]](#endnote-34) The law only applies to caregivers who are formally recognized by the government through professional licensing or certification.[[35]](#endnote-35)
5. There is no specific law in the Philippines that recognizes the role of unpaid caregivers, majority of whom are female members of the household (e.g., mothers, grandmothers, daughters, sisters, and aunts), and provides for their specific rights and privileges. However, special laws that seek to promote gender equality in general, among others, have also addressed unpaid care work by women and the cultural expectations on gender roles and family responsibilities. These laws also seek to implement the constitutional provision on women’s rights.[[36]](#endnote-36)
6. The Women in Development and Nation Building Act provided for voluntary social security coverage to married persons who devote full time to managing the household and family affairs upon the working spouse’s consent.[[37]](#endnote-37) The contributions are deducted from the salary of the working spouse.[[38]](#endnote-38) This measure is seen as the “early precursor of recognition for the value of housework and a step in the direction of rewarding the spouse with household responsibility (invariably the woman) to access benefits for her unpaid labour.”[[39]](#endnote-39)
7. The Early Childhood Care and Development Act,[[40]](#endnote-40) which was replaced by the Early Years Act of 2013,[[41]](#endnote-41) institutionalized a national and community-based care support system for early childhood care. It seeks to protect the rights of children to survival, development and special protection, with full recognition of the nature of childhood and its special needs, and to support parents in their role as primary caregivers and as their children’s first teachers. It complemented the Barangay-Level Total Development and Protection of Children Act,[[42]](#endnote-42) which mandated the establishment of day care centers for children up to six (6) years of age at every barangay.[[43]](#endnote-43)
8. The Magna Carta of Women (MCW),[[44]](#endnote-44) which is the most comprehensive women’s human rights law to eliminate gender-based discrimination, backed positive initiatives like paid maternity leave, breastfeeding stations, and workplace childcare, which all aimed at helping women balance work and caregiving obligations while also contributing to advancing the country's economy.
9. Measures under the (MCW) are complemented by other laws including the Expanded Breastfeeding Promotion Act of 2009,[[45]](#endnote-45) which promotes breastfeeding practices and rooming-in by mandating the establishment of lactation stations in all public and private facilities, institutions, and establishments.
10. Overall, the Philippine legal framework provides a piecemeal approach to care and support and does not set a legal backbone for a comprehensive human rights-based care and support system at the national level that is age-sensitive, gender-responsive, and disability-inclusive and addresses the socio-economics of unpaid care work. Moreover, laws that seek to progressively realize the right to the highest attainable standard of health, social protection and social security, and other sector-specific (for women, children, older persons, and persons with disabilities) and welfare-based laws for the provision of care are underfunded and are not effectively implemented at the local level.[[46]](#endnote-46)

**Concrete policy or programmatic measures[[47]](#endnote-47)**

1. In the Philippines, the national agencies take the lead in developing policies and programs to guide all stakeholders on the general guidelines in the implementation of activities on the ground. Specific to the national care and support system, this particular program is being undertaken in, either by specific agencies or through an intergovernmental approach at the national level where agencies aim to ensure the comprehensive delivery of services that are responsive to the issues and concerns of women, persons with disabilities, children, and older persons. The following are some concrete measures that are being operationalized by the concerned central authorities/national agencies, namely:
2. The Department of Social Welfare and Development (DSWD), in its Policy Agenda,[[48]](#endnote-48) has a specific element concerning the human rights of carers, in terms of “developing sustained institutional capacity for effecting social welfare development (SWD), by caring for carers and monitoring career paths.”[[49]](#endnote-49) In addition, the DSWD has issued an administrative order,[[50]](#endnote-50) about the “standards applicable to all registered and licensed social welfare and development agencies[[51]](#endnote-51) (SWDAs) including Local Government Units (LGUs) and DSWD’s community services and statutory programs such as but not limited to (a) Child Protective Services,[[52]](#endnote-52) (b) Services for Women in Especially Difficult Circumstances,[[53]](#endnote-53) (c) Neighborhood Support Services for Older Persons.[[54]](#endnote-54)
3. The Technical Education Skills and Development Authority (TESDA)[,](https://www.tesda.gov.ph/) in its Omnibus Guidelines;[[55]](#endnote-55) provided amendments to various caregiving qualifications for children (newborn to preschooler, grade-schooler to adolescent), elderly (older persons), and clients with special needs.”[[56]](#endnote-56)
4. The Department of the Interior and Local Government policy issuance, on the “Seal of Good Local Governance (SGLG),[[57]](#endnote-57) is an institutionalized award, incentive, honor, and recognition-based program that continues to uphold its commitment to bringing about inclusive and people-oriented reforms that will enable the local government units to foster a culture of good governance amid the challenges in the local government landscape.[[58]](#endnote-58) This policy issuance operationalizes the implementation of the law on: “The Seal of Good Local Governance of 2019,”[[59]](#endnote-59) and there are ten (10) areas as the basis of the assessment approach of the LGU. The concerns of the sectors of women, persons with disabilities, children, and older persons are subsumed under the governance area on “social protection and sensitivity”, to demonstrate responsiveness to the needs of, and facilitate meaningful engagement with the vulnerable and marginalized sectors of society.
5. There are 13 indicators[[60]](#endnote-60) being used in the assessment of sectors concerning women, children, persons with disabilities, and senior citizens (older persons). The following are the key areas being evaluated vis a vis the programs and interventions. It can be noted that “care facility” is one of the key indicators that is being monitored, such as:

* At least one DSWD-accredited LGU-managed residential care facility for the vulnerable sectors (e.g., women, children, senior citizens (older persons), and persons with disability)
* Gender and development (GAD) mechanisms;
* Updated provincial code for children;
* Functionality of Persons with Disability Affairs Office; and
* At least 75% fund/completion of PAPs for senior citizens (older persons) and persons with disability.

