

## Response from the State of Chile

### Call for Contributions from the Open Ended Working Group on Aging

The State of Chile is pleased to provide the information requested by the United Nations Intersectional Panel on Aging to identify possible gaps in the protection of the human rights of older persons and how best to fill them.

#### I. IDENTIFICATION OF GAPS

##### a. Equality and non-discrimination

From a legal perspective, Chile has had Law No. 20,609 since 2012, which establishes measures against arbitrary discrimination. The purpose of the law, established in Art. 1, is to establish a judicial mechanism to effectively restore the rule of law whenever an act of arbitrary discrimination is committed. In turn, Art. 2 defines arbitrary discrimination and establishes the suspected categories of discrimination, among which is age.

Notwithstanding the above, the figures on discrimination in Chile indicate the presence of ageism. The Sixth National Survey on Inclusion and Social Exclusion of the older persons<sup>2</sup>, shows that, at a national level, aging is perceived as a stage characterized by a greater dissatisfaction with life. Thus, for 54% it implies a decrease in wellbeing, and only 12% admit the possibility that this could be increased. In addition, a large majority (73%) consider that older persons are socially marginalized, or that they cannot look after themselves (68%).

According to a study by the Pontificia Universidad Católica de Chile (PUC), 35% of older people say they have felt that the media portray a bad image of their age group, a perception that, in 2021, during the COVID-19 pandemic, increased to 69%.

From the institutional framework, SENAMA has had the Good Treatment program since 2012, whose objective is: "To contribute to the recognition, promotion and exercise of the rights of the older persons, through the Prevention and Protection of Abuse that affects them, through advice and coordination with regional and local networks". The program has a computer system that allows the registration of requests from citizens, which includes the category "discrimination", referring to age discrimination in old age.

There is little research on the gender perspective with respect to the older persons. Older women constitute the largest demographic group that has not yet emerged as a theoretical category of relevance to the social sciences in general. The lives of older women tend to be interpreted on

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<sup>1</sup> This document has been prepared based on inputs provided by the National Service for the older persons (SENAMA).

<sup>2</sup>[https://www.senama.gob.cl/storage/docs/SEXTA\\_ENCUESTA\\_NACIONAL\\_DE\\_INCLUSION\\_Y\\_EXCLUSION\\_SOCIAL\\_DE\\_LAS\\_PM2021.pdf](https://www.senama.gob.cl/storage/docs/SEXTA_ENCUESTA_NACIONAL_DE_INCLUSION_Y_EXCLUSION_SOCIAL_DE_LAS_PM2021.pdf)

the basis of established paradigms, many of which overlook age relations, considering only men of productive age and women of reproductive age.

There is little development of an intersectional gender perspective in comprehensive policies for aging, and it is necessary to fully address and deepen all aspects of it, such as, for example, indigenous women.

In this sense, speaking of gender does not imply considering only conditions or situations related to women, but allows us to encompass the multiple ways in which gender relations are constructed. Despite the fact that in recent years the demands of LGTBI groups have positioned themselves on the public agenda worldwide, there is still a long way to go to address the situations experienced by this population group in a comprehensive manner through public policies.

SENAMA has included a Gender and Old Age policy in its program.

#### **b. Violence, neglect and abuse**

In terms of legislation, Chile has had Law No. 20.066<sup>3</sup> on domestic violence since 1996, notwithstanding which, Law No. 20.427<sup>4</sup>, introduces a modification to the law on domestic violence that aims to make the older persons more visible as a specific vulnerable subject of violence within the family. Likewise, through Law No. 21.013<sup>5</sup>, a new crime of mistreatment is typified, the relevant mistreatment, and the protection of children, people with disabilities and older persons people is increased, increasing the protection of these groups in the extra- family environment, with public action for their denouncement.

In cases of abandonment, Law No. 19.968<sup>6</sup> empowers the family courts, in cases of domestic violence, to decree a precautionary measure of internment in a residence for the older persons. The National Congress is currently processing a comprehensive bill for the older persons and for dignified, active and healthy aging<sup>7</sup>, which contemplates a definition of social abandonment, as well as a special applicable procedure.

The data available in Chile on violence, neglect and abuse continue to be insufficient, although some research, such as the National Survey on Quality of Life in Old Age conducted by the Pontificia Universidad Católica de Chile (PUC), shows that the feeling of mistreatment of the older persons has been increasing, especially in public services and health facilities, where a third of people have felt unfair treatment (33%). This contrasts with the decrease in the percentage of older people who perceive unfair treatment in more everyday spaces, such as neighborhoods and in the family (17% and 12%, respectively). The same instrument shows that those who feel most mistreated are people who perceive themselves as having low autonomy or poor health in their daily lives, and those with severe or moderate functional dependence. The SENAMA Good Treatment Program, during 2022 and 2023 has received 6354 and 4504 requests for violence and/or mistreatment or neglect of the older persons, respectively.

