

**HELPAge INTERNATIONAL INDIVIDUAL REPORT
FOR THE UNIVERSAL PERIODIC REVIEW - BOLIVIA
Older People's Rights BOLIVIA September 2009**

HelpAge International

International NGO established in 1983 to help older people claim their rights, challenge discrimination and overcome poverty, so that they can lead dignified, secure, active and healthy lives.

Our work in over 75 countries is strengthened through our global network of like-minded organisations – the only one of its kind in the world.

We have offices in London and Brussels, five regional centres coordinating our work in Africa, Asia/Pacific, Latin America, the Caribbean and Eastern Europe/Central Asia, and a number of national programmes and emergency response programmes.

In Latin America the Regional Developing Center placed at La Paz Bolivia, coordinates projects and activities at a regional level within the framework of defending older people's rights in Bolivia and the region.

Introduction

Notwithstanding considerable progress in legislation in favour of the human rights of older people, this segment of the population is still vulnerable, with violations of their rights, even within their own family.

Bolivia is the poorest country in South America. This condition places older people in clearly adverse conditions, particularly in the rural area where the exercise of their rights is very relative because of the lack of access to basic public services.

The Bolivian State and the condition of older persons

Bolivia is one of the signatory countries of the International Plan of Action on Ageing, Madrid 2002, and the Regional Strategy reconfirmation in Brasilia in 2007.

The topic of older people entered into the Bolivian State's framework with the passing of regulations, decrees, and laws in favour of the rights of older people in the mid 1990s. Nevertheless, these measures did not constitute an integral public policy, for the adequate channels were not generated for instating programmes aimed at lessening the exclusion faced by the majority of older people in the country.

The State organizational structure includes a specific Department for intergenerational issues in the Ministry of Justice with the mandate to develop public policies, as well as encourage its effective use.

Despite advances in legislation favouring older people, the social context is still a challenge; a culture for older people has not been developed, and negative stereotypes persist.

The problems of social exclusion, mistreatment, lack of access to identity documentation, misappropriation of land and property, and deficiencies in health services are still the most evident forms of violations affecting the human rights of older women and men at risk, particularly in the rural areas.

Situational context of older people in Bolivia

In Bolivia, according to the most recent census carried out in the year 2001, 7% of the population is over 60 (approximately 615,773 older men and women). Most of these older people live in conditions of poverty, without education or documentation, which in most cases impedes access to the benefits granted by the State: universal social pension (*Renta Dignidad*) and health insurance for older people, SSPAM.

According to the National Statistics Institute (INE), 63% of older people in Bolivia live in poverty or extreme poverty, 59% live with less than US\$ 1 per day and only 23% of all older people have some type of pension.

The situation of older people is extremely poor, with high levels of illiteracy or semi-illiteracy. Older people are not respected nor are they treated well when they seek to exercise their rights. Those most affected are people who only speak Quechua, Aymara, or another native language, and that besides this have problems with their identity documents.

Institutional and legislative framework of the Bolivian State

The New Political Constitution of the State, NCPE, in Section VII

THE RIGHTS OF OLDER PEOPLE:

Article 67. I. Besides the rights recognized in this Constitution, all older people have the right to old age with dignity, quality, and human warmth.

II. The State shall provide a life-long old-age pension in the framework of an integral social security system according to law.

Article 68. I. The State shall adopt public policies for the protection, attention to, recreation, rest, and social occupation of older persons according to their capacities and possibilities.

II. All forms of mistreatment, abandonment, violence, and discrimination towards older people are prohibited and sanctioned.

Law No. 3791 of Universal Old-Age Pension (*Renta Dignidad*)

Establishes a universal old-age pension within the regime of non-contributory social security. A universal old-age pension is a life-long non-contributory provision granted by the Bolivian State to all Bolivian citizens over 60 years old.

Law No. 1886 of Rights and Privileges

People over 60 years old have the right to receive preferential treatment at special counters at all offices of the State, urban or rural municipalities, and other private institutions.

Older people shall receive a discount of 20% (if the invoice is issued in the name of the older person) for:

- consumption of electricity
- consumption of potable water
- annual household tax
- transportation: air, rail or water, domestic transport companies shall give a discount of 20% in fares. The same shall apply to public land transport between departments and provinces.

Law No. 3323 of Health Insurance for Older People, SSPAM

Provides insurance for free medical attention for all Bolivian citizens of 60 years old in the national territory that do not possess other health insurance.

Law No. 1674 of Violence against the Family or Domestic Violence

Article 2 (Protected goods) The goods legally protected by the present law are the physical, psychological, moral and sexual integrity of each of the members in the household sphere.

Article 10 (Worsening factors) The sanctions shall be extended to double the maximum levels contemplated in the following cases: When the victim is disabled, is 60 years old or more, or is pregnant.

Supreme Decree 29059, January 2001 establishes the National Plan for Older People which seeks to frame the institutions on the subject. This plan was not implemented and is under review in the State.

