

## **Equality and Non-Discrimination on the basis of age**

1) The right to equality and non-discrimination is enshrined in article one of the Federal Constitution; paragraph 5 regulates the Federal Law to Prevent and Eliminate Discrimination (LFPED), which establishes criteria to respect, protect, guarantee and promote the right to equality and non-discrimination. Age is determined to be one of those categories under which it is prohibited to discriminate against, especially from an intergenerational perspective. Currently, 31 States have anti-discrimination laws and 26 have incorporated the anti-discrimination clause in their Constitutions

In Labor Law matters, articles 2, 3, 56 and 133, section I, of the Federal Labor Law (LFT), contain protective provisions of labor rights in relation to the age to work. Article 994, section VI, determines the penalties equivalent to 250 to 5000 times the general minimum wage for employers who commit any act or discriminatory conduct in the workplace.

The National Council for the Prevention of Discrimination (CONAPRED), the National Women's Institute and the Ministry of Labor and Social Security generated the "Mexican Standard NMX-R-025-SCFI-2015 on Labor Equality and Non-Discrimination", which requires public, private and social workplaces to integrate, and implement practices for labor equality and non-discrimination.

2) CONAPRED and the Legal Research Institute of the National Autonomous University of Mexico (UNAM) developed the National Survey on Discrimination in Mexico (ENADIS) in 2010 to provide data to understand the dimensions of discrimination, as well as to provide elements for the implementation of the antidiscrimination agenda, legislative harmonization and mainstreaming in public policies and institutions.

The results from this survey inform that older adults show higher levels of exclusion, lack of recognition and obstacles to rights and opportunities because of their age such as:

- 27.9% of people over 60 have ever felt that their rights have not been respected because of their age,
- 40.3% describe their main problems as economic ones.
- 37.3% describe the second problem facing the disease, access to health services and medicines (two out of ten qualify poor medical care).
- 25.9% describe labor as one of their main problems (nine out of ten consider it difficult to get some employment for people their age).
- 66% believe that it is very difficult to receive government support.

The National Institute of Older Adults (INAPAM) coordinates, promotes, supports, monitors and evaluates public actions, strategies and programs directed at the elderly, reinforcing the fight against discrimination, through programs and models of care, including shelters, daytime elder residences, cultural centers, clubs, memory clinics, integral care centers and legal advice services.

Through the National Council of Inter-Institution Coordination in 2016, a National Gerontological Program was developed that defines the objectives, strategies and lines of action to address the problems faced by the elderly.

**3) Information about inequality of opportunities or outcomes:** In 2012 CONAPRED and the Center of Research and Teaching (CIDE) developed a diagnostic approach on discrimination, entitled *Report on Discrimination in Mexico*, to visibilize different manifestations of discrimination and stigmatization. It also contains a section dedicated to describe the discrimination faced by older people, particularly access to financial services and credit, revealing the exclusionary panorama of the financial system in Mexico. Some financial and banking institutions do not provide credit and financial services or products to the elderly.

Another section focuses on discrimination against the right to health. According to the 2010 ENADIS, between 14%-21.9% of those aged 60 years and over stated that the treatment they received in medical services was insufficient (21.9%), uncourteous (18.1%) and poor (14%). This is due to the lack of articulation in the public social security system regarding the coverage and quality of health services.

Additionally, to some banking and financial institutions older persons are not subject to credit.

**4)** Article 5 of the Federal Labor Law (LFPED) states that affirmative actions should be in place to the effect of promoting equal opportunities, and the distinction should be based on reasonable, proportional and objective criteria. These measures are not considered discriminatory, but are considered bridging inequalities in employment and pay. Article 15*bis* of the LFPED establishes legal provisions for the adoption of measures for equality and establishes three types of measures: leveling, inclusion and affirmative action.

In relation to the compulsory retirement age, the Social Security Law provides for the granting of pensions to the insured who, having reached the age of 65, and have covered the minimum contribution period (1250 weekly contributions), is deprived of paid work and has full rights to social security (articles 154, 161 and 162). As for government employees, the Law of the Institute of Social Security and Workers at the Service of the State, establishes various forms of retirement according to age and years of service.

## Neglect, violence and abuse

1) **Specific studies or surveys:** Data available in the

- Survey of elder abuse in Mexico City (2006).<sup>1</sup>
- National Survey on Aging: Chapter on *Realities and expectations*<sup>2</sup>
- Situation of older adults in Mexico.<sup>3</sup>

## 2) **Forms of violence**

**A)** Article 43 of the LPED establishes that CONAPRED is competent to hear about acts or omissions occurring within Mexican territory that may be presumed to be discriminatory in terms of article 1, paragraph III of the Constitutional, that can be attributed either private individuals or public servants from the Federal Government.

The Council (CONAPRED) will have authority to follow up on the complaint procedures for alleged acts, omissions or alleged discriminatory social practices attributable to federal public servants in the exercise of their functions or on the grounds of them, individuals or corporations, as well as individuals.

Regarding the number of complaints, from March to 2017, there have been 83 complaints classified as alleged acts of discrimination related to older adults.

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Complaints filed against private entities or private persons	25	25	1	<b>51</b>
Complaints filed against public servants or entities	18	10	4	<b>32</b>
<b>Total</b>	<b>43</b>	<b>35</b>	<b>5</b>	<b>83</b>

<sup>1</sup> Available here [http://www.geriatria.salud.gob.mx/descargas/investigacion/analisis\\_EMPAMDF.pdf](http://www.geriatria.salud.gob.mx/descargas/investigacion/analisis_EMPAMDF.pdf)

<sup>2</sup> Available here <http://www.losmexicanos.unam.mx/envejecimiento/index.html>

<sup>3</sup> Available here [http://cedoc.inmujeres.gob.mx/cendoc//documentos\\_download/101243\\_1.pdf](http://cedoc.inmujeres.gob.mx/cendoc//documentos_download/101243_1.pdf)

**Areas in which the alleged acts of discrimination occurred**

	2015		2016		2017		Total
	Q	Q	Q	Q	Q	Q	
	By private entities	By public servants	By private entities	By public servants	By private entities	By public servants	
Administrative		5	1	1		1	8
Cultural or recreation	2						2
Education				1			1
Familiar	1						1
Labor/Job related	10	7	9	5		2	33
Delivery of public services	6		5	2			13
Political-Electoral		1					1
Health		6		3		1	10
Financial services	2		6				8
Access to public services						1	1
Transportation	1		1				2
Neighborhood	1		2		1		4
Other	2		1				3
<b>Total</b>	<b>25</b>	<b>19</b>	<b>25</b>	<b>12</b>	<b>1</b>	<b>5</b>	<b>87</b>

**B)** It is estimated that between 4% - 6% of the elderly have suffered a form of abuse and/or mistreatment; primary caregivers are the ones who most frequently mistreat the older person, these may be family members, among them children, grandchildren and nephews.

**3) Legislation that explicitly addresses issues of violence:** Authorities such as the Public Prosecutor of the Federation that as a representative of society, monopolizes the exercise of criminal action, on behalf of the State, and seeks to comply with the will of the Law. INAPAM provides legal counseling in which elderly people are advised about situations of violence, abuse and neglect.

**4) Existing legislation:** Federal Constitution; Law on the Rights of Older Persons; Federal Penal Code; Federal Civil Code and Social Assistance Law.