

Dominican Republic Contributions for the Open-ended Group of Aging

I. Equality and non-discrimination

The National Council on Aging (in Spanish Consejo Nacional de la Persona Envejeciente - CONAPE-), as the official entity for the definition and implementation of national policies on the aging population¹ in the country, is constantly working to ensure that all elders recognize their rights and at the enjoyment of their rights, on an equal footing with other groups of population and without discrimination of any kind, covered by the diverse legal instruments that establish the guidelines to be considered.

The Dominican Constitution, on its article 39, establishes that “ all persons are born free and equal before the law, receive the same protection and treatment of the institutions, authorities and other persons and enjoy the same rights, freedoms and opportunities," and explicitly states that it must be exercised "without any discrimination based on gender, color, age, disability, nationality, family ties, language, religion, political or philosophical opinion, social or personal status”.²

Moreover, the Law 352-98 on the Protection to Older Persons contemplates among its recitals the non-discrimination of older persons, and states that this segment of the population "can not be discriminated based on age, health, religion, political creed or ethnic reasons ".

Likewise, the law contemplates the right to work “on equal opportunities” and “without discrimination of any kind”³ . Similarly, establish “eliminating all forms of discrimination in the labor market and ensuring genuine equality of treatment in working life”⁴

In regard to the right to education, considers that its access, "must be given on equal opportunities"⁵, and also must be provided "without discrimination of any kind"⁶.

¹ Art. 23, Law 352-98 of Protection of the Aging Person.

² Art. 39 Equal Rights, Constitution of the Dominican Republic 2015.

³ Art. 8, Law 352-98 of Protection of the Aging Person.

⁴ Ibid. Art. 19, literal f.

⁵ Ibid. Art. 15.

One of the weaknesses presented by the country on the subject, is the production of statistical information in several areas of interest, such as discrimination. The country does not have this type of information explicitly, however, there is a record of cases registered by the Specialized Units on Violence Against the Elderly and by the Legal Division of CONAPE, where complaints of discrimination in the labor market, in private health insurance coverage and in financial access on relatively high amounts, have been filed. This differential treatment is not explicitly justified, rather it is managed as internal policies of private companies.

II. Neglect, violence and abuse

In 2010, the study on "Abuse against Older Persons in the Dominican Republic" was carried out, sponsored by the National Council for Older Persons (CONAPE) and the United Nations Population Fund (UNFPA). The purpose was to determine the causes and consequences of the different types of abuse and mistreatment perpetrated to this segment of the population, in order to strengthen institutional capacities for care and prevention.

According to the discoveries of this study, as in the records of the Legal Division of CONAPE, there is evidence of psychological, physical, sexual, patrimonial, and mistreatment by negligence. Typically, these types of violence occur in the family environment of the older person, frequently by the partner, children, grandchildren, and other relatives. This type of violence particularly affects older persons with disabilities, whether mental (Alzheimer, senile dementia, schizophrenia), visual, motor or a combination of these and others, generating a situation of partial or total dependency that makes them more vulnerable to these kind of actions.

Regarding the legislations, some approach the issue explicitly, others in a general way. In the first case, Law No. 352-98, establishes that "the older person cannot be harmed in their fundamental rights by negligence, exploitation, violence, nor be punished or victims of any

⁶ Ibid. Art. 17 Literal h.

attack, either by action or omission," and in its regulation⁷ establishes the harmful behaviors against older persons.

In general, Law No. 24-97, on domestic violence against women, institutes and establishes the penalties for this kind of violence⁸, and its also recognized by the New Penal Code, Law 550-14, which also sanctions the abandonment of an older person who cannot be protect him or herself.

In regards to the protection against financial abuse or asset abuse of an older person (appropriation of property, administration of revenue, retirement income or other assets), there are no current legislation that specifically approaches it, however, there are several legislations, of national character, that safeguard real estate law.

⁷ Art. 31, Regulation No. 1372-04 on the Application of Law No. 352-98, on the Protection of Aging Person

⁸ Art. 309-2