



Labor Organizations of the
College Educational
Institutions, OLIES (by its
Spanish acronym)



Contributions to the Open-ended Working Group on Ageing

Resolution 67/139, United Nations General Assembly

"Towards a comprehensive and integral international legal instrument to promote and protect the rights and dignity of older persons".

Civil society contributions through retirees affiliated to the Teachers Organizations: Retired Educators Association, ADEP (by its Spanish acronym); Secondary Education Teachers Association, APSE (by its Spanish acronym); National Teachers Association ANDE (by its Spanish acronym); University Retired Staff Association, AFUP (by its Spanish acronym); College of Graduates and Professors in Arts and Sciences, COLYPRO (by its Spanish acronym); Union for Costa Rican Education Workers SEC (by its Spanish acronym); Labor Organizations of the College Educational Institutions, OLIES.

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1. Introduction and justification:

In accordance with the scope of the **Resolution 67/139** of the United Nations General Assembly, held on December 20, 2012, called *"Towards a comprehensive and integral international legal instrument to promote and protect the rights and dignity of older persons,"* the retirees and pensioners of Costa Rica, most of them *Personas Adultas Mayores* (older adults)¹, in a personal capacity and as active members of the Teachers Organizations: Retired Educators Association, ADEP; Secondary Education Teachers Association, APSE; National Teachers Association ANDE; University Retired Staff Association, AFUP; College of Graduates and Professors in Arts and Sciences, COLYPRO; Union for Costa Rican Education Workers SEC; Labor Organizations of the State Educational Institutions, OLIES; with all due respect present for the consideration of the Open-ended Working Group, the different contributions that as a Civil society, we agreed on to strengthen the main elements of the specific international legal instrument, which is discussed in this venue. These contributions seek to ensure the enforcement of the human rights of the older adult population, in order to put an end to age discrimination, and thus, enhance the implementation of the spaces to promote and protect the comprehensive rights and dignity of older persons.

¹ "Personas Adultas Mayores", term used in Costa Rica to describe the population over 65 years. Law No. 7935, Integral law for Older Adults.

We can not leave aside the great contribution provided by the Board of Pensions and Retirement of the National Union of Teachers, JUPEMA by its Spanish acronym, in relation to the work done to build awareness about the scope and practical ways of implementation of the *"The San José Charter on the Rights of Older Persons in Latin America and the Caribbean,"* pursuant to the outcome of the Third Regional Intergovernmental Conference on Ageing, held in San José of Costa Rica from 8 to 11 May, 2012 and the commitment made by this institution, for its effective dissemination among its members.

"JUPEMA", had already started this huge task with projects aimed at strengthening the health programs at the national level and the respective "Declaration of Rights"; made by the participants; likewise, on the theme of "Friendly cities" and "Enabling Environments", the great work carried out in coordination with Municipal Corporations and/or the members of each integrated group, helped to provide a rights-based learning that flowed with great responsiveness and energy.

Paraphrasing the motto of disability: *"Nothing about us without us,"* an inclusive education system of comprehensive and fun learning approach, has been built through the labor and trade union associations with the support of the rest of the consulted population, which covers from its introductory section the origin, meaning and importance of human rights; it raises awareness about the severe impact that the *"age discrimination"* has on human development and, thus, moving to the full exercise of the constitutional right of the active and conscious participation in groups of older persons who fight for their rights.

It is not any fight, but one which is supported by knowledge and awareness of Human Rights, through an inclusive discourse "*focused on rights*", which means to build for people a reflective capacity seeking to develop a different more conscious and global citizenship; since it involves not just a political state recognition, but also a social-cultural recognition.

Having the Governments:

*"Recognize the older adult and non-governmental organizations as valid partners when taking decisions related to the national and international policies (...) and the building of a society for all ages."*²

... entails building an entire system of comprehensive and fun learning approach that validates the old saying: "*human rights are respected to the extent that they are known, and they are known as they are taught*" (F. Mayor), and it is precisely from this scenario, that everyone assumes the commitment of working fully to complement the efforts made by the Open-ended Working Group of the United Nations, through the contributed suggestions that respectfully ask to be taken into account.

It is worth to mention that this report contains only information of primary sources, such as the work and opinions of all respondents and participants, information that is saved in the job template used.

² San José Charter.

This group believes that *"it is necessary to work hard to ensure that our older adults can develop in an environment of certainty, rights, justice, protection, better quality of life, with much love, affection and understanding,"* so that it will have a positive and direct impact on the well-being of this population.

