

Normative content of topics examined in the XII Session of the Open Composition Working Group on Aging

Focus area 1: Contribution of older people to sustainable development

Definition

In the Dominican Republic, it is constitutionally established that both society and the State will promote the protection and assistance of the elderly and will promote their full integration into an active community life.¹

Regarding the guarantee of the rights of the elderly to participate in sustainable development, Law 352-98 on Protection of the Aged Person contemplates the right to education, employment and income generation, decent housing, to security and social protection.²The full exercise of the rights established in this Law are interrelated and contributes so that this population group can be part of the active process of promoting sustainable development.

Scope of the right

The Dominican State promotes the protection and enjoyment of the same rights, freedoms and opportunities without any type of discrimination due to factors such as: gender, ethnic group, religion, political creed, or any other social condition.

In relation to the existing norms on the prohibition of all forms of discrimination, the right to freedom of expression and association, as well as the active, free and significant participation in government and society of older adults who influence the sustainable development, we can make the following references:

- Dominican Constitution, art. 39-47
- Law No. 352-98 on Protection of the Aged Person , art. 9, 15, 18-19
- Labor rights guide for equal opportunities and non-discrimination, from the Ministry of Labor of the Dominican Republic. Section 4.3. Page 43

The State, through the Consejo Nacional de la Persona Envejeciente (CONAPE), offers timely solutions to guarantee and protect those older adults whose rights have been violated due to their condition.

State obligations

Regarding the normative elements provided above, we consider that the measures that the State must take to guarantee the rights of older adults to participate in sustainable development are:

- Strengthen measures for the prevention and promotion of non-discrimination and ageism in society and in the labor sector.
- Establish a system of consequences for the violation of the rights of the elderly who contribute to sustainable development. This regime may contemplate both civil and pecuniary sanctions.
- Strengthen actions that promote education, entrepreneurship , technical, digital, cultural and political training of the elderly.
- Foster oversight associations for the elderly for services to this population.
- Establish a retirement policy where the person who wishes to do so can continue to participate in their life scenarios in a manner consistent with their conditions, avoiding the displacement of

¹Art.57, Dominican Republic Constitution

²Law 352-98 on Protection of the Aged Person

generations and facilitating intergenerationality, which is a fundamental approach to sustainable development.

- Constitutionalize the right to care and self-care of the elderly.

Implementation

Actions have been implemented to promote non-discrimination against the elderly, both in the social and labor spheres. From CONAPE, talks are held to promote fundamental rights and prevent abuse and mistreatment of older adults. In turn, agreements have been signed with governmental and non-governmental institutions to guarantee rights, such as the right to a pension, culture and recreation, health, social welfare for institutionalized adults, and with non-profit associations that promote participation in social and political activities.

As main challenges in the adoption and implementation of the regulatory framework on the right of older people to contribute to sustainable development, we can highlight:

- Achieve the modification of the current law No. 352-98, so that it has a regime of consequences for the violation of fundamental human rights of the elderly person.
- Eradicate discriminatory policies towards the older adult population at the labor level in the private sector.
- Eradicate the existing conception of ageism by having the perception that older adults in some cases constitute a family and social burden.
- Ensure that the elderly population is aware of their fundamental human rights and knows the mechanisms to claim them in the event of a violation of them.

Focus Area 2: Economic Security

Definition

There is no specific definition of economic security for the elderly in Dominican law, however, in the Dominican Constitution,³ The right to work is protected, and it is recognized as a means that allows the worker to live with dignity and cover basic material, social, and intellectual needs for himself and his family. Other regulations related to the economic security of this age group are; Law 352-98 on the Protection of the Aged, Law No. 87-01, which creates the Dominican social security system and Law 1-12 on the national development strategy.

Scope of the right

As normative elements of the right of the elderly that we consider key for this population to have access to economic security, we highlight the following:

- Dominican Constitution, art. 39, 47, 49, 54, 59, 60
- Social Security Law No. 87-01, art. 63
- Law No. 352-98 on Protection of the Aged Person art. 9, 18 literal e, art. 20 literals a), b), i), art. 21, art. 22, literals: c), o), q), establish the implementation of measures and actions for the promotion of well-being.

State obligations

³Art. 69, Dominican Republic Constitution

As mechanisms or measures that we consider are necessary to ensure the enjoyment and control the implementation of the right of older persons to access justice, including the obligations of the State to respect, promote, protect and fulfill the right, we highlight the following:

1. Create a unit in the judicial field (single window for older adults) that guarantees and facilitates access to justice.
2. Grant reasonable and considered terms according to the state of vulnerability of the elderly person, in judicial administrative processes.
3. Give priority to judicial processes where older adults are involved.
4. Promote the sensitivity of personnel working in the judicial system, both administrative and operational.
5. Establish administrative sanctions in cases of non-compliance with measures and provisions issued in favor of guaranteeing access to justice for the elderly.

Special Considerations

Among the special considerations or specific issues that must be included in the right of the elderly to contribute to sustainable development, including procedural and age-appropriate adaptations, as well as responsibilities of non-state actors, we can mention:

- a. Increase in budgets allocated to programs that guarantee the economic security of the elderly, given the increase in demand.
- b. I monitor cases of employment discrimination that are reported by older adults and provide them with the corresponding legal assistance for the restitution of their rights.

Implementation

As best practices and main challenges facing your country in the adoption and implementation of the regulatory framework to guarantee economic security of the elderly, we have:

1. Social security security law No. 87-01 establishes pension benefits for old age, disability and survival, as well as in its article 63 establishes solidarity pensions for adults over 60 years of age and older. Likewise, the increase in the budget to grant more solidarity pensions to the elderly population.
2. Implementation of Solidarity Banking.
3. Implementation of purchases from MSMEs , where purchases from sectors such as: women, the elderly, people with disabilities, among others, stand out.
4. Execution of social welfare programs that provide assistance in medicines, food, support devices and food supplements, as well as medical, psychological and legal care at home, which contribute to guarantee economic security in a transversal way, constituting an added value for improving the quality of life of the elderly.

Among the challenges, we highlight:

1. Increased coverage of social subsidies for the elderly population.
2. Eradicate discriminatory policies towards the older adult population at the labor level in the private sector.
3. Strengthen credit facility mechanisms that promote entrepreneurial activities to ensure an income for the elderly.



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