

**COMMISSION ON HUMAN RIGHTS OF THE PHILIPPINES**

**INPUTS ON AGEISM AND AGE-DISCRIMINATION**

**30 April 2021**

1. The Commission on Human Rights of the Philippines (“The Commission”) submits to the Independent Expert on the enjoyment of all human rights by older persons its contribution to her upcoming 2021 thematic report on ageism and age discrimination.
2. This submission is based on focus group discussions and consultations with government, civil society and older persons, as well as the Commission’s own advisories, reports and independent monitoring initiatives. Reports and research from government, the media and civil society are also referenced in this submission.

**I.** **What forms does age discrimination affecting older persons take and which ones are the most prevalent? Where available, please provide concrete examples and collected data including employment, education, social protection, and health, financial and social services.**

* 1. Age discrimination limits older Filipinos’ access to employment. In hiring practices of employers, arbitrary age requirements bar older persons from getting employed. Similarly, some employers also impose early retirement due to a person’s old age. Based on the Commission’s consultations with older persons and civil society, discrimination based on age persist in the country, despite the passage of Republic Act No. 10911 or Anti-Discrimination Act of 2016. The Philippines has set a mandatory retirement age at 65 years[[1]](#endnote-1) and in private companies and organizations, retirement at 60 years of age is common practice. Advocates argue that the cap on retirement age should be optional rather than mandatory. Older persons wish to continue working because being able to work gives them confidence to push for their autonomy and independence, as well as continue supporting their families who are still either directly or indirectly dependent on them.
	2. A study in 2018 indicated “that many local employers [in the Philippines] practice discrimination against older workers not only when they enforce age limits during hiring, but also when promoting or firing workers. Service institutions like malls and restaurants rarely keep attendants beyond 25 years of age. There are also reports that returning Overseas Filipino Workers or OFWs have difficulty looking for employment because of the employer’s preference for younger employees.”[[2]](#endnote-2) The lack of data and empirical research however is a challenge in identifying the extent of age discrimination in the country.
	3. The impacts of the government responses to the COVID-19 pandemic magnified ageist views against older persons. The imposition of the enhanced community quarantine in 2020 and again in March 2021, 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 older persons, among others.
	4. In attempts to protect older persons from the COVID-19, the national government imposed a sweeping restriction on their freedom of movement and their autonomy to decide for themselves. Senior citizens, along with minors, have been prohibited from going outside their residences regardless of their health status, their socio-economic conditions, or their housing arrangements. Even though this policy was subsequently revised to a less discriminatory and less restrictive measure where older persons were allowed to leave their homes for essential activities, local governments, law enforcement officers, and private establishments continued to implement such discriminatory policy. Older persons were also banned from some forms of public transportation to discourage them from going outside their homes.[[3]](#endnote-3)
	5. Enacting anti-age discrimination in labor laws is an important step towards inclusive employment. Implementation of capacity-building programs and life-long learning opportunities at the national or community level that focuses on the reskilling or upskilling of older persons is another positive step for older persons to participate in the labor market. Post-Covid measures to stimulate the economy should include provisions that enable older persons to access employment and livelihood opportunities.
	6. The State needs to conduct a widespread awareness-raising campaign among the public to challenge negative stereotypes against older persons, considering that the pandemic has further exposed ageism enduring in society.

**II. Please provide information and data collected about the causes and manifestations of ageism in society, both for younger and older generations, and how it translates into discriminatory practices.**

* 1. Data from the Philippine Statistics Authority (PSA) projected that there were 9,508,800 senior citizens[[4]](#endnote-4) aged 60 and above in 2020, which was 8.65 percent of the 109,947,900 total projected population in the country in the same year.[[5]](#endnote-5) The most recent census of the PSA in 2015 placed the population of senior citizens to 7.5 percent; their projection has already shown an increase on the ageing population. The United Nations Department of Economic and Social Affairs supports this projection as it identified that by 2032, the Philippines would be one of the countries with an ageing population, as the proportion of persons aged 65 and above to the total population is projected to exceed 7.0 percent.[[6]](#endnote-6)
	2. While there is dearth in quantitative studies that illustrate the extent of age discrimination in Philippine society, anecdotal and qualitative research exist, which reveal the causes and impacts of ageism.
	3. Similar to situations mentioned in paragraphs 3 and 5 of this submission, ageism can manifest in laws and policies. Senior citizens could not access their rights and avail privileges, or benefits mandated by different local and national legislations, such as the Expanded Senior Citizens Act of 2010 (RA 9994) the Mandatory Phil Health Coverage of All Senior Citizens (RA 10645), and the Anti-Age Discrimination in Employment Act (RA 10911), among others. They have less chances of employment, and less and unequal access to adequate healthcare, finances, and justice to name a few.
	4. Systemic discrimination based on age is manifested in older persons’ limited access to employment & social services. The age limit of 35-40 years old in hiring imposed by most companies & the mandatory retirement age of 65 years old are dominant barriers for older persons to access or hold jobs. They are also not provided comprehensive medical care. Insurance companies and social security providers do not cover older persons above the age 65 in insurance plans and small loans.
	5. An Act Prohibiting Discrimination Against Any Individual in Employment on Account of Age and Providing Penalties Therefor [Anti-Age Discrimination Act], Republic Act No. 10911, § 6 (2015) provides for justified differential treatment on old age. Exceptions to be considered, for a certain age limit to be a requirement for employment.
	6. Media portrayal of older persons can also propagate ageist views. A research entitled, “Against the old?: A critical discourse analysis of Philippine online news articles’ ageist ideologies,” has noted that “ageism in the country can be traced in other forms of media such as television shows where old people become sources of laughter and entertainment. Dementia and senior citizens who fail to acclimate to modern times are often the subjects of Philippine comedic shows...depiction of the elderly in television shows results in reversed age stereotyping. As such, ageism becomes opaquer because old age becomes part of a funny storyboard.”[[7]](#endnote-7) The analysis of this research revealed that *“language used in the news articles, along with the referential strategies and roles allocated to the Filipino elderly, implies characteristics that may create stereotypes against aging and the elderly. The five major characteristics ascribed to the elderly, as implied in the news articles and the aforementioned excerpts, include (1) physically and mentally weak, (2) vulnerable and susceptible to be victims of crimes and accidents, (3) incompetent, (4) dependent, and (5) impoverished. Consequently, these characteristics may reinforce prejudicial attitudes toward the process of aging and the elderly.”[[8]](#endnote-8)*
	7. The Commission finds that there is a need to improve the understanding of the situation and lived experiences of older persons through improved data collection, academic and policy research on ageing and ageism, setting up of monitoring and evaluations systems, and the reporting on the situation of older persons in existing monitoring mechanisms, such as the Sustainable Development Goals (SDGs).