There are several scenarios of social coexistence, where the participants agree that human rights of older adults are being disrespected; and therefore, access to justice becomes very difficult to get. They are pinning their hopes on the implementation of a comprehensive and integral international legal instrument to promote and protect the rights and dignity of older persons, so that once and for all the traditional welfare roles can be overcome, to replace such social scheme by the scopes of this principle and duty called *"participation,"* as a new way to assert their rights to the State.

It is therefore that this work goes beyond the concept of simple consultation for knowledge, to give rise to the pure expression of the need for recognition, protection and the state of certainty required for a satisfactory closure in this life cycle; and older persons can feel satisfied with their achievements, enjoying a proper stability.

2. Scheme on accomplished approach based on responses to the consultations made.

This document has been prepared under the auspices of the Board of Pensions and Retirement of the National Teachers Union, entity that is committed to assist affiliated trade union organizations, so that, through the consultation process in the meetings of the different provincial networks, and the consultations to elderly adult

experts, residing in Costa Rica, the compendium of the main considerations, principles, adverse events and solutions can be delivered to strengthen the labor of the Open-ended Working Group on Aging, which was established in accordance with the Resolution 65/182, of 21 December 2010, whose main purpose is to *"increase the protection of the human rights of older persons by examining the existing international framework on human rights of older persons and determining their possible shortcomings and the best way to correct them, including through the study, where appropriate, of the feasibility of new instruments and measures"*.³

In this document, a synthesis with all essential recommendations is included, on which the proposal for expansion, modification and recommendations provided by the respondents is based; and as a whole, it is aimed at strengthening each of the integrative concepts of the Convention drafts that have been submitted for consultation. The participation in the development of this democratic exercise enriches the dialogue allowing Costa Rica to move forward for the society, the political system and the State to: *"place the older adult as the center of a selfless, generous, supportive life that is expressed in a culture and an education that revalue the past and present contribution of this important and growing sector of human societies."*⁴

³ Resolution 67/139, "towards a comprehensive and integral international legal instrument to promote and protect the rights and dignity of older persons".

⁴ Contributions given by the retirees and pensioned of San José's network.

3. Proposals to the “Comprehensive and integral international legal instrument to promote and protect the rights and dignity of older persons”

I. General Provisions.

Purpose

- Add to the concept: *“in conformity with their conditions as subjects of rights.”*
- Evaluate the term *“older person.”* They request to consider the term *“personas de edad”* (older adult) because for the purposes of the civil law in Costa Rica and the rest of Latin America, every individual after the age of 18 is considered of *“legal age”* and every person from the moment of birth, *“is a person of age”*. It is deemed convenient to keep the term as is established by the Costa Rican legislation: *“Persona Adulta Mayor.”*

Definition

- **About the age.** In Costa Rica, for the purposes of Law No.7586, “Law against Domestic Violence”, the age is 60 years old, and for the purposes of the Special Law, No. 7935, “Integral Law for Older Adults,” which is the one that grants the benefits; the age is 65 years old.

II. General principles.

Independence and Autonomy

- Include new forms of comprehensive protection which are not contained in the basic instruments mentioned in the Convention drafts. Try not to fall into contradictions or formulate *"a copy page,"* a plagiarism, or a bad imitation.⁵
- **Develop a new concept** within the bases that support the Independence and Autonomy, addressing the mechanisms to counteract the *"economic uncertainty"* that affects so much the quality of life of older persons.

Participation and Social Integration

- **Overcome the excessive bureaucracy and the ruling formalism.** The Citizen Inquiry is to be required, and it has to be done to older adults and not just "experts". The establishment of a "CAUCUS" is suggested, just as people with disabilities did in their fight for their own Convention.

III. OBLIGATIONS OF STATES

Adoption of legislative or administrative measures

- Penalize all conduct that by action or omission, cause damage to the physical, mental, moral and heritage health of older adults.

⁵ Opinion of the BSc. Daniel Camacho. University Professor of the University of Costa Rica.