#### **c. Palliative and long term care**

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<sup>3</sup> See <https://www.bcn.cl/leychile/navegar?idNorma=242648>

<sup>4</sup> See <https://www.bcn.cl/leychile/navegar?idNorma=1011723>

<sup>5</sup> See <https://www.bcn.cl/leychile/navegar?idNorma=1103697>

<sup>6</sup> See <https://www.bcn.cl/leychile/navegar?idNorma=229557>

<sup>7</sup> See [https://www.camara.cl/legislacion/ProyectosDeLey/proyectos\\_ley.aspx](https://www.camara.cl/legislacion/ProyectosDeLey/proyectos_ley.aspx)

In the year 2021, Law No. 21.375<sup>8</sup> comes into force, which establishes palliative care and the rights of persons suffering from terminal or serious illnesses. The purpose of this law is to recognize, protect and regulate, without any discrimination whatsoever, the right of persons suffering from a terminal or serious illness to adequate health care, which will consist of the comprehensive care of the person, aimed at alleviating, as far as possible, the suffering associated with a terminal or serious illness. Decree 41/2023<sup>9</sup> of the Ministry of Health regulated palliative care and the rights of persons suffering from terminal or serious illnesses.

In relation to caregiving, the country has advanced towards a mixed type of care organization, where the supply of services is carried out by both public and private agencies, inside and outside households, although the greatest weight continues to fall on families, particularly women, who represent 66% to 68% of those who care, depending on the data source considered (ENUT<sup>10</sup> or CASEN, respectively). For their part, the majority of caregivers are between 50 to 69 years of age (50.5% since CASEN 2017; 47.4% since ENUT 2015).

In this context, President Gabriel Boric has been emphatic in the importance of implementing one of the most important structural reforms in terms of social protection, such as the creation of a National and Integral Care System, which takes into account care as an essential aspect for the construction of well-being in society, and thus articulates a comprehensive network that brings together policies aimed at implementing a social organization of care, with the objective of caring for, assisting and supporting people who require it, while recognizing, reducing and redistributing the work of care from a human rights, gender, intersectoral and intercultural perspective. This system considers the older persons with and without dependency as one of its priority focuses, where the right to care and to be cared for is guaranteed, under a model of social co-responsibility, where it is redistributed between the State, the community and families, under the principles of participation, universality, local relevance and community care. This is still a government project, which is in the process of being implemented, so it is necessary to advance along these lines to cover this currently prevailing need.

#### **d. Autonomy and independence**

Although there is no national legislation specifically addressing this right of the older persons, on February 10, 2010, Law No. 20.422<sup>11</sup>, which establishes rules on Equal Opportunities and Social Inclusion of Persons with Disabilities, came into force. The law is based on the principles of independent living, universal accessibility, universal design, intersectorality, participation and social dialogue.

A bill is also being processed in the National Congress to promote dignified, active and healthy aging. It contemplates the right to independence and autonomy, stating: "Older people have the right to make their own decisions, to define their life plan, to develop an autonomous and independent life, on equal terms with others".

The mission of the National Service for the older persons, SENAMA, is to promote and contribute to a dignified, active and healthy aging through the implementation of policies, programs and intersectoral articulation, to foster autonomy, independence and participation of the older

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<sup>8</sup> See <https://www.bcn.cl/leychile/navegar?idNorma=1166846>

<sup>9</sup> See <https://www.bcn.cl/leychile/navegar?idNorma=1187533>

<sup>10</sup> See [https://www.ine.gob.cl/docs/default-source/uso-del-tiempo-tiempo-libre/publicaciones-y-anuarios/publicaciones/sintesis-resultados-regionales-enut.pdf?sfvrsn=eac63260\\_5](https://www.ine.gob.cl/docs/default-source/uso-del-tiempo-tiempo-libre/publicaciones-y-anuarios/publicaciones/sintesis-resultados-regionales-enut.pdf?sfvrsn=eac63260_5)

<sup>11</sup> See <https://www.bcn.cl/leychile/navegar?idNorma=1010903>

persons, considering the diversity of experiences in aging and promoting equal rights for older men and women: to foster autonomy and equitable participation in older women and men, through the promotion of meeting spaces, opinion and decision making, promoting the right to the city, the territory and civic duty, as well as the promotion and strengthening of their organizations.

Accordingly, SENAMA's entire programmatic offer is based on respect for the rights and autonomy of the older persons. The theoretical and conceptual definitions of the care devices: Community Day Care Centers<sup>12</sup> ; Referential Day Care Centers<sup>13</sup> , Sheltered Housing Condominiums<sup>14</sup> , Home Care<sup>15</sup> , as well as the Long Stay Establishments for Older Adults, ELEAM, consider autonomy as one of their main approaches. In the last decade, the concept of autonomy has been operationalized through the intervention approach called Person- Centered Care (PCA), which guides how to intervene from a consensual guideline and from the protection of the fundamental rights of the older persons, as subjects of rights. In this sense, PCA considers that every person, by the fact of being human, is valuable, an end in itself, with equal consideration and respect as other groups or persons. Therefore, this approach rescues their value, which translates into an intervention that involves a care plan that promotes respect for their decisions in individual and group aspects.

