

Guiding Questions: **Equality and non-discrimination**

- 1) Does the constitutions and/or legislation of the region (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?

The general principle of equality and non-discrimination is mentioned in most Constitutional texts and laws of the Latin-American countries. The Constitutions of Brazil, Costa Rica, Colombia, Plurinational State of Bolivia, Dominican Republic, Honduras, Nicaragua, Panamá, Paraguay and the Bolivarian Republic of Venezuela explicitly state that older persons are entitled to the right of special protection on behalf of the State. Barbados, Trinidad & Tobago and Anguilla's Constitution, on the other hand, do not guarantee equality explicitly for older persons or people of all ages nor forbid discrimination explicitly on the basis of age.

The Constitutions of Mexico and Brazil forbid age-based discrimination in general terms, whilst the Constitutions of Panamá, Paraguay and Bolivarian Republic of Venezuela forbid ageism in the workplace.

Up until now, the Inter-American Convention on Protecting the Human Rights of Older Persons has been ratified by Costa Rica, the Plurinational State of Bolivia (Law No. 872), Uruguay (Law No. 19.430), and Argentina.

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

The issue of discrimination is brought up in various countries' reports, and is often only related to ageism in the workplace. Mexico carried out a national survey on the subject of discrimination in 2010. The findings indicated that older persons suffered from high levels of exclusion owing to a lack of recognition and to certain obstacles that prevented them from exercising their rights and accessing basic opportunities. Fully 27.9% of those older persons interviewed in 2010 believed that their rights had not been respected because of their age.

The Bolivarian Republic of Venezuela also conceded in their reports that older persons struggle to access the labour market and are at risk of losing their employment because of their age discrimination.

Also, in 2010 and 2015, Chile carried out a survey on older person's inclusion, exclusion that analyses opinions, perceptions and expectations.

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

Financial Services

In general terms, older persons are exposed to the growth of their financial burdens as a result of their deteriorating state of health.

Several studies found that most retired persons need other income in addition to their State pensions, regardless of where they live or their economic activity status.

Older people find it difficult to access credit that does not carry high interest rates. They face discrimination with chronological age as a barrier to access to a credit or a loan- credit offers are often not available for people aged 65 and more. Public banks and financial institutions offer loans with rates from 7% to el 30%, whilst private financial entities range from 50% up to 106%.

Also, the older the person is, the lower the amount assigned and the higher the interest.

In terms of access to credits, there are several countries which have developed microcredits programs (Brazil, Costa Rica, El Salvador, Honduras y Perú) offered by philanthropic and charitable organizations.

Availability of, access to and quality of health care services

Cuba operates a national health system and assumes fiscal and administrative responsibility for the health care of all its citizens, including older persons with guaranteed access to primary, secondary and tertiary health care services.

In *Argentina*, the healthcare system for the elderly has nationwide coverage, the *Instituto Nacional de Servicios Sociales para Jubilados y Pensionados* (PAMI) is the largest program for elderly care, a state-run program for disabled and senior citizens which serves serves approximately 5 million older people in Argentina.

In *Colombia*, the quality of care that people receive as they age varies according to where they live. Individuals living in the highly urbanized areas a receive high-quality care, whereas elderly subjects living in rural areas and in the southern and northern regions are exposed to unemployment, low income, inequity of access to health care, drug trafficking, and armed conflict.

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

In Brazil, the Constitution explicitly guarantees a minimum income for the older person in need, apart from its contribution to social security. In Colombia, the Constitution states that the Government shall provide a food subsidy in case of poverty. The Cuban Constitution includes explicitly the social assistance to older persons without resources and care. Brazil Constitution identifies older persons as a vulnerable group, granting priority attention and assistance in case of domestic violence.