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Consejo de Derechos Humanos

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**Promoción y protección de todos los derechos humanos,
civiles, políticos, económicos, sociales y culturales,
incluido el derecho al desarrollo**

Comunicación escrita de la Comisión de Derechos Humanos de Filipinas*

Nota de la Secretaría

La Secretaría del Consejo de Derechos Humanos transmite adjunta la comunicación presentada por la Comisión de Derechos Humanos de Filipinas**, que se reproduce a continuación de conformidad con el artículo 7 b) del reglamento que figura en el anexo de la resolución 5/1 del Consejo, según el cual la participación de las instituciones nacionales de derechos humanos se basará en las disposiciones y prácticas convenidas por la Comisión de Derechos Humanos, incluida la resolución 2005/74, de 20 de abril de 2005.

* La institución nacional de derechos humanos tiene la acreditación de la categoría “A” ante la Alianza Global de las Instituciones Nacionales de Derechos Humanos.

** Se reproduce en el anexo tal como se recibió, en el idioma en que se presentó únicamente.



Annex

Submission by The Philippines: Commission on Human Rights

Written Statement of the GANHRI Working Group on Ageing on the Report of the United Nations Independent Expert on the Enjoyment of All Human Rights by Older Persons on Data Gap at the 45th Regular Session of the Human Rights Council

The Global Alliance of National Human Rights Institutions (GANHRI) Working Group on Ageing (hereinafter the “Working Group”) is composed of the National Human Rights Commission of Korea (Chair) and the Commission on Human Rights of the Philippines, as representatives of the Asia-Pacific region, the National Human Rights Commission of Nigeria (Vice-Chair) and the Kenya National Commission on Human Rights, as representatives of the African region, the Procuraduría de Defensa de los Derechos Humanos of El Salvador and the Defensoría del Pueblo of Peru, as representatives of the Americas, and the Public Defender of Georgia, as representative of the European region.

The Working Group commends Ms. Rosa Kornfeld-Matte for all the valuable work that she has done for the protection and promotion of the rights of older persons and welcomes the appointment of Ms. Claudia Mahler as the new mandate-holder. Ms. Mahler is a colleague from the German Institute of Human Rights. Prior to her appointment as the new Independent Expert, she represented the national institution of Germany as co-Vice-Chair of the Working Group. We look forward to building on the work of Ms. Kornfeld-Matte and to continue the collaborative relationship with Ms. Mahler as the new mandate-holder. We renew our commitment to be of assistance to ensure the mandate of the new Independent Expert is maximized for the benefit of both duty-bearers and rights-holders.

The Working Group fully agrees with the analyses, conclusions, and recommendations of the Independent Expert on the data gap pertaining to the rights of older persons. As national human rights institutions (NHRIs), we experience first hand the difficulty of working with little to no data on how and to what extent older persons enjoy and exercise their human rights. It impedes the effective monitoring of the situation of the rights-holders and impairs our capability to make meaningful and responsive recommendations to duty-bearers.

The COVID-19 pandemic has highlighted this data gap conundrum and its impacts especially since older persons are among those most affected by the crisis. The problems we faced as NHRIs in responding to the crisis were exacerbated by the lack of stable structures and processes from which we can rely on for data on the rights of older persons.

A multi-stakeholder approach is needed to address the issue of data gaps and this includes recognizing the role that NHRIs can play in this area. After the webinar organized by the GANHRI on June 22, 2020, 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. Three of these ten recommendations are about addressing the data gap conundrum and its impacts to the enjoyment of the human rights of older persons. We share these recommendations here to complement the recommendations of the Independent Expert in her report:

- a. **Ensure high quality, accessible, open, timely and reliable disaggregated data and advocate for the mainstreaming of the rights of older persons among statistical bodies and institutions.** Older persons have the right to be visible and must not be excluded from data sets. However, data available usually lump people over 60 or 65 years of age together as a single homogeneous group. Disaggregated data will identify and characterise the population that are most vulnerable and provide a full picture of the

impact of COVID-19 to older persons. NHRIs should promote standardization of data disaggregation to enable comparison and monitoring among relevant government institutions. NHRIs should advocate on: the use of five-year age band and removal of upper age cut-off in the disaggregation protocols; the disaggregation of data, at least, by age, sex and disability, and other critical dimensions such as co-morbidities, ethnicity, socio-economic status, household/family compositions and type of living quarters, for data driven decision making; and the promotion of the participation of older persons by having their representatives collect and interpret data. NHRIs should also advocate for the careful interpretation and reporting of data to ensure the protection of older persons particularly from ageist beliefs. Also, NHRIs should advocate for data on older persons to start from 50 years of age considering that 60+ years as a definition for older persons is arbitrary and arguably discriminatory as it excludes persons below that age who may also be subjected to ageism or discrimination on the basis of age. These protocols should also be practiced by NHRIs in their own data management mechanisms.

In mainstreaming the rights of older persons in different areas of governance and public policy, NHRIs may also advocate for this among statistical bodies and institutions such as statistical commissions in the national level and in the UN, in the processes of the Titchfield Group on Ageing-related Statistics and Age-Disaggregated Data, and the various UN agencies and bodies that work on issues of disaggregating data in five-year cohorts and the like.

- b. Apply intersectional analysis to acknowledge and address multiple grounds of discrimination.** Certain groups of older persons face particular barriers arising from the intersection of age with gender, sexual orientation, race, ethnicity, religion, disability, culture, language, and socio-economic status. An intersectional approach acknowledges the complexity of discrimination older persons experience and takes into account the multiple and compounded disadvantages and inequalities they have experienced over their life course. As the pandemic affects older persons differently, this approach identifies who are most at risk and prevents blanket measures that are harmful and discriminatory. Interventions seeking to promote the welfare of older persons should be mindful of their heterogeneity and carefully take these differential conditions into account when designing programs or policies for them. NHRIs should ensure that they apply an intersectional approach in their work on the protection and promotion of the rights of older persons.
- c. Make data on the rights of older persons visible such as in reporting on the gains and challenges towards attaining the Sustainable Development Goals.** NHRIs should work towards ensuring the rights of older persons are taken into account by policy-makers, not only in relation to their right to health and right to social protection but also on rights affecting all aspects of their lives - including access to justice, poverty alleviation, food security, gender equality, and inclusive education, among others. This can be done by ensuring in advocating or reporting to relevant government institutions, the numbers representing the experiences of older persons are included and made visible, regardless of the proportion to the whole population. Also, with the SDGs as providing a holistic approach to achieving sustainable development for all, NHRIs should ensure that data and information on the rights of older persons are included in all reports on all goals.

We believe that there is an urgent need to develop a global rights-based monitoring framework or index on the rights of older persons to address all issues surrounding this data gap conundrum and its impacts. This can be done through the development and adoption of a Convention on the Rights of Older Persons which has been one of the subjects of debate at the UN Open-Ended Working Group on Ageing for more than a decade now. We need a convention to establish legal standards on the duties of governments to ensure relevant and reliable data is collected, processed, applied, utilized, and stored using the human rights-based approach. We need a convention to ensure there is an international implementation, monitoring and accountability system to guide the actions of duty-bearers in this regard. In this regard, we urge Member-States to support the movement for a convention on the rights of older persons as we believe that an internationally binding instrument will not only

significantly contribute to closing this data gap but more importantly, in building a society where every older person counts.

Finally, while States are negotiating for a treaty, the implementation of the SDGs should remain unhampered and should ensure that every older person is not left behind. This can be done by ensuring the numbers representing the experiences of older persons are included and made visible in the reporting on the gains and challenges towards attaining the SDGs, regardless of the proportion to the whole population.