This approach arises as a way of placing the older persons at the center of attention, promoting their autonomy, enhancing their independence and highlighting the therapeutic role of the everyday and the meaningful for each individual.

#### **e. Social protection and social security**

Law No. 21.322<sup>16</sup> establishes the comprehensive social protection network system, which consists of a management model, the purpose of which is to coordinate the existing programmatic offer related to adverse events that could lead individuals, groups or families to a situation of vulnerability. Chile has also improved its social protection systems through different regulations. The most important ones that have had an impact on improving the quality of life of the older persons are presented below.

- Law No. 20,255<sup>17</sup> , establishes the pension reform, establishing a solidarity system that includes old age and disability pensions for the older persons of the poorest strata of the population.
- Law No. 20,459<sup>18</sup> , which facilitates access to basic solidarity disability and old age pensions for the older persons.

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<sup>12</sup> See [https://www.senama.gob.cl/storage/docs/Guia\\_de\\_Operaciones\\_de\\_Centro\\_Diurnos\\_Comunitarios.pdf](https://www.senama.gob.cl/storage/docs/Guia_de_Operaciones_de_Centro_Diurnos_Comunitarios.pdf)

<sup>13</sup> See [https://www.senama.gob.cl/storage/docs/Guia\\_de\\_Operaciones\\_para\\_Centros\\_Diurnos\\_Referenciales\\_SENAMA.pdf](https://www.senama.gob.cl/storage/docs/Guia_de_Operaciones_para_Centros_Diurnos_Referenciales_SENAMA.pdf)

<sup>14</sup> See [https://www.senama.gob.cl/storage/docs/Guia\\_CVT\\_2019.pdf](https://www.senama.gob.cl/storage/docs/Guia_CVT_2019.pdf)

<sup>15</sup> See

[https://www.senama.gob.cl/storage/docs/Actualizacion\\_Guia\\_Operaciones\\_Cuidados\\_Domiciliarios\\_para\\_2021\\_al\\_30\\_diciembre.pdf](https://www.senama.gob.cl/storage/docs/Actualizacion_Guia_Operaciones_Cuidados_Domiciliarios_para_2021_al_30_diciembre.pdf)

<sup>16</sup> See <https://www.bcn.cl/leychile/navegar?idNorma=1158583&tipoVersion=0>

<sup>17</sup> See <https://www.bcn.cl/leychile/navegar?idNorma=269892>

<sup>18</sup> Véase en <https://www.bcn.cl/leychile/navegar?idNorma=1016846&idParte=8975098&idVersion=2010-09-04>

- Law No. 20,531<sup>19</sup>, which exempts an important sector of pensioners from the mandatory payment of health insurance, corresponding to 7% of taxable income, while reducing this amount for others.

#### **f. Education, training, lifelong learning and capacity building**

In Chile, 25.1% of people aged 60 years or older have not completed basic education, out of the 12 years that comprise formal, basic and secondary education, where people over 60 years of age do not exceed a total of 8 or 9 years of study. Their participation in educational instances is reduced, and among the most recurrent reasons for abandoning their basic education is the need to work, to take care of family members or to assume responsibilities incompatible with school. It should be noted that women have had less access to education throughout their lives. Women are frequently confined to the world of family and caregiving, an activity that lacks moral or economic recognition.

Our country has a Constitutional Organic Law on Education, Law No. 18.962<sup>20</sup>, however, there is no specific reference to senior citizens in this law. Notwithstanding the above, a comprehensive bill on older persons and dignified, active and healthy aging is currently being discussed in the National Congress, which recognizes the right of older persons to education under equal conditions, to participate in the educational programs available at all levels, either through adult education at the basic and secondary education levels, or in higher education, as well as in training activities for trades or occupations.

There is an initiative called Aprende Mayor, carried out by Fundación Cruzando, in collaboration with the Ministry of Education, the National Service for the older persons SENAMA and Banco Santander. The program seeks, through a tutorial team, to socio-affectively accompany people over 60 years of age, to prepare them to take their eighth grade exam for work purposes, online or in person, thus strengthening processes of socialization, empowerment and equal opportunities. A study text in digital format is provided, which has been specially designed for the Program, which addresses the contents and subjects to be evaluated. Once the exam is passed, a digital certificate issued by the Ministry of Education is granted.

#### **g. Right to work and access to the labor market**

According to the CASEN 2017 survey, 30.8% of people aged 60 and over would be working. Meanwhile, according to the National Employability Survey, 11.4% of the total productive force in the period February- April 2021, would be people aged 60 and over, which is equivalent to more than 927 thousand people, where 632 thousand would be men and 294 thousand women. The "Statistical Bulletin: labor informality" (2022) of the National Institute of Statistics (INE) indicates that, of the informal employment rates, 53.5% corresponds to people aged 65 and over, which has been increasing in recent years.

