

## Open-Ended Working Group on Ageing

### **INPUTS OF THE DEFENSORÍA DEL PUEBLO DEL ESTADO PLURINACIONAL DE BOLIVIA**

#### **GUIDING QUESTIONS: EQUALITY AND NON-DISCRIMINATION.**

**1) Does the Constitution and / or legislation of your country (a) guarantee equality explicitly for the elderly or persons of all ages and (b) explicitly prohibits discrimination based on age? If so, how is the right to equality and non-discrimination defined?**

A.- The Political Constitution of the Plurinational State of Bolivia guarantees equality between older adults and persons of all ages, and prohibits discrimination on the basis of age. Through its Article 14 prescribes: **I.** Every human being has personality and legal capacity under the laws and enjoys the rights recognized by this Constitution, without distinction. **II.** The State prohibits and sanctions all forms of discrimination based on sex, color, age, sexual orientation, gender identity, origin, culture, nationality, citizenship, language, religious creed, ideology, political or philosophical affiliation, economic or social status, type of occupation, degree of education, disability, pregnancy or others whose purpose or result is to nullify or impair the recognition, enjoyment or exercise, on an equal basis, of the rights of all persons.

Law No. 045 (Law Against Racism and All Forms of Discrimination), through its principle of PROTECTION, established in its Article 2 (d), guarantees to every person the right to equal protection against racism and all forms of discrimination, effectively and timely in administrative and / or jurisdictional branch, which entails a fair and adequate compensation or satisfaction for any damages suffered as a consequence of the racist and/or discriminatory act.

The right to equality, by provision of Article 2 (b) of Law No. 045, includes: "all human beings are born free and equal in dignity and right", and for this the State must promote the necessary conditions for achieve real and effective equality by adopting affirmative and/or differentiated measures and action policies that value diversity, with the aim of achieving equity and social justice, guaranteeing specific equitable conditions for the enjoyment and exercise of the rights, freedoms and guarantees recognized in The Political Constitution of the State, national laws and international human rights laws. The right to non-discrimination is defined as: "The recognition, enjoyment or full exercise of rights on the basis of any form of distinction, exclusion, restriction or preference based on age shall not be null and void."

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

- Job

- **Access to goods and services**
- **Social protection**
- **Healthcare**
- **Social care**
- **Justice, Heritage**
- **Decision-making and autonomy, Living environment**
- **Other areas (please specify)**

A.- There is no official information on discrimination against older adults in any of the areas.

**3) Is there information available on the inequality of opportunities or outcomes experienced by the elderly in the following areas?**

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

A. There is no information on the inequality of opportunities or results experienced by older adults in any of the areas.

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

**Examples:**

- **Access to goods**
- **Compulsory retirement age**
- **Age limits on financial services and products**
- **Benefits based on age**

A.- Elderly adults enjoy preferential treatment in access to services, under the following criteria: Efficient use of times of care, institutional responsiveness, special and personalized attention, treatment with quality and warmth, use of mother tongue. Likewise, it has been determined that all administrative procedures carried out by the older adult should be resolved in a timely manner, promoting a flexible nature in their solution.

With respect to the mandatory retirement age, Article 45 of the Political Constitution of the State qualifies retirement as a "right" and not as an "obligation", which means that retirement must be voluntary.

Regarding the age limits in financial services and products, there is no restriction, according to Article 74 of Law No. 393 (Financial Services Law) that provides, financial consumers enjoy the following rights: access to financial services with equal treatment, without discrimination based on age, gender, race, religion or cultural identity; To receive financial services in



conditions of quality, quantity, opportunity and availability appropriate to their economic interests.

With regard to benefits, older adults enjoy a universal old-age pension, under the Non-Contributory Regime of the Comprehensive Pension System (SIP), by provision of Article 67 (paragraph II) of the Political Constitution of the State and Article 5 (a) of Law No. 369.

Older adults enjoy free health insurance (integral care) with quality and warmth, in the framework of Law No. 475 (Law on Benefits of Integral Health Service of the Plurinational State of Bolivia). Integral health care includes the following benefits: promotion, prevention, comprehensive outpatient consultation, hospitalization, complementary diagnostic services and medical treatment, dental and surgical treatment, and the provision of essential drugs, medical supplies and traditional natural products.

Older adults enjoy support and legal assistance in civil, family, labor, agrarian, and criminal matters and in crimes against life and bodily integrity, against freedom, against sexual freedom and against property. This legal assistance is provided through the Integrated Services of Plurinational Justice (SIJPLU) of the Ministry of Justice and Institutional Transparency.