1. The availment of a Fifty Percent (50%) discount on electricity, water, and telephone from Utility Service Providers[[61]](#endnote-61) (USPs) of senior citizen centers[[62]](#endnote-62), residential care facilities, and group homes for the elderly (older persons), is an outcome of the DSWD policy issuance,[[63]](#endnote-63) adopted in 2010 to augment the funds for operations of the care facilities.
2. The DSWD through its Social Technology Bureau (STB), is the lead in the development of social welfare and development (SWD) programs and services for and with the poor, vulnerable, and disadvantaged Filipinos. It is implementing programs and interventions that attempt to address the care needs of the vulnerable sectors, namely: children and youth[[64]](#endnote-64), women[[65]](#endnote-65), older persons[[66]](#endnote-66)(OP)/Persons with Disabilities(PWDs), indigenous peoples[[67]](#endnote-67) (IPs); and internally displaced persons[[68]](#endnote-68) (IDPs).
3. In 2021, the DSWD revised its organizational set-up “to support the effort of transforming the centers and residential care facilities as centers of excellence, as an aid to standard development and accreditation of Center and Residential Care Facilities (CRCF).[[69]](#endnote-69) This resulted in the provision of technical assistance and ensuring compliance with CRCFs’ implementation in these major areas: (a) case management,[[70]](#endnote-70) (b) program management,[[71]](#endnote-71) (c) helping strategies/ services/ interventions,[[72]](#endnote-72) (d) facility management (physical structure and safety),[[73]](#endnote-73) and (e) administration and organization[[74]](#endnote-74). This reform is a good indication to ensure that the implementation of care services in the country is compliant with the standard care guidelines.

**Main challenges faced at the national level[[75]](#endnote-75)**

1. Socio-cultural norms on gender roles and familial responsibilities, perceptions on the value of unpaid care work, data gaps, and issues in localizing existing national efforts are some of the challenges faced at the national level in creating human rights-based care and support systems in the country.
2. While it can be said that the country has progressive policies to promote gender equality, gender roles pushing women to unpaid care work at home are deeply entrenched in the country. The provision of care is also generally seen as a familial affair, especially for children, persons with disability, sick, and older person members of the family. Filipino families are typically closely-knit and it is common for extended family of up to three generations to live in one household, which makes it common for family members to provide care for other members of the household in need of it.[[76]](#endnote-76) Providing long-term and palliative care for older persons, in particular, is seen as an act of respect for older persons, which is seen as a “trademark of the local socio-cultural context since the society puts premium on preserving their dignity and traditional familial care and support.”[[77]](#endnote-77) The majority of Filipinos, across all ages above 18 years, also have a strong preference towards being cared for by their family, even if alternative choices and resources were available.[[78]](#endnote-78) Older persons find themselves both as recipients and providers of care for family members. In the context of international labor migration, care for children of parents working abroad is performed by grandparents, mostly by grandmothers.[[79]](#endnote-79) Older women also act as caregivers for other older individuals in the family, including their older spouse, with ¼ of the primary caregivers of older persons in the Philippines are themselves older persons.[[80]](#endnote-80) These socio-cultural factors contribute to the prevailing notion that caregiving within the family is sufficiently addressed within the private realm, and relegate the issue of care work outside the State’s priority socio-economic agenda.[[81]](#endnote-81)
3. As can be seen in the advancements in the national legal framework, there is a growing recognition of the value of care work but there is much to be done to extend this recognition to the value of unpaid care work, mostly done by female members of the household. Based on a national consultation,[[82]](#endnote-82) participants recognized the importance of ongoing efforts to quantify the monetary value of unpaid care work while also emphasizing that “it is essential to recognize that the value of care goes beyond monetary measures” and “encompasses the emotional and social aspects that are equally important for the well-being of individuals and society.”[[83]](#endnote-83)
4. Specific to care needs of older persons, limited and inadequate administrative and survey data prevent proper decision-making and negatively affect the implementation of care needs interventions.[[84]](#endnote-84) “There is a need to establish a data bank on older persons that will provide statistical information on the population. An updated national survey relating to older persons (i.e. older persons as victims of abuse and affected by emergency situations and latest data on living arrangements) needs to be established.”[[85]](#endnote-85)
5. Participants in the national consultation also noted that while the Philippines has commendable care policies in place, conflicting policy directions and inadequate funding create inconsistencies and barriers that hinder the delivery of care services and support at the local level.[[86]](#endnote-86)

**Relevant available data[[87]](#endnote-87)**

1. The data on the “number of Centers and Residential Care Facilities (CRCF)”[[88]](#endnote-88) of the DSWD, contains the list of all facilities in the country and has specific reference to the recipient of care, namely: children, women, persons with disabilities and senior citizens (older persons). Below is the breakdown of facilities that specifically cater to specific sectors in the community:

* four (4) care facilities for senior citizens (older persons);
* 39 care facilities for children;
* 12 care facilities for women;
* two (2) care facilities for persons with disabilities; and
* one (1) care facility for displaced persons

1. The CHRP, commissioned Social Weather Stations (SWS) to implement a comprehensive survey[[89]](#endnote-89) on the enjoyment by older Filipinos of their human rights and conducted face-to-face interviews among 1800 respondents in the country. Three (3) of the ten variables focused on “family care, care needs and expenses and caregivers,” with the key findings:
2. On family care, widespread (96% and above) across all demographics agree that even if given other choices and resources, they would still prefer to be taken care of by their family. Nine out of ten (93%) agree that they can rely on their family to be there when they can no longer physically take care of themselves. Four out of ten (39%) agree that if they receive paid home care from the government or other institutions, their family and friends will likely stop providing them care[[90]](#endnote-90);
3. On care needs and expenses, eight out of ten (80%) senior citizens (consisting of 32% very difficult plus 48% difficult) find it difficult to incur care expenses. Meanwhile, only 19% say it is easy (consisting of 2% very easy plus 17% easy). Notably, there are more who say it is difficult to incur care expenses among females (53%) compared among male (43%) senior citizens. Nearly four out of ten (38%) reported they are limited to activities due to an impairment or health problem. The most commonly cited causes are eye vision problems (22%) and arthritis/rheumatism (22%). About one out of ten cited hypertension/high blood pressure (13%), fractures, bone/joint injury (8%), lung/breathing problem (8%), and stroke problems (7%);[[91]](#endnote-91) and
4. Caregivers, family is the most preferred care options above all else. Sixty-six percent of senior citizens reported that their caregivers are living with them in the same household, particularly their spouse/partner (42%), child/children (40%), and grandchildren (3%). Nearly all (95%) senior citizens prefer their family only for personal care needs. Similarly, nearly all (95%) senior citizens mostly prefer their family only for long-term personal care needs. One out of five (20%) of senior citizens require assistance to perform personal care needs with 6% who require complete assistance or those who are unable to perform personal care needs on their own and 14% who require some assistance for personal care needs, spouse/partner (51%) make the bulk of those who provide assistance, followed by child/children (41%), and siblings (4%).[[92]](#endnote-92)
5. A research study entitled: “[***Health and Lifestyle of Moro and Indigenous Aged People in SoCSarGen,”***](https://www.pchrd.dost.gov.ph/news_and_updates/elderly-in-indigenous-people-communities-need-medical-service-at-home-study-affirms/#:~:text=%E2%80%9CHealth%20and%20Lifestyle%20of%20Moro%20and%20Indigenous%20Aged%20People%20in%20SoCSarGen%E2%80%9D.)***[[93]](#endnote-93)*** funded by the Philippine Council for Health Research and Development (DOST-PCHRD) under the Department of Science and Technology in cooperation with Mindanao State University (MSU) in General Santos City, has the following findings[[94]](#endnote-94):

* Medical service at home is one of the top needs of the elderly in indigenous people communities in South Cotabato, Sarangani, and General Santos City;
* Aside from having frail bodies, the elderly often live in far-flung areas. Community clinics, however, are available in the region but far from the Indigenous people’s (IP) homes; and
* Some elderly are also relying on herbal medicines instead of calling physicians for medical assistance due to their cost.

**On the role of the CHRP as the country’s NHRI:**

1. The CHRP has a broad mandate to promote and protect the human rights of all persons living in the Philippines and Filipinos living abroad, including caregivers and the receivers of care and support services. Through its specialized units focusing on the human rights of women, children, and person with disabilities and the policy-wide unit that includes in its priority work the human rights of older persons and migrant workers, the CHRP monitors the situation of these sectors, 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, including their rights as caregivers and care and support receivers. To strengthen the work of the CHRP in this regard, in accordance with the *Principles relating to the Status of National Institutions* (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 and other international human rights bodies and mechanisms, to support our bid for the enactment of the proposed CHRP Charter.

