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**Submission of Costa Rica to Guiding Questions for Focus Area:
Right to Work and Access to the Labor Market**

National Legal and Policy Framework

1. What are the legal provisions and policy frameworks in your country that recognize the right to work and Access to the labor market by older persons?

The Inter-American Convention on the Protection of the Human Rights of Older Persons in Article 18 recognizes and guarantees the right to work of the elderly. Law No. 7935, Integral Law for the Elderly and its Regulations, in articles 4 and 31 and 5 and 24, respectively regulate the right to work of the elderly.

The National Policy on Aging and Old Age 2011-2021, in its Strategic Line I of Social Protection, Income and Prevention of Poverty, contemplates specific actions to materialize this right.

2. What are the challenges faced by older persons for the realization of their right to work and Access to the labor market in your country?

To overcome discrimination on the basis of age in old age that exists in the environment and the lack of conditions to realize the right to work and real work options.

3. What data, statistics and research are available regarding older persons engaged in informal work, particularly older women, including conditions of their work and economic value?

The National Institute of Statistics and Census has information on the subject, for example, for the third quarter of 2018, it is estimated that Costa Rica has a total of 792,511 people 60 years of age or older, of which only a small part (206,873 , equivalent to 26%), is inserted in the workforce. The average open unemployment rate for this population group is 4.8% and informal employment currently has a rate of 74% (among men around 72%, and among women 80%) and independent jobs.

In addition, in 2008, the I State Status Report of the Elderly Person in Costa Rica was made. This report allowed to lay the foundations of a system for monitoring the condition of the elderly in the country, addressed a broad set of issues that allowed to show the aging process as an integral part of broader processes of the economic and social development of the country, including the matter of the elderly person's work. Currently working on the II Status Report on the Situation of the Elderly in Costa Rica, whose objective is to continue the first report and is based on it.

Availability, accessibility, acceptability and quality

4. What steps have been taken to ensure the Access of older persons to the labor market including through physical accessibility, Access to information about employment opportunities, training and the provision of appropriate workplace accommodations?

There is an initiative of the Technological Institute of Costa Rica and the Ministry of Labor and Social Security, which aims to create a jobs' initiative in order to facilitate the right to work of the elderly. With this initiative, a virtual space is created in which older people who offer part-



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time or full-time services converge, on a paid or voluntary basis, and demanding companies that sign up to hire them.

5. What steps have been taken to ensure the availability of specialized services to assist and support older persons to identify and find employment?

As indicated, the employment initiative aims to facilitate the right to work of the elderly. In that space the demanding companies must register to know the job offer.

6. What steps have been taken to ensure the availability of specialized services to assist and support older persons to identify and find employment?

The employment initiative is one of the first steps to guarantee the right to work of older persons.

7. What protections are available to ensure older persons enjoy just and favorable conditions of work, including fair wages and equal remuneration for work of equal value, safe working conditions, both in the formal and informal sector?

The Inter-American Convention on the Protection of the Human Rights of Older Persons in Article 18 recognizes the human right to decent and decent work of the elderly. In addition, it prohibits discrimination and establishes that the employment of older persons must have the same guarantees, benefits, labor rights and remuneration for equal tasks and responsibilities. Therefore, if this human right is violated, one could go through appealing in the court to enforce this right.

In addition, through Law No. 9343 of January 25, 2016, the "Labor Procedure Reform" is issued, with which new procedures for the claim of labor rights are created.

Equality and non-discrimination

8. In your country, is age one of the prohibited grounds for discrimination in relation to work and access to the labor market, including in older age?

Yes, both the Inter-American Convention on the Protection of the Human Rights of Older Persons, and Law No. 7935 of October 25, 1999 and Law No. 9343 "Labor Procedural Reform", expressly prohibit age discrimination in the old age and in the workplace.

As indicated, before the breach of this prohibition, the affected person may go through appealing before a court or, to establish a process in the labor jurisdiction.

Remedies and Redress

9. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to work and Access to the labor market?

In addition to the mechanisms indicated in the legislation, the absence of an expedited and special procedure is noted, which considers the particularities of older persons and guarantees them access to justice, as well as an expedited procedure and attention priority and preferential in the different stages of the process, including of course the expedited execution of the failures.