Ageism affects older people at work, according to a study by the Center for the Study of Old Age and Aging of the Pontificia Universidad Católica de Chile (PUC) (PUC, Trabajo y personas mayores en Chile, 2018<sup>21</sup>), where 76% of respondents point out that it is difficult to find a job because they are an older person.

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<sup>19</sup> Véase en <https://www.bcn.cl/leychile/navegar?idNorma=1028994&idParte=9173890&idVersion=2022-02-01>

<sup>20</sup> See <https://www.bcn.cl/leychile/navegar?idNorma=30330>

<sup>21</sup> <https://sociologia.uc.cl/wp-content/uploads/2018/03/trabajo-y-psms-en-chile-web.pdf>

From which, it is important to point out that, when it comes to the labor market, being over 60 years old is a greater conditioning factor than the abilities or aptitudes that older people may have. There is still a social construction about the older persons that corresponds to dependence, low productivity and, above all, illness. Although there are no specific regulations that deal with this issue, the Draft Law on Decent, Active and Healthy Aging contemplates the right to work, establishing that the older persons have the right to decent and dignified work with equal conditions and treatment with respect to others.

Unpaid domestic work is an aspect not considered for the design of public policies, since it has not traditionally been conceptualized as work, being relegated to the private sphere and its responsibility falling mainly on women. In Chile, according to the National Time Use Survey (National Institute of Statistics, 2016) the overall daily workload, i.e., paid work plus unpaid work, is two hours higher for women compared to men. In addition, women mostly assume the responsibility of caregiving. In Chile, through the Subsystem of Support and Care (SNAC), the issue of care performed mainly by women has begun to be made visible, seeking to generate programs to support caregivers. According to the World Health Organization, the unequal distribution of the workload, particularly unpaid work, between men and women, contributes to the greater impoverishment and deterioration of the state of health of women during aging (WHO, 2002). In the particular case of Chile, this is also associated with lower salaries and fewer years of contributions that impact their retirement.

#### **h. Access to justice**

There is currently no specific legislation dealing with this issue, although there are parliamentary initiative bills being processed in Congress that refer to the subject.

SENAMA's Good Treatment Program, present in the country's 16 Regional Coordinating Offices, is made up of a professional lawyer and a social professional in each region, who work together and in an interdisciplinary manner to manage institutional, intersectoral and local networks that allow for a comprehensive approach to various situations of abuse. Although it is not possible for SENAMA to legally represent the older persons before the courts of justice, when it is necessary to initiate or intervene in legal proceedings, the socio-legal team of the Good Treatment of the older persons program is responsible for activating the available intersectoral and inter-institutional networks so that the older persons person can assert his or her claim in the appropriate judicial instances, such as the Legal Assistance Corporation, Legal Clinics of universities, Foundations and Non-Governmental Organizations, among others. But this is insufficient to cover all the current needs.

For its part, the Ministry of Justice and Human Rights has developed a specialized legal defense program for the older persons through the Legal Assistance Corporation, called Comprehensive Legal Defense Offices for the older persons (ODAM), which, with a regional presence, offers preferential attention and specialized legal representation for the older persons nationwide.

In 2021, the Chilean Supreme Court of Justice drafted the Protocol for Access to Justice for the older persons, a tool that seeks to provide a series of recommendations aimed at facilitating and improving the care of the older persons population using the judicial service, in order to enhance their equal access to justice and the effective exercise of their rights. This protocol is addressed to judges in order to be used to address cases that affect the older persons as a group of special vulnerability, providing rules of action and mechanisms of effective protection to ensure greater protection in access to justice.

#### **i. Contribution of older persons to sustainable development**



Older people contribute to sustainable development in various ways. One aspect to highlight is that this age group advocates for greater participation and social inclusion in all areas. Within the framework of SENAMA's programmatic offer, and especially in relation to social and community participation, the older persons play a fundamental role, constituting for the Service one of its strategic axes of action. In this regard, it is worth mentioning the Active Aging program, which, through a series of activities, meetings and training, highlights the role of the older persons as an active part of a citizenry that expresses its interests, continues to learn and, above all, passes on its experiences and knowledge. In addition, it is worth mentioning the National Fund for the older persons in its self-management component, a competitive fund that finances initiatives designed by and for the older persons, with the aim of enhancing the capabilities and strengths of the older persons and their social groups, as a protective factor by promoting associativity and social inclusion. Also, the Training School for Older Leaders program, a space for participation and training for older people who are members of organizations, in order to assert their rights by receiving information on aging policies and public offerings.

