**Guiding questions for the focused areas of the X Session of the Open-Ended Working Group on Ageing.**

**1. Education, training, life-long learning and capacity-building**

**National Legal Framework**

**1. In your country/región, how is the right to education, training, life-long learning and capacitybuilding in older age guaranteed in legal and policy framework?**

The Political Constitution of Mexico (CPEUM) in its article 3 recognizes the right to a quality education for everybody, and establishes that the State will promote and attend all types and necessary educational modalities for the development of the nation (section V, clause d).

Article 39 of the General Education Law (LGE) establishes that the national education system includes -among other modalities- adult education, which focused to people aged 15 and over who have not completed basic education (primary school and high school). This is provided through literacy services, primary and secondary education, as well as training for work whose objective is the acquisition of knowledge or skills to develop a productive activity demanded which must include people with disabilities (Art. 43 LGE).

On 1981, it was created the National Institute for the Education of Adults (INEA)[[1]](#endnote-1) an organization whose objective is to promote, organize and impart basic education for people aged 15 and over.

The Law on the Rights of Older Persons (LDPAM), recognizes their preferential right to receive education (Article 5, section IV), and establishes that the Ministry of Public Education (SEP) must guarantee access to this population group to public education in all levels and modalities, as well as to any other activity that contribute to its intellectual development and allows its members to maintain a constant learning attitude, and take advantage of any education and training opportunities to their personal fulfillment ( Art. 17). The LDPAM establishes the right of older people to participate in productive, educational and training processes of their community (Article 5, section VII, clause c.), It stipulates that one of the objectives of the national public policy should be to promote and encourage special education programs and training scholarships for work to be reincorporated into the productive plant of the country and its professional development (Article 10, section XV).

This also obliges the Ministry of Labor to promote the development of training programs for older people to acquire knowledge and skills in the field of formulation and execution of productive projects, and training and financing for self-employment, through scholarships, family workshops, official and private employment exchanges (Art. 19, fractions III and VI).

On public policies, the INEA is in charge of the Model of Education for Life and Work through which people can complete elementary and secondary education online and obtain their official certificate[[2]](#endnote-2). Since 2015, the INEA has been working on the development of an Educational Model for Older Adults, for which it formed a Committee of specialists composed of representatives of various institutions, with lines of work aimed at studies in gerontology, social protection and family relations[[3]](#endnote-3). As of 2016, it promotes the Special Certification Program based on Equivalent Acquired Learning at the Primary and Secondary Level[[4]](#endnote-4), which includes, as a specific item, the care of people over 65.

**Availability, accessibility and adaptability**

**1. Which are the key problems and challenges facing older people in your country / region regarding the enjoyment of all levels of quality education, training, lifelong learning and capacity development services?**

**a) Poverty.** The numbers from the National Council for the Evaluation of Social Development Policy estimate that, in 2016, 41.1% of the population over 65 lived in poverty, of which 34.6% suffered moderate poverty and 6.6% extreme poverty. Likewise, 68.4% had at least one social deprivation, the most important being the educational backlog (57.1%).[[5]](#endnote-5)

**b) Gender inequality** The National Survey on Discrimination (ENADIS) 2017, reveals that 14.7% men and 19.9% women over 60 years, do not know how to read and write.[[6]](#endnote-6)

**c)** **Disability.** Numbers from the National Institute of Geography and Statistics (INEGI, 2015) warn that 26% of the population over 60 years or more, had a disability. There is a higher prevalence of disability in female (27.5%) than male (24.2%).