**III. From an intersectional perspective, are there specific factors that aggravate ageism and age discrimination and how? Please provide concrete examples and collected data where available.**

1. The Commission has identified the marginalization of older persons deprived of their liberty and particularly during this pandemic, they are in more aggravated situations. In 2018, there were around 4,500 persons deprived of their liberty (PDLs) who are “senior citizens” or persons who are at least 60 years old. The Bureau of Jail Management and Penology (BJMP) then had 3,043 and the Bureau of Corrections had 1,483. Hundreds of these older persons were aged 70 years old and above. Many PDLs are reported to be suffering from various chronic illnesses such as asthma, diabetes, heart ailments and lung disease. It shall be recalled that in a press briefing on September 17, 2019 and amid the issue then on the early release of some heinous crimes convicts under the Good Conduct Time Allowance (GCTA), President Rodrigo Roa Duterte was asked whether he will consider the release of older persons from the New Bilibid Prison. He replied that he wanted PDLs who are 70 years old and above to be considered for parole. Further, he stated that he will ask the administration of the prisons or the Secretary of Justice to fast-track the cases of those who are ill and old.[[9]](#endnote-9)
2. On April 8, 2020, a petition for temporary release amid the COVID-19 pandemic was filed before the Supreme Court. Twenty-two PDLs asked the high court for their temporary liberty anchored on humanitarian grounds and invoked Court’s application of equity of jurisdiction. Further, the petitioners prayed for a “fair chance at surviving the devastating impact of the COVID-19 outbreak in spaces that are not blighted with overcrowding and lack of access to hygiene measures and medical care.” With the poor state of places of detention in the country, older persons, as well as pregnant women and those with pre-existing medical condition are very susceptible to the highly contagious disease… On April 20, 2020, the Office of the Court Administrator issued OCA Circular No. 91-2020 reminding all judges of the first and second level courts to adhere to the Guidelines for Decongesting Holding Jails by Enforcing the Rights of the Accused to Bail and to Speedy Trial as prescribed in March 18, 2014 SC en banc Resolution A.M. No. 12-11-2-SC specifically Sections 560 on release after service of minimum imposable penalty and 1061 on provisional dismissal of said guidelines.[[10]](#endnote-10)
3. The Commission urges the Independent Expert to call on the Philippine government to take immediate measures to provide medical and special attention to vulnerable PDLs, most especially older persons. PDLs must enjoy the same standards of health care that are available outside prisons or jails, without discrimination. Prison or jail authorities must facilitate the PDLs’ access to health services such as telemedicine when there are no health workers in the facility and COVID-19 testing kits. If early release is not feasible during the health emergency, older persons and PDLs with chronic medical conditions should be transferred to hospitals or temporary medical facilities within places of detention.
4. Older women are more likely to experience discrimination because of already existing gender inequality. It is interesting to note that “women are more vulnerable to poverty in old age due to "their lower labor force participation in the formal sector throughout their adult life, and consequently have less access to pensions." [[11]](#endnote-11) Older women who have spent all or part of their lives caring for their families without engaging in a remunerated activity and the non-recognition of their work in the informal economy are excluded from old-age pension, and some are also not entitled to a widow’s pension.
5. One of the key sectors identified by the Magna Carta of Women (MCW) are women fisherfolks. Despite the significant size of the fishing industry and its contribution to the Gross Domestic Product (GDP), and despite the fact that fish is a huge part of Filipino diet, fisherfolks remain to be among the poorest of the basic sectors. The situation is even direr for women fisherfolks, including older women fisherfolks. Women fisherfolks are among the poorest – largely because of the non-recognition of their roles, the kind of roles they are engaged in, the low value and trivialization of their contribution, their lack of access to modes of production, and due to their multiple burden in the house and in the fishing community.[[12]](#endnote-12)
6. During this pandemic, women’s nonregistration and non-recognition as fisherfolks affected their access to government support and programs. There is confusion as to what programs they can access and avail of, and of how they can access benefits independent of their husbands. The initial results of the Commission’s focus group discussion findings also showed accounts of gender-based violence (GBV) even prior to the pandemic, and issues of cases of intimate partner’s violence. Concerns were also raised as to women fisherfolks’ lack of knowledge on available remedies and of the practice of mediation in barangay levels.[[13]](#endnote-13)
7. The State should pay attention and respond to the situations of older women who experience both gender, work and age discrimination. Equally expedient is the need for enhanced protection mechanism for GBV and the establishment of sex disaggregated data of women fisherfolks including those most vulnerable: older women, indigenous women, and Moro women. Ensuring access to information, resources, and livelihood are also urgent aspects that can be addressed by concerned agencies. On the part of the Commission, we shall endeavor to ensure that the results of the FGD will be incorporated in key pending bills, which include the amendment of the BFAR law, the pending MCW in Informal Sectors, and the newly proposed SB 2100 proposing financial aid for fisherfolks.[[14]](#endnote-14)