**ENDNOTES**

1. As the national human rights institution (NHRI) of the Philippines, the Commission on Human Rights has the mandate vested by the 1987 Philippine Constitution and the Paris Principles to promote and protect the full range of human rights including civil, political, economic, social, and cultural rights. It has the responsibility to regularly report and monitor human rights situations and violations, and recommend steps in advancing the realization of human rights and dignity of all. The Commission has been accredited “A” status since 1999 by the Global Alliance of National Human Rights Institutions (GANHRI), formerly the International Coordinating Committee of NHRIs. [↑](#endnote-ref-1)
2. The call for input by the OHCHR is in reference to Human Rights Council Resolution 54/6 on centrality of care and support from a human rights perspective, and for two major activities: (1) a two-day expert workshop, that will be conducted in 2024; and (2) a comprehensive thematic study on the human rights dimensions of care and support, summarizing and compiling international standards and good practices and main challenges at the national level in care and support systems, and including recommendations on promoting and ensuring the human rights of caregivers and care and support recipients, which will be submitted to the Human Rights Council at its 58th session in 2025. [↑](#endnote-ref-2)
3. *Questionnaire:* In your country, regional or at the global level, how are the following rights recognized and protected under national, regional, and/or international law? Please provide concrete examples, such as legal provisions, jurisprudence of courts, and human rights mechanisms: human rights of unpaid and paid caregivers, including those who are women, persons with disabilities, children and older persons; human rights of recipients of care and support, including those who are women, persons with disabilities, children, and older persons; human rights relevant to self-care of caregivers and recipients of care and support, including those who are women, persons with disabilities, children, and older persons. Such recognition and protection may be made in relation to, but not limited to, the rights to work, social security, adequate housing, health, education, enjoyment of scientific advancement, legal capacity, equality in marriage, independent life in the community, rest and leisure, and the rights relevant to participation. It may include the recognition of care and/or support as human right(s) under the law. [↑](#endnote-ref-3)
4. Please note that “elderly” and “disabled” are the actual wordings used in the 1987 Philippine Constitution, and are being used here for consistency. [↑](#endnote-ref-4)
5. Phil. Const. art. XIII, sec. 11 states “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.” Available online at <https://www.officialgazette.gov.ph/constitutions/1987-constitution/> [↑](#endnote-ref-5)
6. Phil. Const. art. XIII, sec. 3(2) states “The State shall defend: … (2) The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development; …” [↑](#endnote-ref-6)
7. Phil. Const. art. XV, sec. 4 states “The family has the duty to care for its elderly members but the State may also do so through just programs of social security.” [↑](#endnote-ref-7)
8. Phil. Const. art. XVI, sec. 7 states “The State shall provide immediate and adequate care, benefits, and other forms of assistance to war veterans and veterans of military campaigns, their surviving spouses and orphans. Funds shall be provided therefor and due consideration shall be given them in the disposition of agricultural lands of the public domain and, in appropriate cases, in the utilization of natural resources.” [↑](#endnote-ref-8)
9. 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 (2019). Available online at <https://www.officialgazette.gov.ph/downloads/2019/02feb/20190220-RA-11223-RRD.pdf> [↑](#endnote-ref-9)
10. Universal Health Care Act, sec. 2(b) states “It is the policy of the State to protect and promote the right to health of all Filipinos and instill health consciousness among them. Towards this end, the State shall adopt: … (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…” [↑](#endnote-ref-10)
11. Universal Health Care Act, sec. 6(a). [↑](#endnote-ref-11)
12. Universal Health Care Act, sec. 23. [↑](#endnote-ref-12)
13. 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). Available online at <https://www.officialgazette.gov.ph/2014/11/05/republic-act-no-10645/> [↑](#endnote-ref-13)
14. An Act Providing for the Mandatory PhilHealth Coverage for All Persons with Disability (PWDs), Amending for the Purpose Republic Act No. 7277, as Amended, Otherwise Known as The “Magna Carta for Persons with Disability”, Republic Act No. 11228 (2019). Available online at <https://www.officialgazette.gov.ph/2019/02/22/republic-act-no-11228/> [↑](#endnote-ref-14)
15. 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 online at <https://www.officialgazette.gov.ph/2010/02/15/republic-act-no-9994/> [↑](#endnote-ref-15)
16. 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 online at <https://ncda.gov.ph/disability-laws/republic-acts/republic-act-7277/> [↑](#endnote-ref-16)
17. 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 Bilang 344 (1983). Available online at <https://ncda.gov.ph/disability-laws/batas-pambansa/batas-pambansa-blg-344> [↑](#endnote-ref-17)
18. An Act Instituting Policies for the Protection and Welfare of Domestic Workers [Domestic Workers Act], Republic Act No. 10361 (2013). Available online at <https://www.officialgazette.gov.ph/2013/01/18/republic-act-no-10361/> [↑](#endnote-ref-18)
19. An Act Instituting Policies for the Protection and Welfare of Caregivers in the Practice of Their Profession [Caregivers’ Welfare Act], Republic Act No. 11965 (2023). Available online at <https://www.officialgazette.gov.ph/downloads/2023/11nov/20231123-RA-11965-FRM.pdf> [↑](#endnote-ref-19)
