**OPEN CONFORMATION WORKING GROUP ON AGEING**

**GUIDING QUESTIONS**

**AUTONOMY AND INDEPENDENCE**

1. **NATIONAL LEGAL FRAMEWORK**

The right to autonomy and independence of elderly people is recognized and promoted in the Law N ° 30490 - Law of Elderly People, and its regulation approved by Supreme Decree No. 007-2018-MIMP.

Said norm, specifies in article 5, subsection 5.1, literal a), the right of elderly people to "A dignified, full, independent, autonomous and healthy life", which is in correspondence with that indicated in the Convention Inter-American Convention on the Protection of the Rights of Older Persons.

In the same way, the regulation of Law N ° 30490, includes in its article 6, the autonomy, stating the following: "The capacity of elderly people is full according to the laws and regulations in force, and may make acts of disposition of his rights according to his freedom, autonomy and full use of his faculties, considering the free development of his personality and his dignity. Autonomy is not lost by age. The vices of the will and the grounds for nullity, are regulated according to the provisions of the Civil Code.

The norm, states in article 7, about the duties of the members of the family group, that: "The members of the family group provide good treatment to their elderly, prioritizing respect for their dignity, autonomy, independence and non-discrimination".

The Article 9 about services also includes the promotion of autonomy and independence, stating that: "The State, in its three levels of government, implements the necessary mechanisms for the adequate development of differentiated services, continuous, integral, integrated and based on the need of elderly people, aimed at the promotion, prevention, comprehensive care and rehabilitation of elderly people according to their needs and particularities with the aim of improving their quality of life, promoting their autonomy, independence and participation in the social, economic, political and cultural fields ".

The Article 13, about Care Centers for Older Adults - CIAM, indicates that in these spaces are provided basic, comprehensive, specialized and multidisciplinary care services, aimed at self-dependent elderly or dependent adults according to their care needs, **promoting their autonomy and independence.**

The Article 21, indicates guidelines on the requirements of these centers, indicating that the Work Plan, should establish the programming of activities aimed at the elderly users, **promoting their autonomy and independence**, as appropriate, and considering the approaches outlined in the regulation of the law.

The Article 34, on promotion of employment opportunities and productive and formal self-employment, specifies that: "The State, in its three levels of government, promotes, trains, manages and creates employment opportunities, productive and formal self-employment, as well as productive undertakings for elderly people according to their life experience, health condition and respect for their autonomy".

The Article 55, states "Understand for social protection the policies, decisions and actions carried out by the State in the three levels of government, aimed at older adults who are at risk and vulnerable, in order to ensure the exercise of their rights, strengthening their autonomy and independence in order to improve their quality of life ". Also, subsection 74.1, states "The State in its three levels of government, develops actions and interventions according to its competence in the framework of this Law, to promote, guarantee, restore and ensure the rights of older adults, as well as making effective the principles of autonomy and independence to improve their quality of life "

**IMPLEMENTATION**

The participation of elderly people, and promotion of their autonomy and independence, is promoted in various areas such as the Integral Centers of Attention to the Elderly - CIAM, which carry out cultural, recreational, sports and educational activities, as well as the promotion of good treatment and strengthening of the autonomy and independence of the elderly.

Likewise, through the Budgetary Program 142 "Access of Seniors to specialized services", actions are being carried out aimed at promoting the autonomy and independence of older adults in Integral Centers of Attention to the Elderly - CIAM, clubs for the elderly and care centers for the elderly - CEAPAM.

**EQUALITY AND NON-DISCRIMINATION**

In order to guarantee the right to autonomy and independence, normative devices such as Legislative Decree No. 1417 have been issued, article 4 of which modifies article 4 of Legislative Decree No. 1310, on the designation of supports for adults. elderly for the collection of pensions, return of economic contributions, or subsidies of non-contributory national assistance programs, and the establishment of safeguards as mechanisms that guarantee respect for the will and preferences of the older adult to ensure adequate collection and use in your benefit.

**Long-term and palliative care**

**NATIONAL LEGAL FRAMEWORK**

Regarding to long-term care, the Law N ° 30490 - Law of Elderly People and its Regulation, has included provisions regarding long-term care in institutions such as residential centers for older adults.

In this regard, the regulation of the law, states in Chapter III, Article 13, that the Care Centers for elderly people, CEAPAM, are public or private accessible spaces, where are provided, integral care services, specialized and multidisciplinary, directed to self-dependent elderly or dependent adults according to their care needs, promoting their autonomy and independence.

In the same way, it incorporates into the norm a classification on the types of centers of attention to older adults, identifying residential care centers, day centers and night centers, also establishes dispositions for its operation, considering the characteristics of the [atmosphere](http://www.spanishdict.com/traductor/atmosphere)  and infrastructure of the centers, the staff, etc .; and requirements for the accreditation of the establishment, the operating license and the registration of the centers. Finally, it establishes guidelines for the supervision, inspection and closure of said establishments.

**NORMATIVE ELEMENTS**

The main rule that defines long-term care is the Law N ° 30490, Law of Elderly People and its regulations approved by Supreme Decree N ° 007-2018-MIMP, which states the types of establishments and requirements for their operation, considering the [atmosphere](http://www.spanishdict.com/traductor/atmosphere) , infrastructure, staff, etc.; as well as the requirements for the accreditation of the establishment, the operating license and the registration of the centers.

It should be noted that the accreditation, supervision and inspection of these establishments is the responsibility of the Ministry of Women and Vulnerable Populations.