#### **j. Economic security**

As of August 2022, a State benefit called the Universal Guaranteed Pension (PGU) will begin to be applied, replacing the Solidarity Pillar, extending its scope of application to all persons over 65 years of age, who do not belong to the richest 10% of the population, who can prove residence in Chilean territory and who have a basic pension of less than \$ 1,114,446 (Chilean pesos). The amount of the PGU is \$206,173 (Chilean pesos) for those who have a basic pension of \$702,101 (Chilean pesos) or less, and variable for those who receive more than that amount. According to data from the Socioeconomic Characterization Survey (CASEN 2022), close to 1.4 million senior citizens have access to the Universal Guaranteed Pension (PGU). Two million nine hundred thousand people aged 60 and over receive some kind of retirement or pension, either contributory or non-contributory.

This law comes to mitigate the social demand regarding pensions for the older persons, but it is still highly criticized by part of the population regarding the cost of living and the amount delivered.

A pension reform bill is currently being processed, the purpose of which is to recognize individual effort and guarantee better pensions through a mixed public/private system, in which people will be free to choose the entities in which they will invest their pension savings. The reform also proposes to raise the amount of the PGU to \$250,000 (Chilean pesos).

#### **k. Right to health and access to health services**

Law No. 19.966<sup>22</sup>, established a system of explicit health guarantees, relating to access, quality, financial protection and timeliness with which benefits associated with a prioritized set of programs, diseases or health conditions must be provided. There are currently 87 pathologies guaranteed by the system, of which 20 are especially suffered by the older persons.

Law No. 20.684<sup>23</sup> regulates the rights and duties that people have in relation to actions related to their health care. This law was amended by Law No. 21.168 to include the right of people over 60 years of age, people with disabilities and their caregivers to be attended in a timely and preferential manner by public or private health care providers. The prioritization includes health

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<sup>22</sup> See <https://www.bcn.cl/leychile/navegar?idNorma=229834>

<sup>23</sup> See <https://www.bcn.cl/leychile/navegar?idNorma=1039348>

consultation, dispensing of medicines in pharmacies and taking complex medical tests or procedures.

Decree No. 2 of 2020 of the Ministry of Health<sup>24</sup>, regulated the way to make effective, in each health facility, the right to preferential care. Likewise, people who have reached 65 years of age and who belong to the public health system can access the Preventive Medicine Examination for the older persons (EMPAM). The exam is performed once a year and its purpose is to check in a timely manner the functionality and autonomy to make their own decisions and develop their daily activities, which allows to identify risk factors that may endanger the autonomy and independence of the older persons person. In this way, anticipatory actions can be planned and carried out by the health team.

### **I. Social inclusion**

Understood as the process of improving the ability, opportunity and dignity of older people who are at a disadvantage due to their identity, so that they can participate in society, it is a difficult concept to put into practice, since, at present, there are still social, cultural, economic and legal barriers, among others, that affect the quality of life of older people, many of which are still invisible, and which can result in discriminatory practices and in the absence of measures to promote the social inclusion of older people in society.

Although there is Law No. 20.422<sup>25</sup>, which establishes rules on equal opportunities and social inclusion of people with disabilities, it is focused exclusively on people with disabilities. The Comprehensive Bill for the older persons, and for Decent, Active and Healthy Aging, contemplates within the lines of action of the State, through its competent Ministries, and especially through the National Service for the older persons, the implementation of accessibility and personal mobility programs, to promote the access of the older persons, on equal terms with others, to the environment, including the identification and elimination of obstacles and barriers to access. This includes outdoor spaces, buildings, transportation, housing, civic and social participation, respect and social inclusion, employment, communication and information, and community and health support services, among others.

#### **m. Accessibility, infrastructure and habitat (transportation, housing and access):**

##### Accessibility for the older persons

Regarding the accessibility of the older persons, Law No. 20,422, on equal opportunities and social inclusion of persons with disabilities, which arises from the International Convention on the Rights of Persons with Disabilities, establishes the right to equal opportunities for persons with disabilities, in order to obtain their full social inclusion, ensuring the enjoyment of their rights and eliminating any form of discrimination based on disability.

By virtue of these provisions, and in terms of accessibility to public spaces for people with reduced mobility, in 2016, the DS. 47 of 1992, of the Ministry of Housing and Urbanism, by means of DS. 50 of that Portfolio, which sought to update the rules of the General Ordinance of Urbanism and Construction. The amendments incorporated the following terms and definitions:

- "Universal accessibility: the condition that must be met by environments, processes, goods, products and services, as well as objects or instruments, tools and devices, to be

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<sup>24</sup> See <https://www.bcn.cl/leychile/navegar?idNorma=147695>

<sup>25</sup> See <https://www.bcn.cl/leychile/navegar?idNorma=1010903>



understandable, usable and practicable by all people, in conditions of safety and comfort, as autonomously and naturally as possible."

