

## Guiding questions: Equality and non-discrimination

### 1) Do your country's constitution and/or legislation (a) guarantee equality explicitly for older persons or people of all ages and (b) forbid discrimination explicitly on the basis of age? If so, how is the right to equality and non-discrimination defined?

Article 11, para. 2 of the Constitution of Ecuador states that "All persons are equal and shall enjoy the same rights, duties and opportunities. No one shall be discriminated for reasons of [...] age [...]"

The Constitution also considers older persons as groups deserving priority attention. Article 35 states that "Older persons shall receive priority and specialized care in the public and private sectors."

The rights of older persons regarding the good way of living are stated as follows:

Rights of older persons (Art. 37 of the Constitution)	Rights to a Good Way of Living (Arts. 12-34 of the Constitution)
Free and specialized health care, as well as free access to medicines	Health, Art. 32
Paid work, according to their skills, taking into account their limitations	Work and Social Security, Art. 33
Universal retirement	Work and Social Security, Art. 33
Discounts in public services, private transportation services, and entertainment	Habitat and housing ("Persons have a right to a safe and healthy habitat and to adequate and decent housing, regardless of their social and economic situation) Arts. 30-31.
Tax exemptions	Indirectly related to the rights to habitat and housing, Arts. 30-31

### 2) Does your country produce information about discrimination against older persons in the following or other areas? If so, what are the main findings?

- **Jobs**

Older persons included in the economically active population of Ecuador account for 33% of the total population. Forty-two percent of older persons do not work and most have elementary school education.

- **Social Services (care)**

The Under-secretariat for Inter-generational Care of the Ministry of Economic and Social Inclusion has implemented a program that provides care to older persons living in poverty and in conditions of vulnerability, such as abandonment, violence, etc.

### 3) Is there information available about inequality of opportunities or outcomes experienced by older persons in the following areas?

#### Availability of, access to, and quality of health care services

In 2015, 38.9% of older persons received medical care in private health establishments, while 29.9% received care in public establishments; a significant datum in this case is that 15.7% reported that they had not fallen ill during the previous year. The most common diseases in urban areas include osteoporosis (19%), diabetes (13%), heart disease (13%), and lung disease (8%).

## **Financial services**

The Under-secretariat for Non-contributory Insurance, Contingencies and Operations of the Ministry of Economic and Social Inclusion has implemented a program of monthly monetary transfers of US\$ 50.00 with no conditions for older persons aged 65 or more who are not affiliated or receive pensions. The aim of this pension is to cover a minimum of food, health, and transportation expenses of older persons living in poverty.

### **4) Are there any areas where differential treatment based on old age is explicitly justified?**

According to the 2010 census, in Ecuador this population group totaled 940,905 people, accounting for 7.0% of the total population.

There are cases of older persons who don't have a decent income or live in adequate conditions, are mistreated or abandoned by their families or refuse to live with them due to lack of acceptance. According to their testimonies, loneliness, acceptance, affection and lack of income are listed as their main problems.

According to the Constitution, people aged 65 and older deserve priority attention. Accordingly, they must receive specialized, quality care. They enjoy several benefits, including income tax exemptions or refunds, reduced rates in public entertainment and performances, transportation, and preferential access to several health care services. Some have Social Security coverage. A small percentage has private insurance, while others have access to non-contributory retirement pensions. However, most of them lack all these services and benefits.

### **Guiding questions: Negligence, violence and abuse**

#### **1) In your country, are there specific studies or surveys (from governmental, non-governmental or academic sources) on violence, abuse and neglect experienced by older persons?**

Yes, the 2009-2010 National Health, Wellbeing and Aging Survey (SABE in Spanish) conducted by the Socio-demographic Statistics Unit of the National Institute of Statistics and Census of Ecuador used the household sampling method to examine the situation of older persons aged 60 years and more. This first survey provides the necessary information to understand the relevant characteristics and trends among older persons.

The main goal of the Survey was to determine demographic characteristics, cognitive development, state of health, functional state, use of medication, use and accessibility of services (health insurance, medical consultations, medication, hospitalization, prosthetics, dental care, etc.) housing conditions, family and social support network, work history, and sources of income, anthropometry and functionality tests.

Approximately 6,100 older persons living in the urban-rural areas of the country - except in the provinces of Galapagos and the Amazon region - responded to the Survey.

The 2009-2010 Survey revealed worrying figures, as 3% of older persons reported having suffered sexual abuse and 16.4% psychological abuse; 7.2% of respondents said they have been threatened with bodily harm, 14.7% have been insulted and 14.9% stated that they receive no money, food, medication, or time. We must also consider the cases that have not been reported for fear or lack of understanding of mistreatment, and these psychological damages are hard to assess.

#### **2) (a) What forms of violence, abuse and neglect (e.g. physical, psychological, sexual, financial or other) are registered? What is the setting in which they occur (i.e. residential and non-residential)? Is there information about the type of perpetrators?**

The National Council on Intergenerational Equality was created by the Organic Law of National Councils for Equality. Art. 9. 3) of the Law states as its duties “To report cases of threats or violations of rights to competent agencies and to follow up the complaints and, if necessary, to request constitutional guarantee courts to issue precautionary measures through the Ombudsman.”