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Guiding questions for Focus Area: Access to Justice

National legal framework

1. How is the access to justice by older persons guaranteed under the national legal and policy framework? What judicial and non-judicial mechanisms are in place for all older persons to complain and seek redress for denial of their rights?

According to Article 31 of the Inter-American Convention on the Protection of the Human Rights of Older Persons, States commit to ensure that older persons have effective access to justice on equal terms with others, including through the adoption of adjustments of procedure in all judicial and administrative processes in any of its stages. In addition, due diligence and preferential treatment are guaranteed for the processing, resolution and execution of decisions in administrative and judicial proceedings.

Availability

2. What steps have been taken to ensure the availability of judicial and non-judicial mechanisms for older persons in urban, rural and remote areas in your country? Are there alternative dispute settlement mechanisms available?

The Judiciary has offices in all cantons nationwide, which are more specialized in urban areas. In the auxiliary field of justice, it has offices (Prosecutors, investigation offices, public defense and conciliation centers), organized by national jurisdiction. The country has the Casas de Justicia (Alternative Conflict Resolution Centers) program, with the purpose of decongesting judicial processes and at the same time giving the population the possibility of resolving conflicts in a peaceful manner, with several offices (see <http://mjpp.go.cr/viceministeriopaz/DepenDinarac?nom=casas-justicia>)

Accessibility

3. What steps have been taken to ensure that all justice systems (judicial and non-judicial) are secure, affordable and physically accessible for older persons and adapted to their needs?

The judiciary has made improvements to the infrastructure to make the spaces accessible to all people. In addition, it has the Comptroller of Services, responsible for ensuring that the user receives the best attention in each of the judicial proceedings that he performs. Any natural or legal person, including minors, can go to it at no cost and without the need for formalities, by any means of communication (telephone, fax, mail, personally, email) and even through the mailboxes of suggestions located in most judicial offices. In administrative matters, the Ombudsman's Office of the Republic must have an Ombudsman for the protection of the elderly, responsible for ensuring non-discrimination and preferential treatment, as well as any other situation that afflicts them in the public sphere .

4. What are the existing provisions to guarantee legal assistance for older persons?

In the legal system there is no rule that requires free legal assistance to the elderly exclusively. However, in criminal matters (article 13 Criminal Procedure Code) and labor (art. 454 of the Labor Code) you can have free legal assistance, as well as in matters of maintenance pensions (art. 13 of the Pension Law Food).



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5. What are the specific challenges encountered by older persons in accessing justice and remedy in your country?

The lack of special legislation that guarantees free legal assistance in all matters, in administrative and judicial headquarters, as a key requirement of the right of access to justice.

6. What good practices are available in terms of ensuring equal and effective access to justice and remedy for older persons?

Judicial offices that process physical files, have a special box to locate the files of this group, which are individualized with terracotta covers. When the dispatches are electronic, an alert is displayed indicating that one of the parties is an older person. Older people have cards to facilitate their attention and court hearings and proceedings can be carried out on site, when there is proven inability to appear in court or participate in any diligence. CONAPAM, together with the University of Costa and its Law School, have the project “Legal Defense for the Elderly Person”, with an office with several legal professionals to provide free legal guidance and sponsorship to those who require it.

Equality and non-discrimination

7. What are the provisions adopted to ensure effective Access to justice for older persons on an equal basis with others, including age-appropriate procedures in all administrative and legal proceedings?

At the administrative level, Article 11 of Law No. 7935 is applied, which establishes the right to preferential care for the elderly and works on staff awareness processes. In addition, at the judicial level, Training and Awareness programs aimed at judicial personnel are developed, working permanently and sustainably on strategies to disseminate the rights of this population (information campaigns, videos, etc.). The Web page of the Commission of Access to Justice, contains relevant information for civil society and for judicial personnel, with institutional policies, national and international regulations, jurisprudence, etc.

8. Please specify existing public policies and awareness-raising and capacity building programmes established for all justice system personnel to address the negative impacts of ageism and age discrimination in justice system.