**IV. What international, regional and national legal instruments are in place to combat ageism and age discrimination?**

**International instruments:**

1. All human beings are entitled to equal enjoyment of rights and to be free from discrimination under the core international human rights instruments of the United Nations, such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant Economic, Social, and Cultural Rights (ICESCR).
2. The human rights treaty that explicitly mentions discrimination on the basis of age is the International Convention on the Rights of Migrant Workers (MWC) and their Families (Article 7), which the Philippines has ratified. However, this only applies to older migrant workers and their families.
3. The UN Human Rights Council adopted Resolution 24/20 in 2013, establishing the mandate of the Independent Expert on the enjoyment of all human rights by older persons. The mandate holder is tasked, among others, with the assessment of the implementation of existing human rights instruments with regard to older persons to identify best practices and gaps therein.
4. The 2002 Madrid International Plan of Action on Ageing (MIPAA) encourages State to “commit to eliminate all forms of discrimination, including age discrimination.” Although MIPAA is not binding and rely on loose commitments of States.
5. The Commission and like-minded NHRIs believe that there is an urgent need to develop a global rights-based monitoring framework on the rights of older persons. The UN Open-Ended Working Group on Ageing has debated on this for more than a decade. We urge Member-States to support this movement for a legally binding instrument, a Convention the Rights of Older Persons, to significantly contribute to addressing age discrimination.

**Regional instruments**

1. The 2015 Kuala Lumpur Declaration on Ageing: Empowering Older Persons in ASEAN “provides that preparing for ageing is a shared responsibility requiring intergenerational solidarity and a community-based, rights based/needs-based, and life-cycle approach. It emphasizes the need to develop capacities to provide comprehensive and integrated care for older persons, and at the same time enable older persons to empower themselves.”[[15]](#endnote-15)
2. Similar to MIPAA, the declaration is non-binding and rely on the commitments of ASEAN States to come up with action plans at the country level.

**Regional mechanisms – the role of national human rights institutions on cross-border, translational issues**

1. The Commission as representative of the Asia-Pacific region, is a member of the Global Alliance of National Human Rights Institutions (GANHRI) Working Group on Ageing. On June 22, 2020, a webinar organized by the GANHRI, entitled “Protecting and Promoting the Rights of Older Persons in COVID-19 Responses and Recovery : The Role and Experiences of National Human Rights Institutions,” the Working Group has adopted ten practical recommendations for NHRIs around the world to enhance their mandates and more visibly and proactively advocate for human rights-based approaches and solutions in response to the risks, actual threats, and violations experienced by older persons amid the COVID-19 pandemic.[[16]](#endnote-16)
2. In 2018, the South East Asia National Human Rights Forum (SEANF) composed of six national human rights institutions in the region including the Commission,[[17]](#endnote-17) drafted and adopted a [Baseline Paper on the Rights of Older Persons in South East Asia](http://chr.gov.ph/wp-content/uploads/2019/04/SEANF-Baseline-Paper-on-the-Rights-of-Older-Persons-in-South-East-Asia.for-publication12.pdf). The paper provided information on the situation of older persons in the region as well as initiatives of stakeholders, including NHRIs on addressing prevalent issues surrounding the rights of older persons.

**National Instruments:**

1. The 1987 Philippine Constitution provides a strong foundation for national legislations and policies that promote and protect the rights of older persons. In its Declaration of Principles and State Policies, it was stated that “[t]he State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full development, arising standard of living and an improved quality of life.”[[18]](#endnote-18) The Constitution further states that: “[i]t is the duty of the family to take care of its older person members while the State may design a program of social security for them.”[[19]](#endnote-19)
2. The Philippines has several legislative measures that aim to promote equality of treatment for older persons and prohibits acts of discrimination against them, some of which are the following:

a. The National Commission of Senior Citizens, which is under the Office of the President, abolishes the National Coordinating and Monitoring Board that was created by the Expanded Senior Citizens Act of 2010. The functions, activities, and programs of the Department of Social Welfare and Development (DSWD) for poor, vulnerable, and disadvantaged senior citizens are now lodged with this Commission.

b. The Anti-Age Discrimination Act (RA 10911) is the most recent law relating to older persons. It guarantees equality and prohibts acts of age discrimination in employment for all older persons. It specifically prohibits forced termination on the ground of old age and discriminatory company policies for early retirement.

c. Republic Act No. 10645 or “An Act Providing for the Mandatory Philhealth Coverage for All Senior Citizens” amends the previous law known as the Expanded Senior Citizens Act of 2010 which mandates PhilHealth (the national health insurance program). The amendment removed the provision in the previous law which pertains to the requirement of indigency to qualify for coverage.

d. Republic Act No. 9710 or the Magna Carta of Women 2009 contains a special provision for the protection of women senior citizens. Section 33 of the law states that “the State shall protect women senior citizens from neglect, abandonment, domestic violence, abuse, exploitation, and discrimination.

e. Republic Act no. 7432 or An Act to Maximize the Contribution of Senior Citizens to Nation Building, Grant Benefits and Special Privileges and for Other Purposes, provides for the State’s encouragement of senior citizens in nation-building. This law establishes the identification card system for senior citizens for the availment of special privileges and discounts.

1. While these are remarkable national laws that endeavor to address protection gaps on the rights of older persons, the implementation still can be further improved, as challenges and rights violations are prevailing as illustrated in the previous sections of this submission.