20. Recently, legislators are pushing for the amendment of the Domestic Workers Act to strengthen the protection of the rights, dignity, and welfare of domestic workers. The very nature of the work of domestic workers makes them vulnerable to abuse as it takes place at home where they often do not have co-workers and work in isolation. While the law provides measures to protect domestic workers, this has not been enough to deter some employers from abusing and maltreating them. The CHRP is seriously concerned with persisting instances of maltreatment against domestic workers. As such, the CHRP is supportive of proposed amendments to the law to increase penalties for crimes committed against domestic workers and to establish emergency hotlines in every barangay that can be contacted by domestic workers in distress. [↑](#endnote-ref-20)
21. Domestic Workers Act, sec. 4(d), “Definition of terms” [↑](#endnote-ref-21)
22. United Nations Economic and Social Commission for Asia and the Pacific, Valuing and Investing in Unpaid Care and Domestic Work: Case Country Study of the Philippines (2022). Available online at <https://www.unescap.org/kp/2022/valuing-and-investing-unpaid-care-and-domestic-work-country-case-study-philippines> [↑](#endnote-ref-22)
23. Domestic Workers Act, art. II, sec. 5 states “Standard of Treatment – The employer or any member of the household shall not subject a domestic worker or “kasambahay” to any kind of abuse nor inflict any form of physical violence or harassment or any act tending to degrade the dignity of a domestic worker.” [↑](#endnote-ref-23)
24. Domestic Workers Act, art. II, sec. 6 states “Board, Lodging and Medical Attendance – The employer shall provide for the basic necessities of the domestic worker to include at least three (3) adequate meals a day and humane sleeping arrangements that ensure safety. The employer shall provide appropriate rest and assistance to the domestic worker in case of illnesses and injuries sustained during service without loss of benefits. At no instance shall the employer withdraw or hold in abeyance the provision of these basic necessities as punishment or disciplinary action to the domestic worker.” [↑](#endnote-ref-24)
25. Domestic Workers Act, art. II, sec. 7 states “Guarantee of Privacy – Respect for the privacy of the domestic worker shall be guaranteed at all times and shall extend to all forms of communication and personal effects. This guarantee equally recognizes that the domestic worker is obliged to render satisfactory service at all times.” [↑](#endnote-ref-25)
26. Domestic Workers Act, art. IV, sec. 20 and 21 state “Daily Rest Period – The domestic worker shall be entitled to an aggregate daily rest period of eight (8) hours per day” and “Weekly Rest Period – The domestic worker shall be entitled to at least twenty-four (24) consecutive hours of rest in a week. The employer and the domestic worker shall agree in writing on the schedule of the weekly rest day of the domestic worker: Provided, That the employer shall respect the preference of the domestic worker as to the weekly rest day when such preference is based on religious grounds. Nothing in this provision shall deprive the domestic worker and the employer from agreeing to the following: (a) Offsetting a day of absence with a particular rest day; (b) Waiving a particular rest day in return for an equivalent daily rate of pay; (c) Accumulating rest days not exceeding five (5) days; or (d) Other similar arrangements.” [↑](#endnote-ref-26)
27. Domestic Workers Act, art. IV, sec. 24. [↑](#endnote-ref-27)
28. Domestic Workers Act, art. IV, sec. 28 states “Prohibition Against Withholding of Wages – It shall be unlawful for an employer, directly or indirectly, to withhold the wages of the domestic worker. If the domestic worker leaves without any justifiable reason, any unpaid salary for a period not exceeding fifteen (15) days shall be forfeited. Likewise, the employer shall not induce the domestic worker to give up any part of the wages by force, stealth, intimidation, threat or by any other means whatsoever.” [↑](#endnote-ref-28)
29. Domestic Workers Act, art. IV, sec. 29. [↑](#endnote-ref-29)
30. Domestic Workers Act, art. IV, sec. 30. [↑](#endnote-ref-30)
31. Domestic Workers Act, art. III, sec. 16. [↑](#endnote-ref-31)
32. *Id.* [↑](#endnote-ref-32)
33. An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes [Special Protection of Children Against Abuse, Exploitation and Discrimination Act], Republic Act No. 7610 (1992). Available online at <https://www.officialgazette.gov.ph/1992/06/17/republic-act-no-7610/>. Applicable provisions include sec. 10(A) (“Any person who shall commit any other acts of child abuse, cruelty or exploitation or to be responsible for other conditions prejudicial to the child’s development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of prision mayor in its minimum period.”), para. 2 of sec. 12-A, para. 4 of sec. 12-D, and sec. 13. [↑](#endnote-ref-33)
34. Caregivers’ Welfare Act, sec. 2, “Declaration of Policy” [↑](#endnote-ref-34)
35. Caregivers’ Welfare Act, sec. 3(a), “Definition of Terms” [↑](#endnote-ref-35)
36. Phil. Const. art. XIII, sec. 14 states “The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.” [↑](#endnote-ref-36)
37. An Act Promoting the Integration of Women as Full and Equal Partners of Men in Development and Nation Building and for Other Purposes [Women in Development and Nation Building Act], Republic Act No. 7192 (1992), sec. 8. Available online at <https://pcw.gov.ph/assets/files/2020/03/republic_act_7192.pdf> [↑](#endnote-ref-37)
38. *Id.* [↑](#endnote-ref-38)
39. Valuing and Investing in Unpaid Care and Domestic Work: Case Country Study of the Philippines, *supra* note 22, p. 5. [↑](#endnote-ref-39)