**d) Discrimination due to age.** The ENADIS 2017 reflects that 13.1% of interviewees reported having been discriminated in their work and school during the year prior to the survey; 89.4% think that older people find it hard to use technology; 82% consider that the majority of people easily despair with the elderly, and 40.6% said they have been denied access to scholarships and other social supports.[[7]](#endnote-7)

1. **What measures have been taken to ensure that education, lifelong learning and capacity building services are available and accessible to all older persons, adapted to their needs, appropriate to their preferences and motivations , and of high quality**

Through public policies, see question 1 above. According to the National Institute for Educational Evaluation, from 2015 to 2016 the amount earmarked for adult education was reduced, despite the fact that 35.2% of the population aged 15 and over lacked secondary education in 2015[[8]](#endnote-8)

1. **In your country / region, are there studies and / or data available to older adults available on the right to education, training, lifelong learning and capacity building in old age?**

a) The "Open Data" Platform contains information on INEA programs, available at the following link https://datos.gob.mx/busca/dataset?q=inea&. INEGI has the results of several surveys and censuses in its web portal http://www.beta.inegi.org.mx/temas/educacion/. In spite of this, it is necessary to improve accessibility conditions so that they can be consulted by the elderly.

b) **The National Human Rights Commission** provides information and legal guidance services by telephone and by electronic means; talks, courses, workshops, conferences and training or updating activities for public servers and members of organizations from the social and private sectors on human rights of the elderly; it elaborates and distributes dissemination materials about them.

**Equality and non-discrimination**

1. **In your country, is age one of the prohibited grounds for discrimination in relation to education in older age?**

The LGE does not expressly mention it,however, the CPEUM (Art. 1 and 3) prohibits all authorities, including educational authorities, from discriminating on grounds of age.

**Accountability**

1. **What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to education, training, lifelong learning and capacity building?**

**a)** Complaint before the internal control body of the authority that incurs the refusal (General Law of Administrative Responsibilities Art. 2, fraction II, 3, fraction XXI, and 75).

**b)** Complaint before the National Council to Prevent and Eradicate Discrimination (Article XII of the Federal Law to Prevent and Eradicate Discrimination), or before the Councils in each federative entity.

**c)** Complaint before the **National Human Rights Commission** (Law of the National Human Rights Commission Art. 3º) if it is a federal authority, or before the public human rights organizations in the federal entities.

**d)** Judgement of Amparo (Law of Amparo, Art. 1, fraction

**e)** Criminal complaint for refusal or restriction of the right to education (Art. 149 Ter Federal Criminal Code)**.**

**Social Protection and social security (including social protection floors)**

**National legal framework**

1. What are the legal provisions in your country that recognizes the right to social security and social protection, including non-contributory and contributory old-age benefits? Do they have a constitutional, legislative or executive foundation?

The right to social security for workers is recognized in article 123 of the Mexican Constitution, first paragraph, section "A" section XXIX, and section "B" section XI. The Social Security Laws (IMSS), the Institute for Security and Social Services of Workers in the Service to the State (ISSSTE), the Social Security Institute of the Armed Forces (ISSFAM) and the Law of Petróleos Mexicanos (PEMEX) regulate the social security benefits for their respective beneficiaries, including the contributory pension scheme for old age.[[9]](#endnote-9)

The Retirement Savings System Law regulates the operation of the retirement savings systems and their participants foreseen in this Law and in the laws of the IMSS, the Institute of the National Fund for Housing for Workers and the ISSSTE.[[10]](#endnote-10) At the national level, the Secretariat of Social Development[[11]](#endnote-11) implements the Pension for the Elderly Program, its objective is to ensure a minimum income and social protection support for people who are over 65 years of age whose monthly income is less than $ 1,092 pesos for retirement or contributory-type[[12]](#endnote-12). At national level, 11 federal states provided non-contributory pensions to the elderly[[13]](#endnote-13)

**Availability**

1. **What steps have been taken to guarantee universal coverage, ensuring that every older prson has Access to social security and social protection schemes including non-contributory and survivor old-age pensions, to ensure an adequate, standard of living in older age?**