- Classify as a *"breach of duty"* from the penal facility, all conduct that by action or omission of the public officials, when fulfilling the rights of older adults, cause serious injury and damage.
- It is suggested to supplement the content of the articles expanding the compliance duty to: *"public and private authorities and institutions, and the population."*

Measures against discrimination

- Penalize any discriminatory behavior carried out by the officials, of public organizations and private organizations that provide public services, against an older adult as a right-holder of the standards for comprehensive protection.
- "It is suggested to supplement this regulation by expanding the scope of duties to the: *... private and public companies...*"

Active ageing policies

- Strengthen the regulations with administrative sanctions that lead to the dismissal without personal responsibility, for the officials that nullify the rights contained in the instruments that are promulgated in favor of active ageing.
- Include local governments in the development, in each attraction area, of friendly systems for older adult population.

Supervision of Nursing Institutions

- During the qualification process of nursing institutions, the States should demand that the norms of internal regulation enable the full exercise of human rights, and their fundamental freedoms, including full respect for older persons' dignity, beliefs, needs and privacy, and the right to be previously informed to make decisions about the attention they receive and their quality of life.
- Not to discriminate due to "*sexual orientation.*" Overcome the welfare criterion, and guarantee respect for the right to privacy and acceptance of "*diversity*" in the case of couples admitted. All of them, with a view to break paradigms of coexistence with religious orientation that take away the freedom of older adults in different areas of their life.
- That nursing institutions (except public hospitals) ensure privacy to older persons, during their temporary or permanent stay; as a mechanism to guarantee full dignity.

Professionals training

- In the Public Policy of Education, it must be required to include as a main element, the compulsory education in their curriculum, at all levels of the educational system, but especially in the careers of social orientation, thematic and motivation of older adults for the inexorable approach of old age.

IV. RIGHT TO EQUALITY AND NON-DISCRIMINATION BASED ON AGE.

Measures against discrimination

- Punitive measures must be included in any norm that regulates and guarantees taking actions against discrimination.
- The content of "The San José Charter" must be included, so that it can be read integrated into the regulatory text or added as an additional paragraph:
"The States parties will adopt appropriate measures, legislative of criminal court, administrative and other measures that guarantee older adults a differential and preferential treatment in all áreas."

Special measures and treatment distinction

To be incorporated in the regulations that are to be discussed, the provisions of the "San José Charter":

"Give priority and preferential treatment to older persons in the processing, resolution, and implementation of decisions taken in administrative and legal proceedings, as well as in the services and benefits provided by the State.

Adopt affirmative actions that complement the legal system and promote the social integration and development of older persons."

Epecially vulnerable older persons

It is suggested to strengthen wording of the articles including concepts oriented to support:

1. The development of "Care Networks."
2. That mark as "priority" everything related to women.
3. That include immigrants and ethnic groups.

V. AWARENESS-RAISING:

Recognition of the contribution of older persons to society

- The *"duty of consultation in matters that involve them"*, should be established as full manifestation of the right to participation of older persons in all matters that compete them.

Elimination of stereotypes

It is suggested the incorporation of a paragraph which includes:

1. That States parties punish and report nationally and internationally any media that promotes negative stereotypes about old age and ageing.
2. That States parties negotiate free social spaces within all forms of mass media, to deliver the message of solidarity and respect for the process of ageing and old age.

- The political system, society, and States must create innovative, patriotic and formal ways, such as awards and medals, which praise the past and present contributions of older persons.

VI. RIGHT TO LIFE AND A DIGNIFIED DEATH.

In general

- It is suggested to strengthen the title of the Chapter with the incorporation of the following terms:
 - *Dignified life*
 - *Subjects with full rights*

Non-imposition of the death penalty.

- Even though in Costa Rica there is no death penalty, it is suggested to consider the age of the person when determining the reference age for imposing a penalty at the moment that the judgment becomes final. This because, sometimes the procedural delay between the date of commission of the crime and the conviction by final judgment, takes a long time.

Right to a dignified and pain-free death

It is suggested that access to the rights contained in the regulations, as may be provided with regard to this title, be "all-encompassing" to ensure that every person in these conditions can access a dignified death.

Prohibition of euthanasia for financial reasons.

- The term "*material violence*" is incorporated, which is considered more inclusive than "*financial reasons.*"

VII. RIGHT TO PHYSICAL, MENTAL AND EMOTIONAL INTEGRITY, AND TO A DIGNIFIED TREATMENT.

Right to be treated with dignity

- Any regulation that ensures this right should be expressed around the term "*sexual identity*" or "*sexual orientation,*" as a mechanism to overcome discriminatory stereotypes.
- Regulations provided that incorporate the concepts of "The San José Charter" should strengthen:

"Develop public policies and programmes designed to raise awareness of the rights of older persons, including the promotion of their treatment with dignity and respect and a positive, realistic image of aging."