**IV. Please also note any action plans or policies to raise awareness and combat ageism (including anti-ageism in school curricula) and to move toward a more age-friendly and inclusive society.**

1. The Philippine Plan of Action for Older Person (PPAOP) covering the period of 1999-2004 and the Philippine Plan of Action for the Senior Citizens (PPASC) covering the period of 2006-2010 were two national action plans responding to the Macau Regional Plan of Action and Madrid International Plan of Action on Ageing (MIPAA) respectively, which recommended major areas for action that ensure older persons can enjoy their rights to (a) development, (b) advancing health and well-being into old age, and (c) enabling and supportive environments. Both Plans of Action for the older person sector should have served as guides for all government agencies (GAs), local government units (LGUs), non-government organizations (NGOs) and other stakeholders in policy formulation, program development and resource generation in support of the older person sector. These plans are outdated, however, and the non-existence of updated or succession plans can be an indication of giving lesser priority to the situations of older persons who are already experiencing some forms of discrimination in the programs of government.
2. The Commission has organized a series of consultations and webinars in 2020 at the onset of the pandemic, to raise awareness on the human rights situation of older persons, the discrimination they are confronting, and identify existing gaps, promising practices that promote and protect their rights and most importantly provide human rights policy recommendations to the State and relevant stakeholders.

a. The Online Consultation and Dialogue on the Human Rights of Older Persons amid the COVID-19 Crisis from 28 to 29 May 2020 covered 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.

b. The Commission has collaborated with the League for Authors of Public Interest Songs “[LAPIS](https://www.facebook.com/seesawchannel/about)”, a non-profit volunteer organization of young social advocates from various fields of communication arts, new media, and information technologies. The ongoing engagement is through a cross-posting platform, where it utilizes all the social media pages of the Commission for wider dissemination via a live streaming program called SeniorCITI. This is an independent production that provides interactive space for older persons to share issues affecting them and also discuss recommendations for consideration of the government and the concerned stakeholders. The live stream events that the Commission has organized were

i. [The Right to Shelter and Spaces for Seniors](https://business.facebook.com/chrgovph/videos/2804501809769912/?__xts__%5B0%5D=68.ARCJjhVorm2_DSVSWIOvo-k_SJ_hBq41AVEi8LMhIKEf4oyKIgcN9Pn93XdAc1iY09ELv5bI8cdI-W-tT9UPh9FCRHo7MBTUqQCHvghINqidZHR_7f5cquG1_0ij1DqBNIJBGDs_gbVQYOoSry7kaub5w6ZxnPf6kUdmt7xWIC1ThEEI1Un_N1zzkwgO1yEF29jbE3gwrl7q0PqdONwx1X0gO3VSfHxlI6LZRq8kYETH0pqjeIE3UB018DGcS7VWC_GT_rqWBgpK9NJMBhYjY7GCCqlEN9wcfWh4EhekmcTpt6ZTt0KsXpWDYm6DT9d7julqesVi0dloSQ&__tn__=-R), (live-streamed on August 25, 2020)

ii. [Buhay ng mga Seniors. May Kwento pa ring May Kwenta,](https://business.facebook.com/chrgovph/videos/309050253860722/?__xts__%5B0%5D=68.ARD3wsBAjP-W2jyX4NKowrClJ8qOdDAm3d8OvyYAysE6rgjf8RLw6t44wB0OkqJ8jHOXUWAii5ASA3l4GXkEUn88lXvdUSqVjIuSTzfzlcFStP3O1600aS49jk1uUy2CdbUqAprVW9w4snJxxmD2-jsSNcHIUQ6mClQEKZgj8ZgAeLG2WrtXptqY4B33PFPwmXWC5elqkby2yS3MA4O8D6YwtpODASbe48My7x5_wzRYHiOZa41RLpqCYBlfIe92ogzT3EeMHnojmRD8rQd6f1yJDq3oK3jPQ7mfunQt1naTQlFbilvhUDUTOWTQtxLydYV99Yxwuz3I&__tn__=-R) “Life of Seniors. There is still a story”, (live-streamed on August 22, 2020)

iii. [Senior Citi Kwentuhan](https://business.facebook.com/chrgovph/videos/302664584342880/?__xts__%5B0%5D=68.ARDXhVHknbJ0r5Mvggj9dYyOt3KNECD7o_z4UQJjS0J5mbzV52z-icbQgYQQ0JO60emGJDCQd1WSiPy5bku03_zUeWCNAFOTLi3d-ChssDJzP_s1YKcaC3L35YaYgARYD2Cz4z7T8WJqUe7l496lJAYfq1V6vJK_tJZ6rR8op3bFn4r8tFCa6O3feGV-SoRP-Qf6LA1_oqcYu6IIJnLn1x4-xmwMHeZRbzSTRaSDi8NGkJC3jzVr7_IOWaAgF4ZLfj4oUtouyvyoKmMdcGQMOZDlhPYvxXBAJI82nHxYFQTDe1h9lcgP4LoS-QrMw_GViN80r3tUGHxh&__tn__=-R), (live-streamed on August 18, 2020),

iv. [Senior Citi Kwentuhan](https://business.facebook.com/chrgovph/videos/329089314901081/?__xts__%5B0%5D=68.ARDkRSvtgmWkfzV9vhKtdhXhBaZb1vFyuVLPP2eKc97YiY9TyXOE0ZkFslqRvds8H6AZ30xHZmGH2yBWprvlu3u6sar4QjJ0MxGXmjyP1gZD0eyMk-SyDUckgaf0A0ugz_YlX2NgR5xPYM12KNWKXHABJ41UK1tb1r_-FTC_aPY7XMnYcSzJeXd3C85IiBy8Gsa4H5I3IZlm7-to1PKKjqHkYBjVeHLxCToH8G17H6-Gh3tH8gS8zifFSMSZwiIVl3IeysCIMmev1wf0sli2fkQK53eqX3gdWMM-MgyUjkn5rsbfJHxFhkwuNs29f6c-VWccZbCDPeVI&__tn__=-R), (live-streamed on August 15, 2020)