- "Universal design: the activity by which environments, processes, goods, products, services, objects, instruments, devices or tools are conceived or planned from their origin so that they can be used by all people or to the greatest extent possible."
- "Podotactile footprint": pavement path with textures in relief and chromatic contrast with respect to the surrounding pavement, intended to guide and/or alert to changes in direction or level in a pedestrian circulation."
- "Accessible route": part of a sidewalk or pedestrian circulation, of continuous width, suitable for any person, with stable pavement, without loose elements, of homogeneous surface, non-slip in dry and wet conditions, free of obstacles, steps or any barrier that hinders the movement and perception of its route.
- "International Symbol of Accessibility (SIA)": Graphic symbol in accordance with Chilean Standard 3180, with wheelchair in white on a blue background.

In the same sense, Article 2.2.8 is modified, which indicates that the new public spaces and those existing spaces that are remodeled, will be regulated by this decree, so they must ensure the use, permanence and movement of all people autonomously and without difficulty, including people with disabilities, especially those with reduced mobility. Thus, through this modification, progress is being made in the generation of accessible spaces that allow the participation of all people, regardless of their health condition, disability and/or dependence.

#### Infrastructure (housing)

Regarding measures to ensure that the older persons have adequate housing, and can remain in their own homes, maintaining their independence, according to the 2017 National Socioeconomic Characterization Survey (CASEN) 73.9% of the older persons have their own paid home and 5.7% are still paying for their own home, on the other hand, 88.8% inhabit housing categorized as "acceptable" in terms of materiality and sanitation. Other interesting data provided by CASEN is that there are a large number of households with older persons people that do not have access to basic services and infrastructure that facilitate the inclusion and participation of this group. More than 60% of households with older persons people do not have access to health centers and green areas in their immediate surroundings. More than 30% do not have public transportation services. In rural areas there is a higher percentage of people aged 60 years or older (23%) with respect to the total population in these areas, presenting important challenges to think about public policies for people with less access to cities and their services.

In 2007, through an agreement signed between MINVU and SENAMA (SENAMA Exempt Resolution No. 1,368 dated July 4, 2007), the bases for strengthening the housing policy for the older persons were established. In 2021, through a new agreement (Exempt Resolution No. 1,176 dated August 11, 2021 of SENAMA), the functions that correspond to both parties in the execution of the Supervised Housing Condominiums program are specified. The housing program for the older persons considers the construction of Sheltered Housing Condominiums (CVT), which correspond to housing complexes with common use spaces, community headquarters, parking lots and green areas. The CVTs are transferred to SENAMA for their administration by the respective SERVIU.

The program also provides psychosocial and community support in order to promote links with the social and community network, contributing to the promotion, integration and autonomy of

the older persons. SENAMA currently has a total of 58 condominiums that house 1,121 homes in 14 regions of the country. By 2024, two new condominiums will be added. With the updated coverage of the projects in the portfolio and the prioritized communities, 173 CVTs are projected for the next four-year period, with approximately 3,420 housing units.

### Transportation

Accessibility for the older persons is essential for their autonomy, quality of life and social integration. In order to protect this right, on July 1, 2020, a 50% discount on public transportation fares for all people over 65 years of age throughout the country came into force. It is not necessary to be a pensioner. This benefit is granted in all public transportation services operating within the framework of Law No. 18.696 or other type of operation authorization, and that receive subsidy to the paid public transportation of passengers provided for in Law No. 20.378.

In Santiago, senior citizens must have the Bip Adulto Mayor card, which is personal and non-transferable. In regions, seniors only need to present their identity card when boarding buses and other means of transport, in order to prove their age. In addition to this benefit, other discounts on public transportation have been implemented: Senior Citizen Card Metro Santiago (TAM); Senior Citizen Reduced Fare in Metro de Valparaíso-MERVAL; Senior Citizen Reduced Fare Biotren; Senior Citizen Reduced Fare Buscarril; Senior Citizen Reduced Fare Corto Laja; Senior Citizen Reduced Fare Tren Chillán; Senior Citizen Reduced Fare Victoria Temuco.

Likewise, in the framework of constant renewal of buses, with the aim of improving accessibility conditions in buses throughout Chile, the Ministry of Transport and Telecommunications since December 2018, has promoted the incorporation of new accessible buses and electromobility, providing better conditions for access to the service for all users, especially those with reduced mobility, which implies quality transportation, with attributes of comfort, universal accessibility, safety and technology. The plan is to have electric buses operating in all regional capitals within 10 years, with the objective of electrifying all public transportation by 2040.

### **n. Participation in public life and in the decision-making process**

SENAMA, through its participation axis, has developed actions aimed at promoting active citizenship, with higher levels of involvement in decision-making, not only from the institution itself, but also strengthening its presence at local, regional and national levels. Currently, the most organized age group is the older persons, with a participation level of 32.1%, according to CASEN, 2022 data, not yet published. In this same line, the Comprehensive Bill for the older persons and Dignified, Active and Healthy Aging, seeks to enhance participation in public life and decision making, contemplating the right to participation and community integration of the older persons, an incidental participation in the national aging policy created by this project, as well as the strengthening, through legal recognition, of the Regional Advisory Councils for the older persons, composed of organizations of older persons people, present in all SENAMA Regional Coordination Offices, nationwide.