Protection against violence or abuse.

- It is suggested to use the term '*material violence*' which is much more precisely than the concept "*material abuse*" used in the original drafts.
- Dictated regulations must be strengthened by incorporating the scope of "The San José Charter":

"Establishing mechanism for prevention and supervision, and strengthening legal mechanism in order to prevent any type of violence against older persons.

Guaranteeing special protection for older persons who, because of their gender identity, sexual orientation, state of health or disability, religion, ethnic origin, homelessness or other conditions of vulnerability, are at greater risk of being abuse. "

- In all process that seeks measures of punishment for the alleged perpetrators of violence, ill-treatment, abuse and exploitation or abandonment of older persons, it is suggested to strengthen regulations provided, with the theme of "*due process*", in order to prevent injustices to be committed.
- The contents of "The San José Charter" should be added:

"Implementing policies and procedures to prevent, punishment and eradicate any type of abuse or ill-treatment of older persons, including penalizing those responsible."

- The regulations governing the creation of support services to address the cases of violence, abuse and ill-treatment against older persons, must be reinforced with the theme of "*dissemination.*"

Care Institutions

- It is insisted on the need to strengthen the regulations promulgated to protect the *"right to privacy"*, which is estimated as the most violated from the time of entering to this type of centers, and which significantly marks with traces of humiliation and pain the new stage of life that the resident has to live.
- The promulgated regulations must be complemented, with the information contributed by "The San José Charter":

"Formulate and adapt the legal frameworks, protocols and mechanisms to human rights instruments in order to protect the dignity of older persons living in public or private institutions or medical facilities."

Protection against domestic violence

- Any conduct of abuse and ill-treatment against older persons, must remain in the criminal jurisdiction, no matter who the perpetrator is and his/her relationship with the victim.

Right not to be subjected to torture, ill-treatment or cruel, inhuman or degrading treatment or punishment

- All regulations that are promulgated in relation to the right to participate in experimental treatments, must understand the right of the older adult to: 1) *"... exercise their free consent and using preliminary, clear, concise and accurate information about the comprehensive content and effects of the experimental procedure."*

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VIII. OLDER PERSONS IN SITUATION OF DETENTION OR IMPRISONMENT

Right to special treatment in situations of imprisonment

- The concept "**prison for older adults**" must be changed, and transcend the purely structural with creation of prisons that welcome the very meaning of the *"process of ageing and old age."* The prisons of women for example, are just prisons for men inhabited by women. The particular characteristics of the female population are not respected.
- It is suggested to integrate the concept of health in both sexes, as a determinant of the separation by sections.

IX. LEGAL PERSONALITY AND CAPACITY

Right to full recognition of the legal personality

- We support the proposal of **Society and Disability–Sodis**, in relation to the setback that exists in terms of rights, when attempting to continue leaving to third–parties the autonomous decisions of older persons, when *"there is a lack of ability"*.
- The contradictions arise in relation to the rights to equal recognition of the legal capacity, to personal freedom, living independently, and being included

in the community; the same people who are based on the principles of individual autonomy, independence of persons, not discrimination, and full and effective participation and inclusion in society. It is true that the Convention does support restrictions on the exercise of the legal capacity in older persons.

- Direct participation of older adults must be ensured in the process of disability, insanity or legal incompetence; by a clear, precise and lengthy explanation of what is happening, because normally these processes are designed in favor of the person that instigates them; and this is a source of permanent abuse.
- Thus, a correlation is set between "mental capacity" (fitness) of the person and his/her "legal capacity" (understood as the capacity to act, this is, the aptitude to perform legal acts in a direct and valid way), directly affecting older persons with poor mental and intellectual, these sometimes are transitional processes.
- It is suggested to update the wording in the postulates of the articles 12 and 19 of the International Convention of People with Disabilities.
- The development of basic activities of the daily lives of older adults includes the disposal of movable and immovable property and money, and are not lost with age even under conditions of vulnerability and fragility.
- The wording of the article supports age discrimination and promotes institutional abuses with property consequences. Responsibility to assume duties and obligations cannot be limited to a priori, and due to the legal

effects that these circumstances involve, they should be fully guaranteed in this chapter, overcoming the welfare criterion that has characterized the approach of this population.