40. An Act Promulgating a Comprehensive Policy and a National System for Early Childhood Care and Development (ECCD), Providing Funds Therefor and for Other Purposes [ECCD Act], Republic Act No. 8980 (2000). Available online at <https://www.ombudsman.gov.ph/GAD/Laws%20and%20Mandates/republic_act_8980.pdf> [↑](#endnote-ref-40)
41. An Act Recognizing the Age from Zero (0) to Eight (8) Years as the First Crucial Stage of Educational Development and Strengthening the Early Childhood Care and Development System, Appropriating Funds Therefor and for Other Purposes [Early Years Act of 2013], Republic Act No. 10410 (2013). Available online at <https://www.officialgazette.gov.ph/2013/03/26/republic-act-no-10410/> [↑](#endnote-ref-41)
42. An Act Establishing a Day Care Center in Every Barangay, Instituting Therein a Total Development and Protection and Children Program, Appropriating Funds Therefor, and for Other Purposes [Barangay-Level Total Development and Protection of Children Act], Republic Act No. 6972 (1990). Available online at <https://www.officialgazette.gov.ph/1990/11/23/republic-act-no-6972/> [↑](#endnote-ref-42)
43. The barangay is the smallest political unit in the Philippines. [↑](#endnote-ref-43)
44. An Act Providing for the Magna Carta of Women [The Magna Carta of Women], Republic Act No. 9710 (2009). Available online at <https://www.officialgazette.gov.ph/2009/08/14/republic-act-no-9710/> [↑](#endnote-ref-44)
45. An Act Expanding the Promotion of Breastfeeding, Amending for the Purpose Republic Act No. 7600, Otherwise Known as “An Act Providing Incentives to All Government and Private Health Institutions with Rooming-in and Breastfeeding Practices and for Other Purposes” [Expanded Breastfeeding Promotion Act of 2009], Republic Act No. 10028 (2010). Available online at <https://www.officialgazette.gov.ph/2010/03/16/republic-act-no-10028/> [↑](#endnote-ref-45)
46. Valuing and Investing in Unpaid Care and Domestic Work: Case Country Study of the Philippines, *supra* note 22, pp.20-23. [↑](#endnote-ref-46)
47. *Questionnaire:* Concrete policy or programmatic measures taken to promote and ensure the rights of caregivers and recipients of care and support in national care and support systems mentioned under Question 1 above. If possible, please indicate the impact of such measures. Such measures may include, but not limited to, social security/protection, working conditions, human support, childcare, long-term care and support, health services, education, transportation, housing, water and sanitation, assistive devices, digital technology, deinstitutionalization, access to justice, governance, financing, monitoring, and evaluation, and awareness raising. [↑](#endnote-ref-47)
48. Department of Social Welfare and Development, Adopting the Department of Social Welfare and Development (DSWD) Policy Agenda 2020-2025 “Investing in people for reshaping Philippine society to a more inclusive, empowered and humane community, [Administrative Order No. 01, series of 2021], (February 5, 2021). [↑](#endnote-ref-48)
49. Id, p.7. [↑](#endnote-ref-49)
50. Department of Social Welfare and Development, Amended Standards for Community-based Services, [Administrative Order No. 01, series of 2010], (January 13, 2010). [↑](#endnote-ref-50)
51. Department of Social Welfare and Development, Omnibus Guidelines on the Transfer of Residents in DSWD/LGU/Private Social Welfare Agencies to Other Residential Care Facilities, [Administrative Order No. 01, series of 2009], § V, (February 8, 2009). [↑](#endnote-ref-51)
52. Child Protective Services: preventive and rehabilitation services provided to children victims of abuse, neglect and exploitation. These include provision of immediate intervention for children’s early recovery and reintegration to their families. [↑](#endnote-ref-52)
53. Services for Women in Especially Difficult Circumstances: provision of community-based and residential-care services to women to enable them to resolve their problems as well as prepare them for their eventual return to their families and communities. [↑](#endnote-ref-53)
54. Neighborhood Support Services for Older Persons: a program that involves the community / neighborhood to take effective steps to enhance members of the families in their care-giving capability to sick, frail or bedridden older person. This involves training of volunteers who are willing to share their skills and service as a resource person of the community on the proper care of older persons. [↑](#endnote-ref-54)
55. Technical Education Skills and Development Authority, Omnibus Guidelines on the Amendments to Section IV-Implementation Mechanism of the Implementing Guidelines for Various Caregiving NC II Qualifications, [TESDA Circular No. 057, series of 2023], (December 6, 2023). [↑](#endnote-ref-55)
56. Id. [↑](#endnote-ref-56)
57. Department of the Interior and Local Government, 2023 Seal of Good Local Governance: Pagkilala sa Katapatan at Kahuyasan ng Pamahalaang Lokal [Memorandum Circular No. 2023-086], (June 07, 2023). [↑](#endnote-ref-57)
58. Id. [↑](#endnote-ref-58)
59. An Act Establishing and Institutionalizing the Seal of Good Local Governance for Local Government Units, and Allocating for this Purpose the Seal of Good Local Governance Fund, [The Seal of Good Local Governance Act of 2019], Republic Act No. 11292, (2019). [↑](#endnote-ref-59)
60. Memorandum Circular No. 2023-086, Annex B, p. 4. [↑](#endnote-ref-60)
61. Department of Social Welfare and Development, Guidelines for the Availment of Fifty Percent (50%) Discount on Electricity, Water and Telephone Consumption of Senior Citizen Centers, Residentia Care Facilities and Group Homes for the Elderly per Republic Act No. 9994, [TESDA Circular No. 057, series of 2023], (December 6, 2023). [↑](#endnote-ref-61)
62. Id, § D. [↑](#endnote-ref-62)
63. Id. [↑](#endnote-ref-63)
64. Children and Youth, available at this link: <https://stb.dswd.gov.ph/> (last accessed Mar. 19, 2024).