For the social participation and inclusion of the older persons it is important to consider their educational level, since public policies should be directed to them considering this, in order not to generate access barriers. In addition, the use of the Internet is becoming more important every day. People over 60 years of age have increased their use of the Internet. According to CASEN, in 2006 7.3% used the internet while in 2017 this figure increases to 31.5%. However, this shows that still 68.5% do not use the internet, although with regional differences. The regions of Maule, Ñuble and Los Lagos have the highest percentage of non-use. An additional difference is that 61% of those who use the Internet are women.

## II. OPTIONS ON HOW BEST TO FILL THE GAPS

**Question N°1.** At the international level, our country has traditionally been committed to the issues of human rights of the older persons, actively participating in the Second World Assembly on Aging in 2002, and in the Intergovernmental Conferences in Latin America and the Caribbean that followed, assuming the Presidency of the Fifth Regional Intergovernmental Conference on Aging and the Rights of Older Persons in Latin America and the Caribbean, held in the country from November 13 to 15, 2022, whose objective was to identify achievements and challenges of the region in the implementation of the Madrid International Plan of Action on Aging, in which the Declaration of Santiago<sup>26</sup> was signed by consensus among the 29 delegations that attended, on which occasion the governments of the region reaffirmed their commitment to the promotion, protection and respect for the human rights, dignity and fundamental freedoms of all older persons, without any type of discrimination and violence.

Among other actions, Chile has actively participated in the Open Ended Working Group on Aging<sup>27</sup>, since its creation in 2011, and reporting at the mid-term Universal Periodic Review (UPR) in 2022, reporting on compliance with its recommendations.

For its part, the Organization of American States ratified the Inter-American Convention on the Protection of the Human Rights of Older Persons in 2017, the first human rights treaty specifically aimed at older persons. According to its provisions, the follow-up mechanisms are established upon the ratification or accession of the tenth country, which occurred on March 28, 2023, with the accession of Mexico, which deposited its instrument with the OAS Secretariat.

- a. The Conference of the States Parties, the main body of the mechanism, which, among other functions, will follow up on the progress made by the States Parties in complying with their commitments under the Convention.
- b. The Committee of Experts is responsible for the technical analysis of the periodic reports submitted by the States Parties, and its functions also include the presentation of recommendations for progressive compliance with the Convention, based on the reports submitted by the States Parties.

Currently, Chile has already designated the National Service for the older persons, SENAMA, as the State representative to the OAS and is in the process of designating the country's expert. Also, SENAMA is part of the 2nd National Human Rights Plan (Years 2022- 2025) in which there are some committed actions, among which it is possible to mention: improving access to information on mental health for the older persons; in the treatment of older persons people in public and private services, improving the knowledge of human rights and rights of the older persons of SENAMA officials and operators and strengthening compliance with the commitments of Chile in relation to the Inter- American Convention on the Protection of Human Rights of Older Persons.

**Question N°2.** Regarding the public policies implemented from Madrid 2002 to date, Chile has a wide trajectory in relation to the challenges posed by the aging of the population and the rights of the older persons, from the first responses in the nineties, through the social integration approach in the second half of the decade, to the current definition of a rights- based approach, within the framework of a social protection system. A very important advance in this matter is the entry into operation of the National Service for the older persons, SENAMA (created by Law

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<sup>26</sup> For more information see <https://conferenciaenvejecimiento.cepal.org/5/es/documentos/declaracion-santiago>

<sup>27</sup> See <https://social.un.org/ageing-working-group/>

No. 19.828<sup>28</sup> ), as of 2003. SENAMA has undergone a process of institutional development, intensifying its strengthening in terms of human resources, formulation and coordination of policies and implementation of new programs, organization and decentralization.

From the leading public institutionality in aging and old age issues, several national and international initiatives have been promoted to protect the rights of the older persons, among which it is possible to highlight the promotion of an international and inter- American convention on the human rights of the older persons, which has been materialized in the Inter- American Convention, mentioned in the previous point, which was ratified by Chile in 2017.

At present and following the Convention, the Comprehensive Bill for the older persons and Dignified, Active and Healthy Aging is being processed in the National Congress, whose objective is to generate a legal framework for the older persons, recognizing their quality of rights holders, as well as the principles established in the international treaties ratified by Chile, establishing the duty to promote and protect the full enjoyment and exercise of all rights and freedoms of the older persons and the implementation of a National Policy on Aging, whose purpose is to promote a dignified, active and healthy aging for the entire population and especially, the protection of the fundamental rights and freedoms of the older persons enshrined in this law and in the international human rights treaties ratified by Chile and that are in force.

Through SENAMA's Good Treatment of the older persons Program, whose objective is to contribute to the recognition, promotion and exercise of the rights of the older persons, through the prevention of mistreatment that affects them, the promotion of good treatment and counseling and coordination with regional and local networks - which began its implementation in 2012- has created a direct and free space for the older persons population to have access to information, counseling and psychosocial intervention to protect their violated rights, promoting their autonomy, independence and dignity.