The coverage of social protection is limited, because although the non-contributory health and pension programs have expanded, their benefits and protection are lower than those provided by the contributive systems[[14]](#endnote-14) In Mexico, although there have been advances in recent years, 31.3% of people over 65 years of age, lack any type of pension.[[15]](#endnote-15) The lack of access to social security is still the highest among those considered multidimensional measurement of poverty. In 2016, 55.8% of the population lacked access to social security.[[16]](#endnote-16)

State programs vary in the type of benefits they provide, also the age that older persons must reach in order to be beneficiaries. In general, they require a condition of residence in the entity during a specific time and do not receive any other pension benefit.[[17]](#endnote-17)

1. **What steps have been taken to ensure that every older person has access to social security and social protection schemes which guarantee them access to adequate and affordable health and care and support services for independent living in older age?**

**a)** Popular insurance (Seguro Popular). Program whose objective is to protect the population that does not have a social insurance of medical expenses, in order to have access to health services, medical, hospital, pharmaceutical and surgical services .[[18]](#endnote-18) On 2015, 86.30% of elderly people were affiliated with a health service, of which 40.89% were enrolled in Seguro Popular.[[19]](#endnote-19)

**b)** Non-contributory social programs. CONEVAL data reveals that the Mexican population with lack of access to health decreased 22.9%, from 38.4% of 2008 to 15.5% on 2016, and highlights that there were significant advances in the coverage of social programs that address safety-related risks for the elderly [[20]](#endnote-20)

**c)** Between 2000 and 2014, budgetary efforts were made to improve the health conditions of the population, at national and state levels; 24 of the 32 federal states increased the amount corresponding to public spending on health as a percentage of PIB (Gross domestic product).[[21]](#endnote-21)

**Adequacy**

1. **What steps have been taken to ensure the levels of social security and social protection payments are adequate for older persons to have Access to an adequate standard of living, including adequate Access to health care and social assistance?**

a) On 2017 the National Human Rights Commission of Mexico published the report *Human Rights and Poverty Public policies against poverty with the rights perspective of Article 1 of the Constitution*, in which it is proposed to formulate a macro-policy of universal and integrated social protection, which allows align resources, gradually and progressively overcome the segmentation of health and social security and also contribute to improving the productivity of working people; which must guarantee the universal coverage of health services, pensions for advanced age and transfers of basic income for people who have temporary or permanent disability or other condition that prevents them from generating income by themselves, and create a policy of modern social assistance and not paternalistic or monetarized for the attention of special conditions.[[22]](#endnote-22)

**b)** Adoption of *Declaration of Aging with Dignity and Human Rights* (November 2017), by public human rights organizations, dependencies and entities of the Executive Powers, representatives of the Legislative and Judicial Powers, civil society organizations, academic institutions and society in which it was expressed a shared concern about the lack of prevention and care actions -both in public and private policies- of the multiple discriminations that affect the elderly.[[23]](#endnote-23)

**Accesibility**

1. **What steps have been taken to ensure older persons have adequate and accesible information on available social security and social protection schemes and how to claim their entitlements?**

**a)** The National Human Rights Commission provides information and legal guidance services, by telephone and by electronic means; talks, courses, workshops, conferences and training or updating activities for public servants and members of organizations from the social and private sectors on issues of human rights of the elderly; elaborates and distributes dissemination materials about them.

**b)** Since 2013, the National Commission for Retirement Savings Systems has implemented dissemination campaigns with the objective that the population understands the pension system.[[24]](#endnote-24)

1. **The design and implementation of normative and political framework related to social security and social protection benefits included an effective and meaningful participation of older persons?**

The Law on the Rights of Older Persons (LDPAM) establishes participation as a guiding principle and a right (article 4, fraction II and article 5, section VII), which implies the insertion of the elderly in every area of public life; be consulted and taken into account in all areas of interest; associate and form organizations, participate in productive processes, education and training; Integrate in the cultural and recreational life of your community, and be part of the representation and citizen consultation bodies.