    * Aruga at Kalinga sa mga Bata sa Barangay (ARUGA), A strategy to promote the implementation of foster care service in a Barangay for the provision of planned substitute parental care to abandoned, neglected and children in need of temporary care.
    * Modified Social Stress Model (MSSM), a global framework for understanding the nature of the street children recovering from substance use and abuse. In DSWD, it is used as a tool in assessing the specific needs of children recovering from substance used and abused in residential care facilities.

    [↑](#endnote-ref-64)
65. Women: Women Friendly Space (WFS), is a facility/structure established in evacuation camps, transitional sites or communities to address the practical and strategic needs of women during crisis situation, especially natural or man-made disasters. It aims to respond to the effects of displacement and vulnerability of women to crisis situations through the provision of wide range of services to help them cope with their situation and prepare them for their return to communities, available at this link: <https://stb.dswd.gov.ph/> (last accessed Mar. 19, 2024). [↑](#endnote-ref-65)
66. Older Persons (OPs) / Persons with Disabilities (PWDs), available at this link: <https://stb.dswd.gov.ph/> (last accessed Mar. 19, 2024).

    * Intergenerational Program for Older Persons and Children (INTERGEN), this program address critical problems of ageing while allowing tra nsfer of culture across generations. This also promote productive and active lifestyles for older persons and help them share their knowledge and skills to the younger generation in an integrated and intergenerational environment. The is implemented nationwide–the intergenerational program may be implemented in any municipality / city where there is a Senior Citizens Day Center (SCDC) and Day Care Center (DCC) which is a community facility conducive for intergenerational interaction,
    * Home Care Support Services for Senior Citizen (HCSSC), is a community-based program that aims to provide quality care for the sick, frail, bedridden senior citizens in their own homes through their family/kinship carers and homecare volunteers. The project ensures that older persons, their families and communities promote healthy and harmonious family relationships and take effective steps to provide care and protection to the sick, frail, bedridden, disabled, abandoned and neglected senior citizens.

    [↑](#endnote-ref-66)
67. Indigenous Peoples, Sama-Bajau Localized Intervention & Learning Approach for Holistic Improvement (SALLNLAHI), is a community-based project that is anchored on rights-based, child protection and culture based approaches. It is focused on the learning and development of 0-4 year old Sama-Bajau children. The project aims to ensure and sustain the protection and promotion of the rights and well-being of poor Sama-Bajau children through culture based early childhood care and development (ECCD) services, available at this link: <https://stb.dswd.gov.ph/> (last accessed Mar. 21, 2024). [↑](#endnote-ref-67)
68. Internally Displaced Persons (IDPs), available at this link: <https://stb.dswd.gov.ph/> (last accessed Mar. 21, 2024).

    * Team Balikan Rescue in Emergencies (TEAMBRE), is a project that is organizes and mobilizes fisherfolks for joint undertakings in rescue and evacuation of affected families in coastal barangays and disaster-prone communities. The project aims to enable the fisherfolks to become contributing members of their families and communities by making them partners in disaster preparedness and response while providing them alternative source of livelihood during lean or typhoon months. This is in response to the situational analysis which found that they have low economic productivity and have high casualty rates during typhoon.