**Question N°3.** Although our country has made progress, through various actions, to strengthen the protection of the rights of the older persons, there are still many protection gaps that need to be addressed, among them: promoting a positive image of old age; making visible the digital divide, which was exacerbated by the Coronavirus pandemic; creating conditions for the full participation of older persons in society, strengthening existing leadership and promoting new leaders who favor the incidence of older persons in decision- making at the local, regional and national levels and in the definition of public policy; advance in universal, comprehensive, sustainable social protection systems, including gender gaps; promote employment, stimulating the permanence of workers in the market, encouraging investment by companies in retention plans and programs, and training and use of ICTs.

Actions in Health, to guarantee the preservation of their functionality, autonomy and access to comprehensive and quality health services, including mental health, adequate to their needs, through a coordinated and integrated intersectoral work, through the National Health Strategy for the Health Objectives to 2030<sup>29</sup> , promote the development of a socio- health care model for the older persons, promoting the validation of the Integrated Care Model (ICOPE); training and recruitment of specialized human resources, equitable territorially; advance in the implementation of the Digital Hospital to bring health care closer to the older persons.

Implementation of a national integrated care system that recognizes care as a right, in order to assume social co- responsibility for care that today falls mainly on families and especially on

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<sup>28</sup> See <https://www.bcn.cl/leychile/navegar?idNorma=202950&buscar=19828>

<sup>29</sup> <https://www.minsal.cl/wp-content/uploads/2022/03/Estrategia-Nacional-de-Salud-2022-MINSAL-V8.pdf>

women, under the principles of participation, universality, local relevance and community care; adequate physical environments, making progress in reducing architectural barriers; continue implementing measures, plans and programs to combat all forms of discrimination, mistreatment and multiple forms of violence against the older persons; implementation of judicial, legal and institutional mechanisms to ensure adequate access to justice; increase in the public offer directed at people living alone with some level of dependency and/or cognitive impairment; continue incorporating the territorial and/or cultural perspective in the implementation of programs directed at the older persons, especially in rural and hard-to-reach areas. Conduct transdisciplinary studies and research on old age and aging, with a rights-based approach, with national representativeness and covering the different categories suspected of discrimination.

Continue advancing in the implementation of the Inter-American Convention on the Protection of the Human Rights of Older Persons, through legal reforms, establishment of public policies, plans and programs, establishing a system to monitor progress in its implementation.

To achieve as soon as possible the enactment of the Comprehensive Bill on Older Persons and Dignified, Active and Healthy Aging, which applies the standards contained in the Inter-American Convention, establishing rights, State obligations, principles of interpretation, creation of a national policy on aging, among other matters.

**Question No. 4** At the international level, the existence of the Madrid International Plan on Aging of 2002 has been a fundamental instrument for the creation and reinforcement of public policies, plans and programs aimed at older persons, however, 21 years after its approval, it is possible to confirm that older persons continue to face problems of age discrimination in old age and ageism associated with stereotypes or prejudices, violence, abuse, mistreatment and neglect, just because they are older, which hinders the enjoyment of their fundamental rights and freedoms.

These situations have become evident before the disastrous consequences suffered by the COVID-19 pandemic, in which the older persons were disproportionately affected, presenting high morbidities and mortalities, which have exacerbated their pre-existing inequalities and which highlights the urgent need to raise the standards of protection of the rights of the older persons at the international level, through an International Convention legally binding for the States, at the Universal level, which standardizes their rights and defines the obligations of the States. The contribution of an international Convention is given, not only by the rights contained therein, but also by the awareness of society as a whole, on the importance and relevance of specific issues and interests of the older persons.

From the perspective of our inter-American human rights system, structural progress has been made through the negotiation and approval, by the countries of the Region, of the Inter-American Convention on the Protection of the Human Rights of Older Persons. At present and through the process of implementation of its follow-up systems, it is expected to become an instrument of legal and public policy transformation in all the countries that have ratified or acceded to it, which poses a real paradigm shift in the treatment of the problems of old age in the Region.

Although Chile has made efforts to incorporate old age issues in the public agenda, having presence in the international arena, with actions such as assuming the Presidency of the Regional Intergovernmental Conference on Aging and the Rights of Older Persons in Latin America and the Caribbean, until 2027, and in the Inter-American arena, through the ratification of the Inter-American Convention on the Protection of the Human Rights of Older Persons, the creation of institutions at the internal level, among others. It is still possible to identify gaps and legal and institutional gaps that need to be filled and/or strengthened, especially from a comprehensive and intersectional view of the issues of old age and aging.



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Human Rights Division  
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In view of the above, the urgency of having an international instrument, binding for the States, that standardizes and protects the rights of the older persons at a global level, and at the same time establishes obligations for the State to guarantee these rights, becomes clearer.