**Normative framework of the issues examined in the IX session of the open-ended working group on aging: I**

**Long Term and Palliative Care**

Within the framework of the concept of palliative care formulated by WHO, the country has the National Plan for Palliative Care and Pain Control 2017-2021, which highlights the importance of addressing chronic noncommunicable diseases as a field of action, making emphasis on cancer care and therefore pain control care, as well as palliative care.

Among the related legal elements, stands out the pronouncement of the Constitutional Chamber of the Supreme Court of Justice, derived from Article 21 of the Political Constitution that recognizes the right to life and, therefore, the right to a dignified and painless death. (Vote: 3366-94) Subsequently, various regulations are issued for legalization, such as: the Law on Benefits for Patients in Charge of Terminal Phase N ° 7756 of 1998, and in 2007 the "Manual of Regulations for Enabling Establishments that Provide Care in Palliative Care, Ambulatory Care ", among others. There is Bill No. 20623 of the "Creation of the National Council of Palliative Care and Regulation of the rights of people to receive Palliative Care Services".

Regarding long-term care and other forms of care to ensure the permanence of the elderly in the family and community nucleus in accordance with the guiding principles of the Integral Law for the Elderly Adult N ° 7935, since 2011 the Progressive Care Network for Comprehensive Care of Older Persons in Costa Rica, It is a structure composed of public and private entities, civil society organizations and the community, as well as families, oriented towards the articulation of actions to provide a I care for the elderly according to their real needs and recognizing care as a right. Currently, it is a CONAPAM program governing old age and aging and lacks a specific law to institute it. The Ombudsman conducts an investigation into the functioning of the Network with a view to promoting the corresponding actions to make cash the right to care from the complaints received in this regard, as the Ombudsman is a claim or complaint, as well as the Chamber or Constitutional Court of the country.

**Autonomy and Independence:**

Although the Costa Rican State has special legislation for the protection of the rights of the elderly and a public policy on aging and aging, specifically does not have a rule that promotes independence and autonomy from the age of old age. As a country with a notable advance in the field of human rights, on June 30, 2016, the Legislative Assembly enacted Law No. 9379 for the Promotion of the Personal Autonomy of Persons with Disabilities, which reinforces the protection of the right of older people to make their own decisions and to define a life plan in accordance with their traditions and beliefs in equal conditions and to have the mechanisms to be able to exercise their rights.

This law restates the issue of care and dependence from the perspective of the philosophy of independent living included in the Convention on the Rights of Persons with Disabilities. Costa Rica has been a pioneer in adopting this legislation, since it has the legal and jurisdictional resources for people to make their own decisions without being substituted in their will. It entails a change of paradigm or model of approach applicable to the recognition of the legal capacity of the elderly to prevent any abuse against them.

**Social protection and social security:**

The recognition of social security has a constitutional basis in article 73 of our Fundamental Norm, whose obligation to adopt a policy or programs is complemented by article 52, which establishes that in the case of vulnerable groups it entails the guarantee of special protection. Through the social security system, access to health services is guaranteed through different forms of insurance, either; direct and indirect, voluntary, on their own account or by the State, as well as access to some social benefits.

However, the experience of the Ombudsperson's Office has revealed general structural and operational situations that impact the proper functioning of the insurance model, both external and the phenomenon of informality of work, as well as internal character that reveal the weaknesses of administrative management.

The non-contributory pension system is created by Law 5662 of December 23, 1974, which establishes the Fund for Social Development and Family Allowances to finance social assistance programs and services. The Non-Contributory Regime is created as an additional program to the Contributory Regime of Disability, Old-Age and Death and was born to provide economic protection to those who have not contributed for any of the existing contributory schemes, or have not complied with the number of statutory fees or terms. of waiting required in such regimes and, in addition, they are in poverty condition.

Currently, the priority attention group is the elderly and they must also comply with a series of requirements and go through the application of selection methods to check the means and conditions of life. However; the design and operation of the system does not envision the possibility of universal coverage, since the existing offer is conditioned by the National Development Plan, being insufficient in response to demand, which manifests itself in a state of administrative delay for the resolution of the requests for the benefit, which motivates the hundreds of complaints in the Ombudsperson's Office and has led to a research to analyze from a human rights approach the current system of the Non-Contributory Regime in the face of sustainability challenges and the need of the population older adult.

**Education, training, lifelong learning and capacity building:**

This right, contemplated in the Integral Law for the Older Adult, is materialized in the access of the elderly in basic and diversified education programs for adults, as well as in the range of specific courses offered by public universities, as well as technical learning entities and gerontological training modules taught by non-governmental organizations through financing with public resources.

The Office of the Ombudsperson being an instance of complaint for the violation of this right, few cases have known, which revolve around access, since the offer of public universities becomes insufficient or it has been considered that the modules have not incorporated the potential and capacities of the elderly, for which the pertinent recommendations have been issued in order to guarantee the rights from the specificity of the population.

Regarding the approach of age as one of the prohibited grounds, particularly in education, it should be emphasized that Costa Rican legislation does not have an express norm that clearly defines discrimination and contemplates the prohibition of discrimination or the prohibited grounds tending to ensure the equality of people and sanction the forms of discrimination, being that since September 2015, the Ombudsperson presented before the Special Permanent Commission on Human Rights of the Legislative Assembly, a draft law called "Framework Law for the prevention, elimination and sanction of all forms of discrimination, intolerance and racism ", which to date has been taken up by the current Ombudsperson to promote its inclusion in the legislative agenda and its early approval.