v. [Health Rights of Senior: Policies Swak ba?](https://business.facebook.com/chrgovph/videos/1002938040184048/?__xts__%5B0%5D=68.ARCQ-cgwIW4Iv3gMtybLlAcQGeigzDoSII3V287ODGW75fe8tbJcnZOFDAkVlXiNSx7-ZJCWlPhq2nZxdvEgrKQFUhyFd5lxI0XrSy-NB3-uXKAV_k5dzDjGcrAFvshAamRZ31p_bse4Ga4eGfoX7P_lRPt6jRwDvNlRSWOlCWr4iA1Z1TWID_gkwFncJ-Btu-GEAWu_nztqS4RtTjm1T2rElgUirSQqYKQ5D2oVNyReIMRODwhgJaomdE5QAF6xifjbAswCT_XzEeBWcJARgDzjBKx1esa8K4Q2qNBD6mm8pi7u3a9hiHHTKGXIo4fYNCvOPrk_WnRzfw&__tn__=-R), (live-streamed on August 11, 2020)

vi. [Fear. Faith. Hope. In the time of pandemic](https://business.facebook.com/chrgovph/videos/303434187564054/?__xts__%5B0%5D=68.ARBVlkvryL6LDkYtEBD6g63eHAHWPG_U_9G9bDhZHisJioDemHWwn34zukWul9Domd3z1ZoAvibcQTQvn_P68ef6GG2W_pp95BBL5UD7GNTHynlZ3CXA3u_C4WD_1zLvXIV9Ar85pgae2yhSOkFmrTt3ma4_4XaEx25CIqLgFuwhMaiOB8IiVK92BKXD9jO1zocfpA67B7JuLmafb-Q_s_CSZRY4XVmgu1TGwHoU_ZWJCp3g0uDw2t0EvemK5x-nxGo7uFnRSSzTCbFXo5Xm-8tkJenW0m6HNPPuazG8rWAfFkVbqYIYtXTrNth6NAawZyHeK5eKOCi1&__tn__=-R), (live-streamed on August 7, 2020)

vii. [Health rights of seniors, Policies swak ba?](https://business.facebook.com/chrgovph/videos/3453288624690649/?__xts__%5B0%5D=68.ARBq991kUp8OBD1ISehNtsHGewtx5tklsG4UJUbDFNcoi2tm0z9ai9GCxtuj7J1wWOIFBqX5eci40QDc4tgyMeHz9L9paSusCz3x7_Ojjd5cyYtMoZnk4LfDnIAcAx71xLnybPSOcqdQMYhpzVNp3rpQLDwRF6htSuo67T_dQSN92wLEt-BDDPq6q1-6j3Nn4mrY7oNm1ZbEh9UuXr0lm3ty50Pxuir-K6grrseObNazavf7qTMqVoIyrlSQ5GdxyXPfpLVZvjNiw9LRD7AejSeMfAdRVcp_ZCnRaaeg60kYqz2sWY36W1O2-odGcC8JWLCWk8NEzihT4A&__tn__=-R), (live-streamed on August 4, 2020)

viii. [Learning to become Senior Netizens: Hanggang Facebook na lang ba?](https://business.facebook.com/chrgovph/videos/1434359286767031/?__xts__%5B0%5D=68.ARB9OZyZvWVXZvl8cE2UyIS0RmMea6sxIl3k0PUZzZS_e6U0pF_MctuIOjyYZLMxvvWad-tP42hvfP6dpry1l10QNBfR3pBZNHAo9q1O4AyH8mj_hk0uo1-K-FkQJX9s2ZkISF4ixOdeGnG59T0HA_wnUczJgT6HBn9_KMtS8e7VLHTPPVq2RADCt86WSCn_Wa36iSNdexl0WvUFWk0jT2QfzcBdL42vY6JZj26CU6HjHM9MUu80fN6_olbyux74agDK3lHxqNiXJ4ZUiKZa1mBzGmm8A4lRwJu6CtPGqx1r3_R1WPit-lLgW1x6Hbvd889eNEOs6R-TMQ&__tn__=-R), “Learning to become Senior Netizens: Until Facebook?”, (live-streamed on July 31, 2020)

ix. [Nakakakuha ka ba ng Discount? Ang sinasabi ng Republic Act 9994 tungkol sa isyu ng Senior Citizen Discount](https://business.facebook.com/chrgovph/videos/1090132638048842/?__xts__%5B0%5D=68.ARB4QS-RQqMKmJNeXr9ednlVsNFysKqFQDqzYdWkUC_b3Ip8wTEY2TKwWYTkiumiDBHClm15Gf96ww7iDnpuD_oSDlulckjjAxpW4meMcHeRpPdC9nucfSvqFU8UmVbbz86XBqfEmxJtBRdtlZui5JNn3pyFxaWBZY1J8imF6ORIna90XGqf1sB_7fgwhzJo1L1gxvPyGHvrOAinxftA20oDdGNaEnp2-MJwd75kkPW8bn02n-TsTbwixcGbEFR7m-SgRxwmCkuuNGTTR0Hl3YYK-laBYVPsR6CbDKuQBlyGqp3zleru6kV5Lw7k6h_ik0OQ1-xPHTzxKg&__tn__=-R), “Are you getting a discount” What Republic Act 9994 says about the Senior Citizen Discount issue”, (live-streamed on July 28, 2020)

x. [Digital Payments: Kumplikado ba? Ano ang bentahe? Ligtas ba?](https://business.facebook.com/chrgovph/videos/280403483184998/?__xts__%5B0%5D=68.ARDxhlcCW6kVPnIOjVm3hwlyaHHURoYeypsdtFppjQ7OlGaGk3sjhPFluMgZdCypcGKQiXcQAyj9OHf784-b3jA3X0DhcCKVFANPzZeywaD_K921CaITHjF3FHdNQMeTBAIcfosdnkZ3H77PCiy2FBCezXRqnYqJyGfcNSATPZpjwYMT8OWc_UCNk0eD5xXI7H8BZzrlfiHD9mUxKSszUgmByZLhjYVeEtJKVo-iNhW0b6AMG-b6k0PzQqils822Eaq9PucY9Xrsl4LkE2cX8Zq4Oc8F6Hko85Z6ebhquBsdI_C-1ggvNZ-z_FEDbuln31bDLCrfwkud&__tn__=-R), “Digital Payments: Is it Complicated? What is the advantage” Is it safe?”, (live-streamed on July 24, 2020)