- We suggest for "*exception mechanisms*" on the legal capacity restriction, which are "*the last reason*," include the figure of the Technical Defensor, prior to the the prosecution of an insanity process that violates the human rights of older persons. Also, the "*subrogated consent*", in function of the "*informed consent to what it is entitled.*"
- In the regulation of the legal businesses where an older person intervenes, his/her legal capacity should be protected.

X. *RIGHT TO PARTICIPATE IN THE SOCIAL, CULTURAL AND POLITICAL LIFE OF COMMUNITY*

Right to participation

- They suggest that all regulations related to the theme of participation say "*The State must guarantee the active participation of older persons, in all...*"

- The participation requires support of the State and its institutions, so that the distinct nature of the organizations of older adults can be recognized, and to ensure their integration in the production and education processes.

Right to association and the promotion of associations

- The States parties must provide all possible facilities to encourage the creation of organized groups of retirees and pensioners. Because *"human rights are respected to the extent that they are known, and they are known as they are taught"* (F. Mayor). Therefore, it is estimated that the participation should be democratic, full inclusive, autonomous, continuous and dynamic. It must manifest itself in a free, responsible and independent form, without ties.

Right to participation in relation to law and politics.

- It is suggested to incorporate in the regulations that are issued, the provisions of "The San José Charter": "Ensure the right to the participation of older people in the civil society organizations and councils, as well as in the formulation, implementation and monitoring of public policies that concern them."

"Participation in ageing policy.

- It is suggested that the regulations handed down, the provisions of "The San José Charter". We affirm political, public and social participation of older people is a fundamental human right and urge respect for their autonomy and independence in making decisions.

"Active role in the transmission of knowledge and culture.

- It is suggested that in the rules handed down, the provisions of "The San José Charter": "Implement education programs to enable older people from different ethnic groups to share their knowledge, culture and values, taking into account the intercultural approach",

XI. *RIGHT TO AN ADEQUATE STANDARD OF LIVING AND ACCESS TO SOCIAL SERVICES.*

In general

- It is suggested that the current regulations contain at least the following terminology:
 - o Retirement and decent pension
 - o adequate comprehensive services

Mainstreaming of age.

- It is suggested to incorporate the related precepts included in "The San José Charter": "Create and ensure necessary social services to provide care for the older persons in consideration of their specific needs and characteristics, promoting their independence, autonomy and dignity."
- In addition, strengthen systems for the integrated care of older persons in a state of dependence on programs such as "Care Network" of Costa Rica.

Accessibility to social services.

- The issue of accessibility is closely linked with the program "Friendly City", so it is suggested that States Parties together with Local Governments commit themselves to carry out this program.
- It is also important to complement the regulation dictated with the budgets contained in "The San José Charter," on the subject:
 - *“To ensure that older people live in a safe and healthy environment, including access to services and transportation facilities*
 - *To create and refurbish friendly and safe public spaces, ensuring, by removing architectural barriers, the accessibility of the elderly.”*
 -

Promotion of home care.

- It is advised to seek the support of the Magisterio Nacional (National Teachers Union) of each country and to and strengthen the establishment of teams to spread the rights and the surveillance in the homes of older people, which would operate in coordination with the governing body of each country.
- It is expected to incorporate the regulatory budgets specified in "The San José Charter", as described:

“Develop home care as a complementary form of institutional, encouraging older people to remain in their own homes and maintain their independence, taking into account the possibilities of the different countries.”

XII. RIGHT TO PHYSICAL AND MENTAL HEALTH

In general

- The universalization of health services in terms of a prioritized comprehensive and accessible attention, for older people is advocated given that it is the fundamental value to be protected along with financial stability, so it is suggested to be some more incisive on these issues.
- The theme of “sustainability” must be handled very carefully, because a program can be sustainable when pensions are lowered or the retirement age is increased. A state of "certainty" must be generated for older people.

Accessing health services.

- The scope of "The San José Charter", should be valued for its respective incorporation or adaptation within the regulations enacted to this heading. Incorporate:

"Design and implement policies on comprehensive preventive health with a gerontological and interdisciplinary approach, particularly through primary care and services including rehabilitation.

To implement Care Models of multi and interdisciplinary care in geriatrics and gerontology, in the different levels of health care, to meet the needs of older persons.

- The issue of care providers must be incorporated in the scope of fair treatment.
- States Parties shall enact policies that promote specialization in the areas of Geriatrics and Gerontology.

Intrafamily Care.