    [↑](#endnote-ref-68)
69. Department of Social Welfare and Development, Amendment to Administrative Order No. 9, Series of 2010 Entitled “Guidelines of the National Inspectorate Committee (NIC) for DSWD Centers and Residential Care Facilities, [Administrative Order No. 08, Series of 2021], (April, 15, 2021). [↑](#endnote-ref-69)
70. Residential Care Facility, refers to an alternative form of family care providing 24-hour group living on a temporary basis to poor, vulnerable, disadvantaged, and/or in crisis individuals and families whose basic needs cannot be met by their families and/or relatives or by any other form of alternative family care for a period of time, available at this link, <https://www.dswd.gov.ph/issuances/AOs/AO_2021-008.pdf>, (last accessed Mar. 21, 2024). [↑](#endnote-ref-70)
71. Case Management, refers to a collaborative process of assessment, planning, facilitation, care coordination, evaluation, and advocacy for options and services to meet an individuals and family’s comprehensive health needs through communication and available resources to promote quality, cost-effective outcome which includes caseload assignment of staff, helping process; case recording period assessment of client’s progress, documentation and networking of services, available at this link, <https://www.dswd.gov.ph/issuances/AOs/AO_2021-008.pdf>, (last accessed Mar. 21, 2024). [↑](#endnote-ref-71)
72. Program Management, refers to the process of managing several related projects, with the aim of improving an organization’s performance. It includes written program plan that is responsive to the needs of the clients; allocation and utilization of resources, and monitoring and evaluation system, available at this link, <https://www.dswd.gov.ph/issuances/AOs/AO_2021-008.pdf>, (last accessed Mar. 21, 2024). [↑](#endnote-ref-72)
73. Helping Strategies/Services/Interventions, refers to the provision of any or a combination of services / interventions, such as social, home life, educational, psychological, health, economic productivity, recreational, dental/medical, and spiritual (under the acronym SHEPHERDS), done by qualified staff taking into consideration the age, gender, nature of the case and the physical and intellectual attributes of the residents and should be based on the treatment plan to ensure that these will contribute to the attainment of the helping goals, available at this link, <https://www.dswd.gov.ph/issuances/AOs/AO_2021-008.pdf>, (last accessed Mar. 21, 2024). [↑](#endnote-ref-73)
74. Facility Management, encompasses multiple disciplines that ensure the functionality, comfort, safety, and efficiency of the built environment by integrating people, place, process, and technology. Facility Management covers two main areas, namely: (1) Space; and (2) Infrastructure, which shall encompass planning, design, workplace, construction, lease, occupancy, maintenance and furniture, location and design, facilities, accommodation, sanitation and waste management system. Overy-all facility management likewise includes emergency preparedness and responses and safety management (structural stability), electrical/ mechanical/fire/premises safety and behavior-based safety, etc. [↑](#endnote-ref-74)
75. *Questionnaire:* Main challenges faced at the national level in creating robust, resilient and gender-responsive, disability-inclusive, and age-sensitive care and support systems with full respect for human rights [↑](#endnote-ref-75)
76. Socorro D. Abejo, *Living Arrangements of the Elderly in the Philippines*, Conference Paper presented at the 9th National Convention on Statistics (NCS) at EDSA Shangri-La Hotel (2004), *cited at* Department of Older Persons and College of Population Studies, Research Project on Care for Older Persons in ASEAN+3: The Role of Families and Local and National Support Systems (2018), p.168. Available online at <https://www.duke-nus.edu.sg/docs/librariesprovider3/research-policy-brief-docs/care-for-older-persons-in-asean-3---the-role-of-families-and-local-and-national-support-systems.pdf?sfvrsn=5830f2be_4> (last accessed Jan. 19, 2024). [↑](#endnote-ref-76)
77. *Id. citing* Clarita R. Carlos, *Concerns of the Elderly in the Philippines,* Philippine Social Sciences Review (1999), 56, 1-4. [↑](#endnote-ref-77)
78. This is based on a nationwide survey conducted by Social Weather Stations (SWS) for the Commission on Human Rights, Survey on the Enjoyment by Older Filipinos of their Human Rights, February 18-24, 2023 (on file with the author). [↑](#endnote-ref-78)
79. Grace Cruz, Professor, University of the Philippines Population Institute, *Older persons as care providers and the implications to an ageing Philippine population*, Presentation at the Forum on Migration, Ageing, and the Future of Care (Oct. 25, 2023). [↑](#endnote-ref-79)
80. *Id.* [↑](#endnote-ref-80)
81. To note, there is no specific agenda on paid and unpaid care work and on establishing a human rights-based care system in the Philippine Development Plan 2023-2028. The Plan is available online at <https://pdp.neda.gov.ph/philippine-development-plan-2023-2028/> [↑](#endnote-ref-81)
82. The Philippines National Consultation on Valuing and Investing in Unpaid Care and Domestic Work was held on 28-29 September 2023 in Manila. It was jointly convened by the Philippine Commission on Women, the United Nations Economic and Social Commission for Asia and the Pacific, and Oxfam Pilipinas. *Source:* Valuing and Investing in Unpaid Care and Domestic Work Philippines National Consultation (Meeting Report), *available online at* <https://www.unescap.org/sites/default/d8files/event-documents/Philippines%20National%20Consultation%20Meeting%20Report.pdf> (last accessed Jan. 19, 2024). [↑](#endnote-ref-82)
83. *Id.,* at para. 18, p.6. [↑](#endnote-ref-83)
84. Research Project on Care for Older Persons in ASEAN+3, *supra* note 76, p.179. [↑](#endnote-ref-84)
85. *Id.* [↑](#endnote-ref-85)
86. Valuing and Investing in Unpaid Care and Domestic Work Philippines National Consultation, *supra* note 82, para. 20, p. 6. [↑](#endnote-ref-86)
87. *Questionnaire:* For this particular section, the CHRP refers to the information available from the government agencies, that are mandated in the provision of care in the country, such as: As much as possible, we would appreciate receiving available data. Data, refers to the following:

    * disaggregated data by sex/gender, age, disability, and if possible also by other grouds, including income, race/ethnicity, geographic location, migratory status and other characteristics;
    * information on people who are in vulnerable situations and/or who face intersecting forms of discrimination, such as single parents, widows/widowers, children deprived of family environment; persons with disabilities, and
    * older persons in care institutions; as well as those are affected by humanitarian crisis, armed conflicts, disasters; living in poverty; living in rural areas; migrants, refugees, asylum seekers; belonging to minorities or indigenous communities; and those who are deprived of liberty.

    [↑](#endnote-ref-87)
88. Department of Social Welfare and Development, DSWD Centers and Residential Care Facilities (CRCF), available at <https://www.dswd.gov.ph/wp-content/uploads/2022/05/DSWD-CRCF-List-05202022.pdf>, (last accessed Mar. 7, 2024). [↑](#endnote-ref-88)
89. Conducted by Social Weather Stations (SWS) for the Commission on Human Rights, Survey on the Enjoyment by Older Filipinos of their Human Rights, February 18-24, 2023 (on file with the author). [↑](#endnote-ref-89)
90. Id, xii. [↑](#endnote-ref-90)
91. Id, xiv. [↑](#endnote-ref-91)
92. Id, xv, Supra at 24. [↑](#endnote-ref-92)
93. Philippine Council for Health Research and Development (DOST-PCHRD), Elderly in indigenous people communities need medical service at home, study affirms, available at this link: <https://www.pchrd.dost.gov.ph/news_and_updates/elderly-in-indigenous-people-communities-need-medical-service-at-home-study-affirms/#:~:text=%E2%80%9CHealth%20and%20Lifestyle%20of%20Moro%20and%20Indigenous%20Aged%20People%20in%20SoCSarGen%E2%80%9D>, (last accessed Mar. 27, 2024). [↑](#endnote-ref-93)
94. Id. [↑](#endnote-ref-94)