xi. [“Food Security sa panahon ng COVID”, Pagkain sa Bahay. Pagkain sa Bayan](https://business.facebook.com/chrgovph/videos/332078314468870/?__xts__%5B0%5D=68.ARDnA99zJxRGs1ABqSHTBENmpWr-Ljhaz6eHHikRcMiqYHJnhV0pDMOCq1bMJ287i8E9pGjsluyLaVjJyMAMQn5zRO7gJEnsKeXtfMUu3Jhhg55IIoBmvfAOUVP0ybZwZxvP4IslyKsXynNMLSLAcpsTDmavl9AkmhLSGP35OHNRrhG9xJzIZOwZilT-vjatSMXqCg6MIm0iyU3Dp__GNlf88U6JNWL8fYbirJTIIIGLHE4jPIUmyNSIURblV0Tct3-8bOdlG1WMLgihnjEBTS2p9Da_fzeQdhG7q93fFD4OeKKlLMBM3BRvD43GzxM7rz7a4gqo98FD&__tn__=-R), “Food Security during the COVID”, Food at Home. Food in the Town”, (live streamed on July 17, 2020);

1. On June 17, 2020, the online group of older persons “Seniors sa Panahon ng COVID” held an online conversation on ageism and the rights of older persons. The Commission, along with legal expert, joined the conversation as resource speakers.
2. A [campaign](https://www.change.org/p/president-rodrigo-r-duterte-let-senior-citizens-go-where-other-people-can?utm_content=cl_sharecopy_22418516_en-US%3Av4&recruiter=1086380287&recruited_by_id=49ac70e0-8f8d-11ea-a073-4d1b266ffe82&utm_source=share_petition&utm_medium=copylink&utm_campaign=psf_combo_share_initial&utm_term=petition_dashboard) was initiated by the Seniors sa Panahon ng COVID to call on the government for the “Protection not Restriction for All Senior Citizens” including the inclusion of all senior citizens in the Social Amelioration Program of the government during this COVID-19 pandemic. The petition garnered more than five thousand signatures and was submitted to the Office of the President on June 10, 2020, for appropriate action of the President.

**V. At the national level, please outline the legal protections available against age discrimination and indicate whether age is explicitly recognized as a ground for discrimination? If so, are there specific areas for which equality is explicitly guaranteed? Are there any areas where differential treatment based on older age is explicitly justified?**

1. The Office for Senior Citizens Affairs (OSCA), one of its functions is, “to assist the senior citizens in filing complaints or charges against any individual, establishments, business entity, institution, or agency refusing to comply with the privileges under this Act before the Department of Justice (DOJ), the Provincial Prosecutor’s Office the regional or the municipal trial court, the municipal trial court in cities, or the municipal circuit trial court.[[20]](#endnote-20)
2. A major step towards achieving the agenda against age discrimination is the passage of the Anti-Age Discrimination in Employment Law in 2015.[[21]](#endnote-21) The State shall promote equal opportunities in employment for everyone. To this end, it shall be the policy of the State to:

(a) Promote employment of individuals on the basis of their abilities, knowledge, skills and qualifications rather than their age.

(b) Prohibit arbitrary age limitations in employment.

(c) Promote the right of all employees and workers, regardless of age, to be treated equally in terms of compensation, benefits, promotion, training and other employment opportunities.

1. In 2019, the National Commission of Senior Citizen was enacted into law and one of its functions is to “Ensure the full implementation of laws, policies, and programs of the government pertaining to senior citizens, and Formulate policies for the promotion and protection of the rights and well-being of senior citizens.[[22]](#endnote-22)
2. The Commission commended the work of the Department of the Interior and Local Government (DILG) in adopting a rights-based and non-discriminatory policy that rectified the earlier policies by the government concerning the freedom of movement of older persons in areas under community quarantine. In adopting a human rights-based approach, the DILG did not only tackle the content of public health and human rights in the comprehensive response to the COVID-19 pandemic, but it also demonstrated the process in developing the policy as it was undertaken in collaboration with older persons through NGOs. The whole process, which we facilitated as the country’s NHRI, involved older persons from the determination of the gap in policy and the measures that the government has to take to fill the gap, to the drafting of the actual policy.
3. The Membership and participation of the Commission’s regional office in the [Regional Inter-Agency Council for Seniors (RIAC-SC)](http://nro13.neda.gov.ph/regional-development-council/committees-2/) ensure that human rights-based intervention are carried out by the concerned government agencies and other stakeholders at the local levels. The CHR Regional Office XIII (Caraga region in Mindanao) acted on complaint/s in relation to the implementation of its Quick Reaction Operations.[[23]](#endnote-23)
4. **Do the existing legal protections against age discrimination allow for claims based on intersectional discrimination, that is discrimination which is based on the intersection of age and other characteristics such as race, ethnicity, gender, disability, sexual orientation or other status?**
5. In terms of addressing the intersectional discrimination, and based on other characteristics such as race, ethnicity, gender, disability, sexual orientation or other status. The concerned agencies are accountable in providing the appropriate responses:

a. [Philippine Commission on Women](https://pcw.gov.ph/quality-policy-statement/), is the steward of the Magna Carta of Women and lead in the implementation of CEDAW.