**EDUCATION, TRAINING, LIVE LEARNING AND CAPACITY DEVELOPMENT**

**NATIONAL LEGAL FRAMEWORK**

In order to guarantee the right to education and continuing education of older adults, Peru has the Law N ° 30490 - Law of Elderly People and its regulation, approved by Supreme Decree N ° 007-2018-MIMP.

This document, includes in Chapter III (on education, tourism, culture, recreation and sports), article 38 on educational continuity, "The Ministry of Education promotes meritocratic access of elderly people to the study programs regular higher education and technical production, according to the provisions of Article 37 of these regulations.

In the same way, it promotes the development of continuing education programs, courses, research and internships on aging and old age in its educational and research institutions.

The incorporation and development of continuing education programs, courses, research and internships on aging and old age, is subject to the academic autonomy recognized constitutionally to each public and private university.

**AVAILABILITY, ACCESSIBILITY AND ADAPTABILITY**

It should be noted that the regulation of the Law No. 30490, states that "The Ministry of Education promotes basic education for older adults through pedagogical proposals relevant to the characteristics, learning needs and expectations of elderly people. The educational actions incorporate the use of information technologies and non-verbal communication, among others according to their needs. (Article 41.- Basic education)

**EQUALITY AND NON-DISCRIMINATION**

Likewise, article 37 of the regulations of the Law N ° 30490, referring to the specialization of education for the elderly, indicates that the Ministry of Education promotes the design of focused or specialized programs for the needs of elderly people.

**SOCIAL PROTECTION AND SOCIAL SECURITY (INCLUDING SOCIAL PROTECTION FLOORS)**

**NATIONAL LEGAL FRAMEWORK**

Regarding access to social security and social protection for elderly people, the Law N ° 30490, includes in its Article 20 that, attention in matters of social security, social security and employment, in this regard mentions that "The State promotes a social security culture with the aim that the elderly person access progressively to social security and pensions, within the framework of what is established in the various pension systems ".

On the other hand, the regulation of the Law N ° 30490, Law of Elderly Person, states in its chapter II, in matters of social security and employment, the following:

33.1. The State promotes a culture of social security, to guarantee the free access of elderly people to health benefits and pensions for their protection against social contingencies, to ensure the welfare of the community.

33.2.The public and private entities responsible for administering the different public and private pension schemes issue mechanisms aimed at speedy and timely granting of pensions, as well as including in their institutional plans, strategies and actions for dissemination, communication and promotion of a pension culture.

**AVAILABILITY,**

According to the official figures of the National Institute of Statistics and Informatics, 36.1% of the elderly people population is affiliated to a pension system, of which 18.7% are affiliated to the Pension Normalization Office - ONP (Public System), followed by 10.1% of affiliates to the Pension Fund Administrators -AFP (Private System), also, 5.2% to the Living ID. Of this population, older men who have a pension system represent 48.7%, while women 24.6%; there is a gap of 24.1 percentage points in favor of older men. On the other hand, 63.9% of the elderly population does not have a pension system, in this case fewer men than women with 51.3% and 75.4%, respectively[[1]](#footnote-1).

In order to address the deficit in the pension coverage of elderly people, Peru since 2010, has monetary transfer programs to serve the elderly population living in poverty and extreme poverty.

**ADEQUACY**

Currently, the National Solidarity Assistance Program "Pension 65" is aimed at older adults living in poverty and extreme poverty. The program grants a sum of 250 soles, on a bimonthly basis, to the elderly who are targeted.

**EQUALITY AND NON-DISCIMINATION**

The Pension 65 Program grants a monetary sum to the elderly who are in a situation of poverty and extreme poverty, which reduces the social vulnerability of the elderly from 65 years of age and contributes to improving their quality of life.

Likewise, the program articulates and coordinates with other sectors and public and private entities to promote access to the services provided by the State, so that users can fully access their citizen rights.

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| **Área de residencia** | **Mujeres** | **Hombres** | **Total de titulares** |
| Urbano | **138229** | **105173** | **243402** |
| Rural | **163719** | **137081** | **300800** |
| **Total** | **301948** | **242254** | **544202** |
| Fuente: SISOPE Pensión 65 |  |

Term for the adaptation of the Law N ° 30490 and its regulation.-

It should be noted that the regulation of the Law N ° 30490 - Law of Elderly People, establishes in its first final complementary provision, that the State at its three levels of government and public and private institutions within a period of one hundred and eighty (180) days counted from the entry into force of these regulations, adapt their regulations and management documents, in order to comply with the requirements and provisions that are applicable to them, in accordance with the provisions of the Single Transitional Complementary Provision of the Law Nº 30490- Law of Elderly People".

In this regard, the deadline ends the second week of May, so that adjustments are being made for its implementation.

**Link relacionados:**

Law Nº 30490- Law of Elderly People

<https://busquedas.elperuano.pe/download/url/ley-de-la-persona-adulta-mayor-ley-n-30490-1407242-1>

Regulation of the Law Nº 30490- Law of Elderly People, approved by Supreme Decree N ° 007-2018-MIMP

<https://busquedas.elperuano.pe/download/url/decreto-supremo-que-aprueba-el-reglamento-de-la-ley-n-30490-decreto-supremo-n-007-2018-mimp-1685050-4>

<https://busquedas.elperuano.pe/download/url/decreto-legislativo-que-promueve-la-inclusion-de-las-persona-decreto-legislativo-n-1417-1691026-6>

<https://busquedas.elperuano.pe/download/url/ley-de-la-persona-adulta-mayor-ley-n-30490-1407242-1>

<https://www.gob.pe/institucion/minsa/normas-legales/187373-265-2018-minsa>

1. National Institute of Statistics and Informatics - Technical Report No. 2 - June 2018, on the situation of the elderly population. [↑](#footnote-ref-1)