Information on the Rights of Older Persons with Disabilities

Questions:

1. Please provide information on the legislative and policy framework in place in your country to ensure the realization of the rights of older persons with disabilities, including both persons with disabilities who are ageing and older persons who acquire a disability.

Response:

Older persons in the Philippines are referred to as Senior Citizens, any resident citizen of the Philippines at least sixty (60) years old as defined by Republic Act No. 9994, 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.

Among the objectives of Republic Act No. 9994 is to give full support to the improvement of the total well-being of the elderly and their full participation in society, considering that senior citizens are integral part of Philippine society and to provide a comprehensive health care and rehabilitation system for disabled senior citizens to foster their capacity to attain a more meaningful and productive ageing. Moreover, this law also defined *Indigent senior citizen,* as refers to any elderly who is frail, sickly or with disability, and without pension or permanent source of income, compensation or financial assistance from his/her relatives to support his/her basic needs. Thus, RA 9994 recognized older persons with disabilities who are in need of rehabilitation services due to disability. Furthermore, under the law, indigent senior citizens, which include those with disabilities shall be entitled to a monthly stipend amounting to Five hundred pesos (Php500.00) to augment their daily subsistence and other medical needs.

The Department of Social Welfare and Development (DSWD) issued Administrative Order No. 05 series of 2010, entitled, “DSWD Long-term Care Program for Senior Citizens General Implementing Guidelines” The general objective of this Administrative Order is to promote active aging and improve the quality of life of Filipino senior citizens. Among the target clientele are older persons with disabilities in need of palliative care who are totally dependent on others for their Activities of Daliy Living.

In practice, many local government units include senior citizens and persons with disabilities under one policy or program. The General Appropriations Act (GAA) which presents the budgetary programs and projects for each government agency, usually include one section that requires for allocation of budget for programs, projects and activities intended for senior citizens and persons with disabilities.

1. Please provide information on discrimination against older persons with disabilities in law and practice

Response:

There are no specific law in the Philippines that directly discriminate older persons with disabilities. In Section 6 of Republic Act No. 9994, provides that "the head of the Office of Senior Citizens Affairs (OSCA) shall be appointed to serve the interest of senior citizens and shall not be removed or replaced except for reasons of death, permanent disability or ineffective performance of his duties to the detriment of fellow senior citizens. This provision may be considered a discrimination if the basis of removing an older person from employment is on the basis of disability.

In the employment sector, the usual practice before is to set an age limit in the job advertisement that immediately exclude older persons in general on the basis of age not until the enactment of Republic Act (RA) No. 10911, or the anti-age discrimination in August 2016. The law prohibits employers from hiring workers based on age. It provides that employers cannot print or publish any advertisement or notice, in any form of media, that suggests preferences, limitations, specifications, and discrimination based on age. Moreover, employers are also barred from requiring applicants to disclose their age or date of birth, to reject applicants on the basis of age, or to discriminate in terms of compensation or privileges of employment, promotion or to impose early retirement or forcibly lay off an employee because of old age. The provisions of the law apply to all employers, publishers, labor contractors or subcontractors, and labor organizations, whether or not registered.

1. Please provide information and statistical data (including surveys, censuses, administrative data, literature, reports and studies related to the realization of the rights of older persons with disabilities in general, as well as with particular focus in the following areas:

* Exercise of legal capacity;
* Admission procedures to social or healthcare services, including involuntary admissions;
* Older persons with disabilities living in institutions;
* Access to support to live independently in the community;
* Access to free or affordable healthcare;
* Access to free or affordable rehabilitation goods and services;
* Access to social protection schemes; and
* End of life and palliative care.

