

Annex A
Equality and non-discrimination

1) The constitution and / or legislation of your country:

a) ¿Does it ensure equality explicitly for older persons or persons of all ages and (b) explicitly prohibits discrimination on the basis of age? If so, how is the right to equality and non-discrimination defined?

- The Political Constitution of Peru, states that *every person has the right: To equality before the law. No one should be discriminated against on the basis of origin, race, sex, language, religion, opinion, economic status or any other nature.* It also states that the employment relationship respects the principle of equal opportunities without discrimination, among other principles.
- **Law No. 28867** - Law amending article 323 of the Criminal Code states that: "The person who, by himself or through a third party, discriminates against one or more persons or groups of persons, or incites or publicly promotes discriminatory acts, Racial, religious, sexual, genetic factor, affiliation, **age**, disability, language, ethnic and cultural identity, clothing, political or any other opinion, or economic condition, with the purpose of nullifying or impairing the recognition, enjoyment Or exercise of the rights of the person, shall be punished with imprisonment of not less than two years, nor more than three or with provision of services to the community of sixty to one hundred and twenty days. If the agent is a civil servant or public servant the penalty shall be not less than two, nor more than four years and disqualification pursuant to subsection 2) of article 36. The same penalty of deprivation of liberty shall be imposed if the discrimination has materialized through acts of physical or mental violence. "
- **Law 30490, Act of the Elderly Person**, states in Chapter II, paragraph 5.1, literal b, that the older adult is the holder of human rights and fundamental freedoms and exercises, among others, the right to non-discrimination on grounds of age And not to be subject of pejorative image. Likewise, article 27 of the aforementioned norm states that the State in its three levels of government fosters good treatment in favor of the older adult through actions aimed at promoting and protecting their fundamental rights, prioritizing respect for their dignity, Independence, autonomy, care and non-discrimination.
- **Legislative Decree No. 1098**, which approves the Organization and Functions Act of the Ministry of Women and Vulnerable Populations, states in its article 3 that this sector establishes, promotes, executes and supervises public policies in favor of women and Vulnerable populations considered as groups of people suffering discrimination or situations of lack of protection; children, adolescents, the elderly,

persons with disabilities, displaced persons and internal migrants in order to guarantee their rights, with a cross-sectoral vision

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

Regarding the production of information on discrimination against older adults, it is worth noting that in 2013, the Ombudsman's Office prepared the Attaché Report No. 008-2013-DP / ADHPD, which reports on Cases of alleged discrimination registered by that entity. Although this document is not specific to older adults, it mentions nine complaints of alleged age discrimination, seven of them in the area of job offers and calls for staff to gain access to a job in public and private institutions; As well as complaints regarding verbal maltreatment and establishment of age limits for studies.

3) Is there information available on the inequality of opportunities or experiences of results of the elderly in the following areas?

- Availability, access and quality of health services.
- Financial services.

The National Institute of Statistics and Informatics, published in the month of November of the year 2012, the survey: "Peru: Demand of Attention of the Elderly Person for Health Problems 2006-2010", in which, first, it analyses the tendency of The demand for health care of the older adult population in Peru by age subgroups based on the National Household Surveys (ENAHO) for the period 2006-2010; And second, it analyses the correlation between the demand for health care and the perception of the quality of care received according to the adult population.

Regarding the information to the financial services for older adults, information is available from the National Bank, which allows access to bank credit for active workers and pensioners in the Public Sector who, due to their remuneration or pension, hold accounts Of savings in the Bank of the Nation, granting loans until the age of 84 years, for a maximum amount of S / 2,000 soles.

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

- Law No. 27408 and its amendments, establishes the preferential attention to **older adults**, among others, in places of care to the public.
- Law 28735 regulates the care of persons with disabilities, pregnant women and the elderly in airports, airfields, land terminals, railways, sea and inland waterways and means of transport.

- The Judiciary has informed the next implementation of a Judicial **Alert System for Older Adults**, an application that warns magistrates about the existence of **judicial processes** involving these people, which should give them **priority**.

Annex B
Negligence, Violence and Abuse

1) Do specific studies or surveys (from governmental, non-governmental or academic sources) on violence, abuse and neglect experienced by older adults exist in your country?

The Ministry of Women and Vulnerable Populations, through the National Program against Family and Sexual Violence, produces periodic reports on cases of elderly adults affected by violence, attended at the Emergency Women's Centers (CEM) at the national level.

During the year 2017, for the period January - February, the CEM attended a total of 798 adults over 60 years of age, corresponding to 6.1% of the total population served nationwide.

Table: 01
**Cases attended from older adults
January - February 2017.**

Age groups	60 + years
Jan	403
Feb	395
Total	798
%	6.10%

Source: National program against Family and Sexual Violence.

In what corresponds to the type of violence against older adults, 566 cases corresponded to psychological violence; 215 cases of physical violence; 6 cases to economic or patrimonial violence and 11 cases to sexual violence.

Table: 02
**Cases attended from older adults
 According to type of violence**

Type of Violence	Total	60 ages	+
Economic or Patrimonial	25	6	
Psychological	6,954	566	
Physical	4,886	215	
Sexual	1,154	11	
Total	13,019	798	
%	100.0%	6.1%	

Source: National program against Family and Sexual Violence.

On the other hand, the Directorate General of Public Defense and Access to Justice of the Ministry of Justice and Human Rights, provides the Public Defense service to people who do not have economic resources and in other cases where the law expressly so Establish. This service is offered in criminal, family, civil and labor matters, and defends people who have been victims of the violation of their rights in any form.

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

The National Program against Family and Sexual Violence, considers in its registry, four types of violence: a) Economic or patrimonial V.; B) Psychological view; C) V. physical and d) sexual v.

3. **Does your country's legislation explicitly address issues of violence, abuse and neglect of the elderly? If not, what legislation applies to these issues in the context of older persons? Does this legislation sufficiently address all forms of violence against the elderly?**

Law No. 30490, Law on the Elderly Person, aims to establish a normative framework that guarantees the exercise of the rights of the older adult, in order to improve their quality of life and promote their full integration into social

development, Economic, political and cultural development of the Nation. This law is in the process of being regulated and is one of the main rights of older adults; To have a life without any violence. It also incorporates in its articles 28 and 29 the definition of violence against older adults and the types of violence among which it is considered a) Physical violence; B) Sexual violence; C) Psychological violence; D) Property or economic violence; And, e) Violence by abandonment, whether in the street, in the home, in health centers, in penitentiary establishments or in any other situation or circumstance that the regulation specifies.

Law No. 30364, Law to prevent, punish and eradicate violence against women and family members, aims to prevent, eradicate and punish all forms of violence produced in the public or private sector against women because of their condition Of such and against the members of the family group; Especially when they are vulnerable, by age or physical situation such as children, adolescents, the elderly and persons with disabilities. This law establishes comprehensive mechanisms, measures and policies for the prevention, care and protection of victims as well as reparation of the harm caused; And provides for the prosecution, punishment and re-education of convicted offenders in order to guarantee to women and the family group a life free of violence, ensuring the full exercise of their rights.

4. What legislation exists to protect older people, specifically against financial abuse, including hereditary abuse?

- Law No. 30490, Law of the Elderly Person.
- Law 30364, Law to prevent, punish and eradicate violence against women and members of the family group.