**Equality and non-discrimination**

1. **Which are the measures adopted to ensure equitable Access by older persons to social security and social protection, paying special attention to vulnerable groups or those in vulnerable situation?**

**a)** Recognition of social security rights for same-sex marriages. Amendments to the Law of the IMSS and ISSSTE to grant social security benefits to the members.[[25]](#endnote-25)

**Accountability**

1. **What mechanisms are in place to ensure social security and social protection schemes are effective and accountable?**
2. Evaluation of Social Policy by the National Council for the Evaluation of Social Policy (CONEVAL).[[26]](#endnote-26)

**b)** Design and results evaluations by the Superior Audit of the Federation.

**c)** Studies and reports prepared by Public Human Rights Organizations.[[27]](#endnote-27)

**d)** Reports from international organizations and civil society organizations .[[28]](#endnote-28)

1. **What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for denial of their right to social security and social protection?**

**a)** Complaint before the internal control body of the authority that incurs in the refusal (General Law of Administrative Responsibilities Art. 2, fracción II, 3, fracción XXI, y 75).

**b)** Consultations, complaints and complaints before the Specialized Unit of the Retirement Fund Administrators (AFORE) (Art. 50 BIS Protection and Defense Law for the user of Financial Services).

**c)** Procedure of Conciliation and Arbitration before the National Commission of Defense of the Users of Financial Services (Art. 60 to 84 Law of Protection and Defense to the user of Financial Services).

**d)** Criminal complaint for the commission of offenses established in the Retirement Savings System Law (Articles 103-110).