The Judiciary has the Institutional Policy to guarantee adequate access to justice for older persons (approved by the Superior Council in Session No. 28-08 of 04/15/08). The policy is aimed at adapting the institutional services that are provided internally, taking into consideration the particular needs of older persons. The policy is mandatory for all judicial personnel, so as to ensure effective access to justice. In addition, there is the Subcommission for Access to Justice for the elderly, whose work is the promotion and development of internal and inter-institutional actions for the benefit of the elderly.

There is a virtual course on access to justice in the Training Unit of the Directorate of Human Management, which covers older persons, and work is being done on the final production of a virtual human rights course, with emphasis on all populations in a condition of vulnerability, including older persons.



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Accountability

9. How do you ensure justice systems function in accordance with the principles of Independence and impartiality? Please specify if there is any oversight mechanism in place to address any discrimination against older persons committed by justice system professionals.

Article 154 of the Political Constitution guarantees judicial independence and impartiality. In addition, there is the Court of Judicial Inspection, the body in charge of applying the disciplinary regime in the Judiciary and ensuring efficient work in the judicial offices, visiting and remaining in those offices as often and as necessary in order to check if the functions are carried out with due diligence and correctness. It is also in charge of investigating complaints about behaviors that affect their correct performance and receiving complaints that are filed against judicial servants, verifying their accuracy and trying to remedy them immediately.



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**Submission of Costa Rica to Guiding Questions for Defining the Normative Content of the Issues Examined at the Tenth Working Session of the Open-ended Working Group:
Education, Training, Life-long Learning and Capacity-building**

Definition

1. What are the definitions of the rights of older persons to education, training, life-long learning and capacity-building in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?

Article 20 of the Inter-American Convention on the Protection of the Human Rights of Older Persons is in full force, which provides “the older person has the right to education on equal terms with other sectors of the population and without discrimination, in the modalities defined by each of the States Parties, and to participate in existing educational programs at all levels, and to share their knowledge and experiences with all generations”. This right imposes a series of obligations for the State in order to guarantee full compliance.

Scope of the right

2. What are the key normative elements of the rights of older persons to education, training, life-long learning and capacity-building, including such elements as availability, accessibility, acceptability and adaptability? Please provide references to existing standards where applicable.

The right to education must be guaranteed to older persons on equal terms with other sectors of the population, without discrimination, reducing the digital divide (1), must be sponsored by the State (2), and it should allow access to technical and vocational education (3), as well as to encourage entrepreneurship.

1) Article 20, Inter-American Convention on the Protection of the Human Rights of Older Persons.

2) Article 83, Political Constitution.

3) Articles 23 and 25 Law No. 7935 of October 25, 1999.

State obligations

3. What are the measures that should be undertaken by the State to respect, protect and fulfill the rights of older persons to education, training, life-long learning and capacity-building, regarding the normative elements as provided above?

The State, according to its internal organization, through its institutions must organize and sponsor education for older persons, including promoting training for entrepreneurship development.

Special considerations

4. What special measures and specific considerations should be considered in developing the normative content of the rights of older persons to education, training, life-long learning and capacity-building?

States must take affirmative measures and make reasonable adjustments to achieve full enjoyment of this right, ensuring access to university careers, technical courses and providing study facilities.



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5. How should the responsibilities of non-State parties such as private sector be defined in the context of the rights of older persons to education, training, life-long learning and capacity-building?

There should be effective collaboration between States at the local level, with international organizations, older persons themselves and their organizations, other sectors of civil society, including non-governmental organizations, and the private sector from their corporate social responsibility programs.

Implementation

6. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on education, training, life-long learning and capacity-building for older persons?

Article 83 of the Political Constitution establishes that the State will sponsor and organize adult education, aimed at combating illiteracy and providing cultural opportunity to those who wish to improve their intellectual, social and economic status. In addition, articles 19, 20 and 21 of the Integral Law for the Elderly, regulate the Right to Education of older persons.

The country has very successful concrete initiatives developed by different institutions within the private sphere and even public institutions.

The reality in the country shows that older people have a lower average schooling than the total population, even older women had restricted access to the system, which generated a more limited education. Poverty has to be higher among those with less education and training and the educational offer is focused on urban areas. It faces the challenge of creating the conditions and opportunities for the elderly, to have access to education in their different cycles, even at the technical and university level, in equal conditions with the rest of the population, which allows them to generate income, have an adequate quality of life or satisfy their intellectual needs.