- This is a highly controversial topic due to the new roles of socialization and work commitments that women have taken on. Formerly, women were the only ones responsible of keeping the stability and caring of older persons. For this reason, the development of programs to prepare care providers should include an intergenerational approach. Impotence towards disability and aging requires society to be fully trained.
- The inclusive terms that are contained in "The San José Charter" should be included:
- To develop home care as a complement to the institutional attention, encouraging in this way that elderly people remain in their own homes and maintain their independence, taking into account the possibilities of different countries
- To permanently design measures to support families by introducing special services, particularly for those who provide care for the older persons,”

- Again the importance of developing programs like the "Costa Rican Network of Care" becomes relevant and become as outputs favoring comprehensive economic and weighting of the dignity of home care for older people in a state of dependency.

Treatments and internment with informed consent.

- It is required to overcome the welfare and dependency concept and replaced it with a speech that focuses on rights. It must encompass full autonomy. A comprehensive review of national legislation particularly around the issue of "insanity and curatorship." Normally such processes are opened for the participants and not the older person, which is not even part of the process despite being the "test subject". It's important to incorporate issues that "The Charter of San Jose" has developed:

"To ensure the right to free, prior and informed consent for all medical interventions, regardless of age, health condition and treatment provided in order to promote the autonomy of older persons,

"In any process of insanity beyond health, there is disguised a property equity disposition interest on the behalf of the injunction. It is urgent to "adopt measures to change the substitution model in decision-making by one of support or assistance to people with disabilities in the decision-making by someone that respects their autonomy, will and preferences."

Active ageing policy and preventive care.

- The human body movement, physical activity, sport, recreation, friendly to nature outdoor spaces, culture and the arts in general and healthy lifestyles should be substantial components of the public policy for older persons.

HIV / AIDS and Law preferential access to medicines.

- It is responsibility of the State to design policies to implement programs that effectively treat chronic transmissible and non transmissible diseases, to the case of older people, preferential attention and preferential access to medicine and chronic treatment is one of the main approaches in the design of such programs, especially in the case of transmissible diseases.
- The criteria used in the "San Jose Charter" must be included. "design policies to implement programs that address effectively transmissible and non transmissible diseases, facilitate preferential access to medicines, equipment, technical assistance and comprehensive rehabilitation services to promote the independence of older people, taking into account the possibilities of the different countries, should be incorporated.

"Care Institutions"

- Older people have the right to access adequate procedures to review a) the decision on its institutionalization, b) to remain in a long-stay institution, and c) the conditions for housing. This situation contrasts with the full exercise of the right to autonomy and self-determination and the right to be fully

informed and that puts us in front of the possibility of temporary residential placements or public or private non-permanent resident's consent.

- Should be prohibited and abolished any rule that legitimizes illegal and arbitrary deprivation of freedom of movement of older persons on grounds of mental, physical or psychological and social disability does not justify the deprivation of liberty. In the same sense, must guarantee free and informed consent and avoiding unjustified arrests in the alleged danger to themselves or others.

Within the family and community care.

- The legislation that supplement this chapter should consider that "loneliness" is an international phenomenon that particularly affects older people, so that the state should promote integration programs or home visits through informal networks.
- What is already contemplating in "The Charter of San Jose" should be considered:

"To ensure that older people living alone have access to formal support, supplemented by informal networks,

"Training of health professionals.

- Support legislation should promote professional profiles according to the new needs and social approaches that cover older people. It's important to add the provisions of "The Charter of San José":
- Should support legislation to promote job profiles according to the new needs and social approaches that cover older people. Important to add provisions of "The Charter of San Jose":
- "Promoting human resource *training in geriatrics and gerontology, at all levels of care,*
 - 1. Implement training with a human rights approach to health teams at all levels of care, carers and staff of institutions working with older people,*

XIII. ***"RIGHT TO EDUCATION AND CULTURE"***

In general

- States Parties shall promote the implementation of continuous and permanent education policies that meet the real needs of education and care of older people therefore they are obliged to conduct studies to determine the degree of literacy of the adult population and its location in the country in order to promote gerontological educational development programs with access to new technologies and regarding the background rights. "The Charter of San Jose" indicates:

"Support activities to ensure access of the elderly to the information technology and communications, in order to reduce the technology gap,"

"Promotion of cultural and recreational activities.