Response:

There official disability data collection sytem in the Philippines is the Philippine Registry for Persons with Disabilities (PRPWD) established by the Department of Health. The Philippine Statistical Authority also has data and information on older persons with disabilities collected during the Census and Population Housing conducted in 2010. The DSWD also identified household with members with disabilities in thier Listahnan. As regards data and information on persons with disabilities exercise of legal capacity, admission procedures to social or health services, institutions, and access to other services, official data are not available yet. If there are available data on senior citizens who accessed government services, these are not disability disaggregated. Thus, it is not a usual practice in data collection to identify who among older persons are also persons with disabiities.

1. Please provide information on the existence of long-term care services in your country and describe to what extent they promote the autonomy and independence of older persons with disabilities.

Response:

The Department of Social Welfare and Services (DSWD) has established residential care facilities in various regions of the country that cater to abandoned older persons but not exclusively for older persons with disabilities. Among the residential care facilities include the following:

* Golden Reception and Action Center for the Elderly and Other Special Cases (GRACES) for abandoned, lost and neglected older persons
* Haven for the Elderly is a residential facility that provides temporary care to abandoned, neglected and unattached older persons ages 60 years old and above.

However, data on the number of older persons with disabilities is not part of the data collection system.

1. Please describe how is access to justice guaranteed for older persons with disabilities. Please provide information on jurisprudence, complaints or investigations in relation to violence, abuse, neglect against older persons with disabilities.

Response:

Access to Justice is guaranteed to all Filipinos. The Philippine also ratified the UN Convention on the Rights of Persons with Disabilities which include article on Access to Justice. There are no official information available yet as regards jurisprudence, complaints or investigations in relation to violence, abuse, neglect against older persons with disabilities. However, In recognition of the need to assist persons with disabilities in their legal concerns, the National Council on Disability Affairs (NCDA) a established the Sub-Committee on Access to Justice and Anti-Discrimination for Persons with Disabilities. The Department of Justice (DOJ) chairs the Sub-Committee with members from the Commission on Human Rights (CHR), Public Attorney’s Office (PAO), Philippine National Police (PNP), Integrated Bar of the Philippines (IBP), and Persons with Disabilities organizations.

The DOJ has issued Memorandum Circular No. 1, series of 2014, directing all the National Prosecution Service (NPS) and Public Attorney’s Office to put up “Assistance Desks” for persons with disabilities in all prosecution offices and halls of justice, and to equip the personnel assisting in the above-mentioned Assistance Desks.

1. Please describe to what extent and how are older persons with disabilities involved in the design, planning, implementation and evaluation of policies related to ageing and/or disability.

Response:

Senior Citizens are very involved in the design, planning, implementation and evaluation of programs affecting them. Republic Act No. 9994, Section 6 provides for the establishment in all cities and municipalities an Office of Senior Citizens Affairs (OSCA) to be headed by a senior citizen. Among the functions of the OSCA is to plan, implement and monitor yearly work programs in pursuance of the objectives of the law. The OSCA will also draw up a list of available and required services which can be provided by the senior citizens and to assist the senior citizens in filing complaints or charges against any individual, establishments, business entity, institution, or agency refusing to comply with the privileges under this law. However, OSCA does not collect data or information on the participation of older persons with disabilities in policy formulation and program planning and implementation.

1. Please provide information on any innovative initiatives that have been taken at the local, regional or national level to promote and ensure the rights of older persons with disabilities and identify lessons learned from these.

Response:

There are no information avialable on initiatives at the local, regional or national level exclusively to promote and ensure the rights of older persons with disabilities. Usually, older persons with disabilities are either included in programs and projects for persons with disabilities or senior citizens. One of the recent initiatives is the Hometown Improvement project of the National Council on Disability Affairs (NCDA) and the Asia Pacific Center on Disability (APCD) implemented at Barangay 144 in Caloocan City. The project is focused on urban farming. This initiative involved not only persons with disabilities but also older persons with or without disabiliites, who worked closely with their local government and other stakeholders in establishing village farms that are accessible to persons with disabiliities and potential income generating project. The urban farming in the Philippines is considered a good practice under hometown improvement project of APCD.