**e)** Complaint before the National Human Rights Commission (Law of the National Human Rights Commission Art. 3º).

**f)** Trial before Labor Courts[[29]](#endnote-29) and/or Trial of Amparo (Law of Amparo, Art. 1, fraction I).

1. The INEA is a decentralized body of the Federal Public Administration with legal personality and its own patrimony, created by presidential decree published in the Official Gazette of the Federation on August 31, 1981. It proposes and develops educational models, conducts research on the subject, elaborates and distributes teaching materials, applies systems for the evaluation of adult learning, as well as accredits and certifies basic education for adults and youth of 15 years and over who have not completed or completed such studies in the terms of Article 43 of the General Law of Education. Fuente https://www.gob.mx/inea/que-hacemos, consultado el 8 de enero de 2019. [↑](#endnote-ref-1)
2. http://www.cursosinea.conevyt.org.mx/recursos/promo\_mevyt/Con\_frames/principal.html [↑](#endnote-ref-2)
3. https://www.gob.mx/inapam/prensa/desarrollan-inea-e-inapam-modelo-educativo-para-adultos-mayores?idiom=es [↑](#endnote-ref-3)
4. https://www.gob.mx/cms/uploads/attachment/file/147769/Manual\_PEC\_\_1\_.pdf [↑](#endnote-ref-4)
5. CONEVAL, Medición de la pobreza, Estados Unidos Mexicanos, 2016, Porcentaje, número de personas y carencias promedio por indicador de pobreza en la población de adultos mayores, 2010-2016, Población de 65 años y más. [↑](#endnote-ref-5)
6. Encuesta Nacional sobre Discriminación 2017. [↑](#endnote-ref-6)
7. INEGI, ENADIS 2017, Tabulados, Cuadros con información sobre población de 60 y más años, <http://www.beta.inegi.org.mx/programas/enadis/2017/> [↑](#endnote-ref-7)
8. INEE, *Panorama Educativo de México 2017,* p. 249, <http://publicaciones.inee.edu.mx/buscadorPub/P1/B/116/P1B116.pdf> [↑](#endnote-ref-8)
9. CONEVAL, Strategic evaluation of social protection in Mexico, second edition, 2018, p. 61. These pensions are linked to an employment relationship and, depending on their type, are financed by tripartite contributions (worker, employer and State) or only by the State (in their capacity as employer). On the other hand, non-contributory pensions are not linked to work, they are financed in their entirety with public expenditure and granted as a social program, whether federal or state [↑](#endnote-ref-9)
10. “The beneficiaries of a contributory pension receive, on average, a monthly amount of $ 5,128 in the case of women and $ 6,602 in men. The beneficiaries of a non-contributory pension receive approximately $ 600 (men and women) Fuente, CONSAR, Ingresos y gastos del adulto mayor en México, 2018, p. 3, <https://www.gob.mx/cms/uploads/attachment/file/387784/Ingresos_y_gastos_del_adulto_mayor_en_Me_xico_vf-07092018_BUENA.pdf> [↑](#endnote-ref-10)
11. Actualmente Secretaría del Bienestar. [↑](#endnote-ref-11)
12. <https://www.gob.mx/tramites/ficha/incorporacion-al-programa-pension-para-adultos-mayores/BIENESTAR61> [↑](#endnote-ref-12)
13. CONEVAL, *Op. Cit., p.*  [↑](#endnote-ref-13)
14. *Ibídem*, p. 28. [↑](#endnote-ref-14)
15. *Ibídem*, p. 63. [↑](#endnote-ref-15)
16. *Ibídem*,p*.* 20. [↑](#endnote-ref-16)
17. *Ibídem,* p. 73. [↑](#endnote-ref-17)
18. <http://www.seguropopular.org/> [↑](#endnote-ref-18)
19. INEGI, *Encuesta Intercensal 2015.* [↑](#endnote-ref-19)
20. CONEVAL, *Op. Cit.* p. 31. [↑](#endnote-ref-20)
21. Secretaría de Salud, Informe sobre la Salud de los Mexicanos 2016, p. 16, <https://www.gob.mx/cms/uploads/attachment/file/239410/ISSM_2016.pdf> [↑](#endnote-ref-21)
22. CNDH, p. 160-161, <http://www.cndh.org.mx/sites/all/doc/Informes/Especiales/Pobreza_DH_082018.pdf> [↑](#endnote-ref-22)
23. <http://www.cndh.org.mx/sites/all/doc/Informes/Especiales/Envejecer-dignidad-DH-24042018.pdf> [↑](#endnote-ref-23)
24. <https://www.gob.mx/consar/articulos/las-25-acciones-y-herramientas-de-educacion-financiera-de-la-consar?idiom=es> [↑](#endnote-ref-24)
25. <http://comunicacion.senado.gob.mx/index.php/informacion/boletines/42549-por-unanimidad-aprueba-senado-garantizar-derecho-de-seguridad-social-a-parejas-del-mismo-sexo.html> [↑](#endnote-ref-25)
26. <https://www.coneval.org.mx/Evaluacion/IEPSM/IEPSM/Documents/RESUMEN_EJECUTIVO_IEPDS2018.pdf> [↑](#endnote-ref-26)
27. Informe de la CNDH sobre Personas Mayores en Centros Penitenciarios, 2017, http://www.cndh.org.mx/sites/all/doc/Informes/Especiales/Adultos-Mayores-Centros.pdf ; Comisión Estatal de Derechos Humanos de Nuevo León, Diagnóstico sobre los derechos de las personas adultas mayores en el Estado de Nuevo León, 2017, <https://www.cedhnl.org.mx/bs/secciones/publicaciones/publicaciones-especiales/Diagnostico-DAMNL.pdf> [↑](#endnote-ref-27)
28. <https://repositorio.cepal.org/bitstream/handle/11362/43253/1/S1800036_es.pdf> [↑](#endnote-ref-28)
29. In February 2017, a reform was approved to articles 107 and 123 of the CPEUM, which establishes that conflicts between the labor and employer sectors will be substantiated in Labor Courts attached to the Judicial Power of the Federation or the states, which they will replace the Conciliation and Arbitration Boards, whose nature is administrative, <http://dof.gob.mx/nota_detalle.php?codigo=5472965&fecha=24/02/2017> [↑](#endnote-ref-29)