b. [Inter-Agency Council on Violence Against Women and their Children (IACVAWC)](https://pcw.gov.ph/inter-agency-council-on-violence-against-women-and-their-children/) is the lead coordinator and monitoring body on anti-VAWC initiatives.

c. [National Commission on Indigenous Peoples](http://ncip.gov.ph/?page_id=89) is tasked to protect and promote the interest and well-being of indigenous peoples and indigenous cultural communities through the implementation of the Indigenous Peoples Rights Act.

d. [National Commission on Muslim Filipinos](https://ncmf.gov.ph/about-us/mission-and-vision/), dedicated to promote, preserve, and develop self-reliant communities to become nation-builders and peace makers by: formulating timely policies and programs; and empowering Muslim Filipinos through multi-sectoral unified efforts guided by Islamic values and principles.

e. [National Council on Disability Affairs](https://www.ncda.gov.ph/about/), is the national government agency mandated to formulate policies and coordinate the activities of all agencies, whether public or private, concerning disability issues and concerns. It is the lead agency in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD).

1. The Commission on Human Rights of the Philippines is the national human rights institution of the country. Through its focal commissioner system, a Commissioner is designated to mainly facilitate the programs on the human rights of older persons at the national, regional and international levels.

**VII. What legal and other measures have been taken to address and protect from racism, sexism, ableism or other similar forms of discrimination that might be useful models for addressing ageism?**

1. Every city and municipality should have an Office of Senior Citizens Affairs (OSCA) which is tasked to serve as the general information and liaison center for older persons and to assist older persons in all issues and concerns relating to their legally-mandated rights and benefits.
2. The Senior Citizen Sectoral Council is one of the 14 basic sectors under the National Anti-Poverty Commission (NAPC) that plays a vital role in governance since they represent the primary beneficiaries of the government's poverty-reduction programs. The sector needs to be given a platform so they can navigate between government agencies and civil society institutions on issues that are pertinent to them. The basic sector is an important lobby in pushing for badly-needed legislation for the poor, and are indispensable to the essential dynamics of governance, both at the national and local levels. It is this participation in governance on the part of the sectors that NAPC has effectively institutionalized.[[24]](#endnote-24)
3. In 2019, the National Commission of Senior Citizen was established and one of its functions is to “Ensure the full implementation of laws, policies, and programs of the government pertaining to senior citizens, and Formulate policies for the promotion and protection of the rights and well-being of senior citizens.[[25]](#endnote-25)

**VIII. Please indicate if there are institutional or complaints mechanism to address inequalities or grievances related to ageism and age discrimination. If so, please provide statistics on cases and types of cases received?**

1. On the part of the Commission, its mandate is to investigate on its own, or by complaint of any party, all forms of human rights violations involving civil and political rights,[[26]](#footnote-1) therefore, cases involving the ageism and age discrimination of older persons, as one of the vulnerable and marginalized groups, will be acted upon with the appropriate interventions. Specifically, while the country is still grappling with the COVID-19 pandemic, the Commission has made available three distinct online reporting platforms. This is to also ensure that reports involving older persons will be given with equal and appropriate interventions and the Commission works in partnership with organizations and government agencies to ensure appropriate referral and response.

**a. E-lawyering Service,** aims to offer immediate legal assistance to actual or threatened victims of human rights violations, who may report the incidents through phone call, social media or e-mail. The program is also open to migrants and their families, and aims to ensure the immediate referral of cases to appropriate government agencies for proper action.

**b. e-Report sa Gender Ombud,** with support from the United Nations Populations Fund (UNFPA), the Commission has developed this online reporting portal for cases of GBV during the pandemic.The reporting is not limited to those who are victim-survivors of violence, but can be used by anyone who witnessed or knows of incidents of GBV and wishes the same to be responded to and documented. Forms of GBV are also not limited to intimate partner violence, it could be violence experienced by women, girls and members of the lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) communities in the hands of family members, strangers, from duty bearers, or those in relation to access of relief and support services, alleged violation of curfew and ECQ rules or denial of services in relation to reporting GBV or accessing reproductive health services. Sectors are specified per report to ensure we capture the specific experiences of marginalized and vulnerable groups including girl-children, women with disability, indigenous women, women human rights defenders, women in the informal sector, rural and urban poor, **the elderly / older persons,** migrant women, among others.

**c. OFW and Migrant Complaint Portal,** this online reporting portal is particularly for migrants and members of their families. This is aimed at offering immediate legal assistance to actual or threatened victims of human rights violations, and to ensure the immediate referral of cases to appropriate government agencies and NHRIs in the receiving and transit countries for proper action.

1. Quantitative and qualitative analysis of the cases compiled from these reporting portals are forthcoming. Once the findings are available, the reports will be shared to government and relevant stakeholders.