- It is suggested to add what "The Charter of San Jose" has indicated to whatever legislation that derives from this chapter: "Facilitate access and active participation of older people in recreational, cultural and sport activities promoted by organizations, associations and institutions, both public and private,"
- "Fight against illiteracy.
- One of the main social resource available to the States Parties, has to do with the retirees and National Teachers of each country. Therefore, it requires the support of the State to integrate groups of people trained in the branch of education in different communities to provide basic lessons, using for this purpose day centers, nursing homes, schools, high schools and universities.
- "The Charter of San Jose" indicates:

"To promote active policies to combat illiteracy among older women and men,"

XIV. RIGHT TO HOUSING AND A HEALTHY ENVIRONMENT.

In general

- It is suggested: "To promote the concept of friendly cities, avoiding architectural barriers in homes, streets, vehicles, buildings, places of entertainment, this is to say, in all those places where human life is developed. This is covered in the UN base document. However, the mechanisms to ensure compliance have to be established, it is necessary to implement actions of all types to ensure their implementation."
- The concept embedeed in "The Charter of San Jose" has to be included:

"To make every effort so that older people enjoy adequate housing and have high priority in the allocation of housing or land, especially in situations arising from crisis, emergency, forced displacement or eviction,"

"To strengthen programs such as "Care Network", (known in Costa Rica as "Red de Cuido") allocating resources to families who can take care of an older adult, thereby generating a casual labor pool of high social impact.

Transportation

- It is suggested that legislation regarding this service which is of much impact to the older adult population be at least guided to: *"States shall promote that public transport, establish social responsibility mechanisms aimed towards a free or discounted transportation for the elderly. In the same sense the competent authority on aging and old age, should promote the development of driver training programs to thereby prevent the abuse and mistreatment that beneficiaries are subjected to."*

XV. RIGHTS AT WORK.

Age of retirement.

- **Economic uncertainty has to do with their quality of life**, which must transcend the discourse of **austerity** on the part of the State, and what is **mainly attacked by it are the social services, employees and within these; in a strongly manner, pensioners and future pensioners**. Emphasis on the development of this principle, is insisted upon and also that the sustainability paraphrased by modern economies be neither sustained on increasing the retirement age nor on lowering the amount for previsions forecasted.
- Older people **also have the right to equal pay for equal work because it is very common to hire older people, exploiting their services with less pay**.
- It should be allowed to the retired and pensioned to reintegrate the labor market covered with all the guarantees without affecting his/her pension.
- It should be eliminated the mandatory retirement age, because it undermines the autonomy of older persons and the freedom to work.
- Loads must be removed wage tax burdens on pensions.

No gender discrimination in retirement.

- Focusing on gender, in Costa Rica there is a difference between men and women regarding the age for retirement, which is product of a just recognition to women for the double work socially imposed upon them. The regulation regarding this subject should favor that approach.

Non discrimination in employment or occupation.

- The regulatory approach towards work must be seen as a right and a duty, which increase the sense of being useful for himself/herself, his/her family and society, through the reintegration into the labor market, and into education such as vocational, technical, languages, information technology and proper management of social networks. These criteria need to be supplemented with the inclusion of the provisions in "The Charter of San Jose", as for to know:

"To promote the development of measures to ensure equality of treatment and opportunity, particularly equality in working conditions , orientation, training and education at all levels, especially vocational training, and job placement,

"Special measures and duty of accommodation.

- Governments and private institutions, universities and others, should include in their internal labor legislations, reforms where be given an opportunity for the older persons to continue working, according to their abilities and knowledge. "San Jose Letter" provides:

"Promote legal reforms and economic incentives to permit the employment of older people after the age of retirement, accordance with their ability, experience and preferences, including measures such

as the gradual reduction of working hours, part-time jobs and flexible hours, including.”

“Active employment policies” .

- Generate employment opportunities and new ventures from the referent informal labor market should be a priority in a world in which aging and the purchasing power of pension funds increasingly less. Support legislation this chapter must contain at least the approach that "The Charter of San Jose" has been specifically:

"Adopt employment policies that promote participation and reintegration into the labor market for older workers, taking into account the possibilities of the different countries,

Preparing for retirement

- Any program that tends to preparing for retirement, you should have a holistic approach to life system older adult. That is why "The Charter of San Jose" has arranged as functional budget that states should:

"Spreading information about the right to retirement, their preparation and advantages, as well as the possibilities of other professional or volunteer activities,