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**Guiding Questions for Defining the Normative Content of the Issues Examined at the Tenth Working Session of the Open-ended Working Group:
Social Protection and Social Security (including social protection floors)**

Definition

1. What is the definition of the right to social security and social protection (including social protection floors) for older persons in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?

Article 17 of the Inter-American Convention on the Protection of the Human Rights of Older Persons, establishes that every older person has the right to social security that protects them to lead a dignified life. In addition, that the States parties shall progressively promote, within the resources available, that the elderly receive an income for a decent life through social security systems and other flexible social protection mechanisms.

Social protection systems must contemplate the integration of three basic components: 1. Economic security (pensions); 2. Health and well-being (basic health care) and 3. Long-term care (existence of social services for autonomy and capacity development).

Scope of the right

2. What are the key normative elements of the right to social protection and social security for older persons? Please provide references to existing standards on such elements as below, as well as any additional elements:

a) Availability of contributory and non-contributory schemes for older persons

The Political Constitution creates in its article 73 the social security system in charge of the Costa Rican Social Security Fund (CCSS) that provides coverage of mandatory, voluntary and State Health Insurance. The Constitutive Law of the CCSS, implements the Disability, Old Age and Death Regime (IVM) and the Non-contributory Regime (RNC), regimes that have their own regulation. Article 3 subsection g) of the Comprehensive Law for the Elderly (No. 7935), establishes that older persons have the right to the creation of programs that promote the pension granted in due course, whether or not they have contributed to a pension scheme.

Various regulatory bodies in the country provide for the existence of special contributory pension schemes under the National Budget (for example Law No. 7302) and there are even special regulations that create a complete pension scheme for all workers (Law No. 7983).

b) Adequacy of benefits to guarantee older persons' access to an adequate standard of living and adequate access to health care

Article 3 subsection of No. 7935, establishes the right to have a series of programs to improve the quality of life of older persons. This article in subparagraph f) promotes immediate, emergency, preventive, and clinical and rehabilitation hospital care.

c) Accessibility, including older person's coverage by social security systems, eligibility criteria, and affordability of contributions

Elderly people who do not contribute to the Social Security administered by the CCSS, can also receive social security benefits by processing the insurance by the State, which is addressed to that population that cannot contribute (Social Security Regulation).



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d) Equitable access by older persons to the enjoyment of the right to social security and social protection, paying special attention to groups in vulnerable situation

The Regulation of the Non-Contributory Regime Program, in its article 2 defines the beneficiaries of that regime, indicating that all Costa Ricans and foreigners that are legal residents of the country, are in a situation of poverty or extreme poverty (need for immediate economic protection) and that they do not qualify in any of the existing contributory or non-contributory regimes, according to the conditions established in these Regulations.

e) Participation of older persons in the design and administration of the social security system

Article 3 subsection e) of the Inter-American Convention on the Protection of the Human Rights of Older Persons, establishes as a principle the full and effective participation, integration and inclusion of older persons in society.

In addition, the article of Law No. 7935, establishes as one of the objectives of that law, to guarantee the active participation of older persons in the formulation and application of the policies that affect them.

State obligations

3. What are the measures that should be undertaken by the State to respect, protect and fulfill the right of social security and social protection for older persons, regarding the normative elements and provided above?

States must create social security and protection systems that contemplate the pillars of economic security and health and well-being, which correspond to the social minimums that must function and be guaranteed from the State, as social protection floors for older persons. These floors must be complemented by the creation of long-term care services, through a protection network and a palliative network that links them all.

Special considerations

4. What special measures and specific considerations should be considered in developing the normative content of the right of older persons to social protection and social security?

As indicated in response 1) social protection systems must include the integration of three basic components: 1. Economic security (pensions); 2. Health and well-being (basic health care) and 3. Long-term care (existence of social services for autonomy and capacity development). In addition, States have the obligation to develop capacities to give sustainability and sustainability to social security and protection systems

5. How should the responsibilities of non-State parties such as private sector be defined in the context of the right of older persons to social protection and social security?

The private sector as part of its social responsibility and the different NGOs must complement the programs developed by the State and that are dedicated to the care of the elderly population, which will allow for complementary social services for the development of autonomy and capacities in the elderly, in order to achieve a dignified old age.