In this sense, in 2016 the CNII heard 94 cases generally related to the protection and restitution of the rights of boys, girls, adolescents, youth and older persons, of which 14 cases were specifically related to the protection of the rights of older persons (nine related to decent life, one to abandonment, one to access to services, and one to participation). In turn, in 2017 there have been 24 cases related to children, adolescents, youth and older persons, four of which are specifically related to older persons.

The 2009-2010 Survey revealed the following data:

- 34,000 Ecuadorians aged 65 years or more die every year
- Thirty percent of older people have someone to take care of them
- Seventy-five percent are not covered by private health insurance and only 23% of the population 60 years or older is affiliated to the IESS
- 625,000 older persons receive care from the Ministry of Economic and Social Inclusion
- 82.8% of older persons do manual labor
- 68.5% of older persons report that they own their house
- Twenty percent of older persons live in precarious housing
- More than 90,000 older persons are concentrated in the provinces of Pichincha and Guayas
- [...] out of ten older persons report that they frequently feel defenseless
- [...] out of ten older persons that live in rural areas are poor
- 9 out of ten older persons live with a companion
- 27% of older persons are widowed
- 23% of older persons have a permanent disability
- 16% have suffered psychological abuse
- The population of older persons 60 years or more is greater in the Highland region
- Most live with relatives and their children take care of them
- 50% feel better when compared to other people
- The main diagnosed diseases are osteoporosis, heart disease, and diabetes

**3) Does your country’s legislation explicitly address issues of violence, abuse and neglect against older persons? If not, what legislation applies to such issues in the context of older persons? Does this legislation sufficiently address the full range of violence against older persons?**

<p>The Constitution of Ecuador grants special treatment to older persons. Chapter 3, Art. 35</p>	<p>CONCORDANCE:</p> <ul style="list-style-type: none"> <li>• CIVIL CODE (BOOK 1) Art. 61</li> <li>• CODE OF CHILDREN AND ADOLESCENTS, Arts. 25, 42, 55, 57</li> <li>• LABOR CODE, Art. 58</li> <li>• LAW ON VIOLENCE AGAINST WOMEN AND THE FAMILY, Art. 4</li> <li>• SOCIAL SECURITY LAW, Art. 106</li> </ul>
<p>Section 1 Older men and women Art. 36.- Elderly persons shall receive priority and specialized attention in the public and private sectors. Art. 37.- The State shall guarantee older persons the following rights: 1. Specialized healthcare free of charge, as well as free access to medicines.</p>	<ul style="list-style-type: none"> <li>• SOCIAL SECURITY LAW, Art. 175, 185, 188</li> <li>• LABOR CODE, Art. 216</li> <li>• WATER LAW, Art. 15</li> </ul>

<ol style="list-style-type: none"> <li>2. Paid work, on the basis of their skills, for which purpose their constraints shall be taken into account.</li> <li>3. Universal retirement.</li> <li>4. Discounts in public services and private transportation services and entertainment.</li> <li>5. Tax exemptions.</li> <li>6. Exemption from paying the costs for notarial and registration services, in accordance with the law.</li> <li>7. Access to housing that ensures a decent life, with respect for their opinion and consent.</li> </ol>	
<p>Article 38.- The State shall draw up public policies and programs aimed at providing care for older persons that bear in mind specific differences between the urban and rural sectors, gender concerns, ethnic group, culture, and the differences pertaining to persons, communities, peoples and nations; it will also foster, to the greatest extent possible, personal autonomy and participation in the drafting and implementation of these policies. In particular, the State shall take the following measures:</p> <ol style="list-style-type: none"> <li>1. Care in specialized centers that guarantee their nutrition, health, education and daily care, in a framework of integral protection of rights.</li> <li>2. Special protection against any type of labor or economic exploitation.</li> <li>3. Development of programs and policies aimed at fostering their personal autonomy, reducing their dependence and securing their full social integration.</li> <li>4. Protection and care against all types of violence, mistreatment, sexual exploitation or of any other kind or neglect leading to any of these situations.</li> <li>5. Development of programs aimed at fostering recreational and spiritual activities.</li> <li>6. Preferential care in cases of disasters, armed conflicts and all kinds of emergencies.</li> <li>7. Establishment of a special system for the enforcement of prison sentences.</li> <li>8. Protection, care, and special assistance when they suffer from chronic or degenerative diseases.</li> <li>9. Adequate economic and psychological assistance guaranteeing their physical and mental health.</li> <li>10. The abandonment of older persons by their relatives or institutions set up for their protection is punishable by law.</li> </ol>	<p>CONCORDANCE:</p> <ul style="list-style-type: none"> <li>• CRIMINAL PROCEDURE CODE 2000, Art. 171</li> <li>• LAW ON VIOLENCE AGAINST WOMEN AND THE FAMILY</li> <li>• ORGANIC HEALTH LAW, Arts. 6, 69</li> <li>• SOCIAL SECURITY LAW, Art. 106</li> </ul>

**5) What legislation exists to protect older persons specifically against financial abuse, including inheritance abuse?**

Constitution, Art. 38.

2. Special protection against all kinds of labor or economic exploitation. The State shall put in place policies aimed at fostering the participation and the work of older persons in public and private entities so they can contribute with their experience, and it shall develop labor training programs according to the vocation and aspirations of older persons.