**Endnotes**

1. An Act Amending Article 287 of Presidential Decree No. 442, As Amended, Otherwise Known as the Labor Code of the Philippines, By Providing for Retirement Pay to Qualified Private Sector Employees in the Absence of Any Retirement Plan in the Establishment, [R.A.7641], § 287 (1992). [↑](#endnote-ref-1)
2. Susana Concordo Harding, Mary Ann Baquero Geronimo and Supriti Bezbaruah (ed), "Financial Security of Older Women: Perspectives from South East Asia," 2018, available at <https://asiawomen.org.sg/news-events/financial-security-of-older-women-perspectives-from-southeast-asia> (Last accessed: 23 April 2021) [↑](#endnote-ref-2)
3. Commission on Human Rights of the Philippines, Advisory on the Human Rights of Older Filipinos Amid the Coronavirus Disease 2019 Pandemic, CHR (V) A2020-007 (April 21, 2020). [↑](#endnote-ref-3)
4. Philippine Statistics Authority, Facts on Senior Citizens: Result of the 2015 Census of Population, available at <https://psa.gov.ph/system/files/2015%20Fact%20Sheets%20on%20Senior%20Citizen_pop.pdf?width=950&height=700&iframe=true> (last accessed: 26 April 2021). [↑](#endnote-ref-4)
5. Philippine Statistics Authority, “Table 4. Projected Population, by Age Group, Sex, and by Single-Calendar Year Interval, Philippines: 2010 - 2020 (Medium Assumption)”, available at <https://psa.gov.ph/sites/default/files/attachments/hsd/pressrelease/Table4_9.pdf> (Last accessed: 26 April 2021) [↑](#endnote-ref-5)
6. Celia M. Reyes, ET. AL., Silver Linings for Elderly in the Philippines: Polices and Programs for Senior Citizens 2019-09 (2019). [↑](#endnote-ref-6)
7. Bridgette M. Lustañas, Against the old?; A critical discourse analysis of Philippine online news articles’ ageist ideologies, available at <http://oaji.net/articles/2020/8307-1595891926.pdf> (last accessed 29 April 2021) [↑](#endnote-ref-7)
8. Idem. [↑](#endnote-ref-8)
9. Commission on Human Rights of the Philippines, Human Rights Advisory on Protecting the Rights of Persons Deprived of Liberty (PDLs) during the COVID-19 Crisis and Early Release of Older Persons, Low Risk Inmates and Persons with Chronic Medical Condition or Bailable Offenses, CHR (V) A2020-011 (May 11, 2020). [↑](#endnote-ref-9)
10. Idem. [↑](#endnote-ref-10)
11. UN ESCAP, Addressing the Challenges of Population Ageing in Asia and the Pacific: Implementation of the Madrid International Plan of Action on Ageing, Working paper, available at [https://www.unescap.org/publications/addressing-challenges-population-ageing-asia-and-pacific-implementation-madrid#](https://www.unescap.org/publications/addressing-challenges-population-ageing-asia-and-pacific-implementation-madrid) (Last accessed: Mar. 23, 2021). [↑](#endnote-ref-11)
12. Commissioner Karen Gomez-Dumpit, Statement on the dire situation of women fisher folks in the time of COVID-19 pandemic, (March 27, 2021) (statement available at <https://chr.gov.ph/statement-of-chr-commissioner-karen-gomez-dumpit-focal-commissioner-for-womens-and-gender-rights-on-the-dire-situation-of-women-fisherfolks-in-the-time-of-covid-19-pandemic/> (last accessed Apr. 29, 2021). [↑](#endnote-ref-12)
13. Idem. [↑](#endnote-ref-13)
14. Idem. [↑](#endnote-ref-14)
15. UN ESCAP, Concept Note on the Expert Group Meeting on the Proposed Regional Action Plan to Implement the Kuala Lumpur Declaration on Ageing: Empowering Older Persons in Asean, available at <https://www.unescap.org/sites/default/files/Concept%20Note%20EGM%20KL%20Declaration%20on%20Ageing.pdf> (last accessed on Apr. 29, 2021). [↑](#endnote-ref-15)
16. Karen Gomez-Dumpit, Commissioner, Commission on Human Rights of the Philippines, Closing presentation on the Proposed Recommendations for NHRIs, at the GANHRI Working Group on Ageing webinar entitled “Protecting and promoting the rights of older persons in COVID-19 responses and recovery: the role and experiences of national human rights institutions (June 24, 2020) (outcome document available at <https://ganhri.org/wp-content/uploads/2020/07/Karen-Dumpit_Closing_Proposed-Recommendations-for-NHRIs-1.pdf> (last accessed Mar. 29, 2021). [↑](#endnote-ref-16)
17. Commission on Human Rights of the Philippines, Information about SEANF, 2018, available at <https://chr.gov.ph/seanf/> (last accessed Apr. 29, 2021) [↑](#endnote-ref-17)
18. Phil. Const. art. II, § 9. [↑](#endnote-ref-18)
19. Phil. Const. art. XV. § 4. [↑](#endnote-ref-19)
20. An Act Granting Additional Benefits and Privileges to Senior Citizens, Further Amending Republic Act No. 7432, as Amended, Otherwise known as “An Act to Maximize the Contributions of Senior Citizens to Nation Building, Grant Benefits and Special Privileges and for Other Purposes'' [Expanded Senior Citizens Act], Republic Act No. 9994 §6 (2010). [↑](#endnote-ref-20)
21. An Act Prohibiting Discrimination Against Any Individual in Employment on Account of Age and Providing Penalties Therefor [Anti-Age Discrimination in Employment Act], Republic Act No. 10911 (2015). [↑](#endnote-ref-21)
22. An Act Creating the National Commission of Senior Citizens, Providing for its Functions, Abolishing the National Coordinating Council and Monitoring Board, Amending for the Purpose Republic Act No. 7432, as Amended, and Appropriating Funds Therefor [National Commission of Senior Citizens Act], Republic Act No. 11350, §7 (2018). [↑](#endnote-ref-22)
23. The Situation of Human Rights in the CARAGA Region during the time of the COVID-19 pandemic: A Special Situation Report by the CHR Caraga, January-June 2020 by CHRP Regional Office, CARAGA (on file with Author). [↑](#endnote-ref-23)
24. National Anti-Poverty Commission, Social Reform and Poverty Alleviation, available at https://napc.gov.ph/sectors/socialreform (last accessed Mar. 03, 2021). [↑](#endnote-ref-24)
25. An Act Creating the National Commission of Senior Citizens, Providing for its Functions, Abolishing the National Coordinating Council and Monitoring Board, Amending for the Purpose Republic Act No. 7432, as Amended, and Appropriating Funds Therefor [National Commission of Senior Citizens Act], Republic Act No. 11350, §7 (2018). [↑](#endnote-ref-25)
26. PHIL. CONST. art. XIII § 17-18.. [↑](#footnote-ref-1)