XVI. "RIGHT TO SOCIAL SECURITY.

The Right to non-contributory old-age retirement benefits

- Quality of life is no less important than longevity. *Articles 22, 23, 24 and 25 of the Universal Declaration of Human Rights, Article 11, 16 and 35 of the American Declaration of the Rights and Duties of Man, and Articles 9 and 12, subsection d) of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights recognize the right of everyone to the social security protecting him from the consequences of aging and disability which prevents them physically or mentally to obtain the means to live a decent and dignified life. Changing the concept of a welfare approach to a concept of rights places the older people in a condition of full dignity, but that dignity is not secured until the universal pension is a reality and that the requirement for grant "is the merit of the age and not disqualifying and humiliating extreme poverty.*
- "In most States parties the solidarity duty to ensure an adequate distribution of wealth and to provide protection is not fulfilled especially regarding the older adult and his/her family.
- Two basic principles should govern the work policy that seeks to provide universal non-contributory pension scheme
- The PRINCIPLE OF SOCIAL JUSTICE, understood as the legal authorization for breaking into social relations in order to correct and compensate for inequalities between people, that are inconsistent with human dignity so as to ensure the minimum conditions required for a human being to live.

- PRINCIPLE OF SOCIAL SOLIDARITY, is the duty of the authorities to assist the members of a group in the face of contingencies that place them in a more vulnerable position, such as old age, sickness, poverty and disabilities.
- Bases are there for the same economy to give a positive shift, because all the money that is invested will be reinvested in the economic activities of daily living.

XVII. RIGHTS OF OLDER WOMEN

In General

- Programs should be prioritized to the most vulnerable sectors of the Older persons, including special offers for women, given their longer life expectancy and their particular age.

Pension rights and social protection, particularly in the case of widows.

- States should involve women in the development of social, economic and cultural policies. States have the obligation to provide specific training programs, empowerment, and leadership training for older women.

XVIII. PROTECTION OF THE FAMILY

Supporting and intra traditional forms of care.

- The Convention should transcend the concept related to the provision of preferred protection to a family type, and focus to an expanded approach to what today is the "cultural value system of each society "and to place itself in the context of the new family groups, including: Mono maternal, single parents, families same-sex, among others.
- Educational programs should be inclusive of the thematic of the new forms of extended family that exists.

XIX. RIGHTS OF SPECIFIC GROUPS.

Indigenous Older Persons.

- All laws pertaining directly to Indianism is rooted in the realm of the physical, spiritual and emotional, and is reflected both in oneself and in the community. An important feature of being indigenous is a connection or relationship with the land that is evident in the earth itself, in the unique cultures, indigenous knowledge systems, preserving the environment for future generations and the various languages. These features relate both to the individual and to the collective as part of the indigenous identity of children and older people, at the same time facilitate the continuity of the people.

- One of the most important cultural elements is the language together with their traditions and natural medicine. They are the most vulnerable to the onslaught of existing invasive acculturation. Health, for the indigenous worldview, has direct influence and a general worldview. It is known as a process of social and biological construction is closely related to the environmental, cultural, social and economic aspects of each population group. The basis of the success of a program should be based on this holistic approach holistic health and traditional.

XX. CONFLICT, CRISIS OR EMERGENCY SITUATIONS

Food crisis, natural disasters.

- Food aid should consider the special needs that the prisoner might have.
- The approach that "The Charter of San Jose" makes should be incorporated:
"Include priority and preferential assistance to seniors in the plans of disaster relief cases,

Develop national guidelines that include older people as a priority group and preferential attention in preparing for disaster training relief workers and the availability of goods and services,"

Situations of rebuilding after emergencies or conflicts.

- To strengthen the deserved priority attention in such events with the "preferential attention", so as to be seen as a unit of action.

XXI. STATISTICS AND DATA COLLECTION.

Collection of statistical information.

- Must register indicators on violence against women by disaggregating by categories of age, social status, emotional and economic level.

- Should measure the economic impact of domestic service provided by older women in their homes and especially when they are in the care of older adults and girls and children.

XXII. INTERNATIONAL COOPERATION

- States Parties have a duty to consolidate and create an environment of legal certainty that gives confidence to residents in relation to compliance and application of the rules to be adopted. Orality and digitization of judicial processes are part of this duty.

- States Parties shall promote and encourage participatory democracy and encourage their Administrations to link with its citizens through actions that

diligently prove evidence of any breach of both the Central Administration and Local Government.

Finally, we must say that being that *"dignity is a right that is built with facts"*, we still have time to turn solidarity into a right, not simple care behaviors, by participating and assuming active roles and by a real power sharing in the construction of *"a society for all ages."*