The Bill of Older People No854 was adopted in House of Representatives but not in the Senate and is scheduled for review at the Ministry of Justice.

The right to an identity and a plain exercise of citizenship

Eight percent of older people do not have identity documents (70% of these live in rural areas and 60% are women). The lack of identity documents makes it impossible to exercise their rights: full citizenship, access to health and income contemplated under law. Sixteen percent of older people with identity documents have errors in these documents.

The right to live independently and to satisfy basic needs

Older people living in extreme poverty make up 30.01% of all older people, and due to their characteristics may be considered a group under conditions of potential abandonment.

Only 21% of older people have their basic needs met. Sixteen percent are considered poor; 27.10% live in moderate poverty; 30.01% are indigent, and 6% live in marginality. This implies that 79% of older people live in conditions of poverty.

The right to respect and protection against all forms of mistreatment

Law 1886 includes a preferential treatment is indisputably a step forward in the access to rights of older people; nevertheless, its actual effectiveness is restricted because it has an urban focus and the reality of older people in rural areas is another, weaknesses and difficulties in access to benefits and public services in general.

Mistreatment of older people in Bolivia is recurrent and the real extent of the problem is not known; there is no data at the national level, and the erroneous assumption is made that it only affects a minority of persons. The older adult population is considered invisible and non-productive. There is a tendency towards not considering the mistreatment of older people as an expression of the violation of rights towards them, and thus society turns a blind eye to abuses that occur in common spaces, offices, public services, communities, and even the family unit.

According to the Socio Legal Center COSL, during the three years of the project, there have been over 25,000 cases of complaint of abuse and violation of the rights of older people in three cities, demonstrating the alarming vulnerability of older people in Bolivia.

The legal stipulations that protect older people have not contributed towards lessening the severity of the problem because they are not complied with, are not recognized by the institutions of the State itself and society, and in many cases are not recognized by the older people themselves.

Misappropriation of land and property This is more and more common, particularly in the rural areas. Non-compliance with communal tasks on the part of older people is grounds for not providing water for irrigation, for fines, and finally the misappropriation of land by the community leaders (often young union leaders). If the union establishes at an assembly that the older person has surpassed the limit of non-compliance of obligations, a note is made and signed by all young leaders. This is presented before a judge that is obliged to issue a document that makes possible the annulment of the property title of the older person in favour of the union or a member of the union.

Migration Sixty-nine percent of migrants abroad had to leave their children; 27% of these are under the care of their grandparents. It is estimated that 40% of older persons do not receive economic support from their family members that have left the country. This has forced older people to seek some manner of supporting their grandchildren that have been left in their care. In Bolivia, 30,000 of homes are headed by an older person in charge of caring for young grandchildren according to data of the 2001 census. This figure is sure to be much higher now due to the considerable increase in out-migration in recent years.

Possible reasons for the violation of the rights of older persons:

- Although Bolivia has legislation in favour of older people, the main problems are the scarce and disperse application and implementation of laws and programmes. Law No. 3323 of SSPAM (health insurance for older adults) often does not reach the poorest population, particularly persons that live in rural areas and only speak a native language. The Ministry of Health and Sports estimates that only 30% of the eligible older people population is registered under SSPAM.
- Older people lack information regarding their rights and obligations. As well, in most cases they do not have organizational, leadership or negotiation skills for safeguarding their rights in the community and in municipalities.

- The older persons' organizations still face barriers for actively participating in participatory planning and budgeting processes at the municipal level.

Recommendations

1 .- To incorporate the design and operationalization of a database that allows regular updating of information and analysis, allowing to effectively monitor the implementation and impact of public policy for older people.

2 .- In partnership with organizations of older people, promote social control for compliance with laws and regulations. Increased level of participation in all national and local plans, while respecting their autonomy and independence as organizations of older people.

3. To coordinate with local and regional bodies (prefectural and municipal governments) the develop and implement plans and programmes that facilitate access to services for older people, and the passing of internal regulations that consider the obligatory nature of compliance of preferential treatment with warmth and quality, aimed at the construction of a tolerant and respectful culture towards ageing.

4. To promote the development of information and awareness-raising campaigns regarding the rights of older people, as well as the content of laws and regulations in favour of this age group and the obligation of compliance based on the construction of a culture of respect and value of others.

5. The creation of a multi-sectoal commission in which the main actors of government and civil society participate to ensure the coordinating and implementation of and compliance with laws and benefits in favour of the human rights of older people; a commitment assumed under the International Plan of Action on Ageing, Madrid 2002.

6. - To support State efforts to promote a convention on human rights of older persons within the United Nations.

This report was prepared by the Latin America Regional Development Centre of HelpAge International based on evidence and documentation from the Sociolegal Centre for Older People (COSLAM, La Paz), the National Ombudsman's office, the National Statistics Institute (INE), UNFPA Bolivia, *Fundacion Horizontes* and HelpAge International internal project reports.