



14th session of the Open-ended Working Group on Ageing Guiding questions on the normative content related to social inclusion

Definition

1. How are the key human rights related to older persons' social inclusion defined in the national and local legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional and international legal frameworks?

In Mexico, key human rights related to the social inclusion of older persons are defined in legislation such as the Law on the Rights of the Older Persons, which guarantees the following rights of older persons in ten areas:

i) Integrity, dignity and preference:

- To a quality life. It is the duty of public institutions, the community, the family and the society to guarantee access to programs aimed to realize the exercise of this right.
- To the full enjoyment, without discrimination or distinction of any kind, of the rights enshrined in this and other laws.
- To a life free from violence.
- To respect for their physical, psycho-emotional and sexual integrity.
- To the protection against all forms of exploitation.
- To receive protection from the community, family and society, as well as from federal, state and municipal institutions.
- To live in safe, dignified and decent environments.

ii) Legal certainty:

- To receive dignified and appropriate treatment in any judicial proceeding involving them.
- To receive the support of federal, state and municipal institutions in the exercise and respect of their rights.
- To receive free legal advice in administrative or judicial proceedings in which they are a party and to have a legal representative when they consider it necessary.
- In the procedures mentioned in the preceding paragraph, preferential attention should be given to the protection of their personal and family assets and to testate without pressure or violence.

iii) Health, food and family:

- To have access to the necessary satisfiers, considering food, goods, services and human or material conditions for their comprehensive care.
- To have preferential access to health services in order to fully enjoy the right to their sexuality and physical, mental and psycho-emotional well-being.

- To receive orientation and training in matters of health, nutrition, hygiene, and everything that favors their personal care.
- To develop and promote the functional capacity that allows them to perform their tasks and play their social roles.

iv) Education:

- To preferential education.
- Public and private educational institutions shall include in their plans and programs knowledge related to older persons. Free textbooks and all educational material authorized and supervised by the Ministry of Public Education shall incorporate updated information on aging and older persons.

v) Work:

- To enjoy equal opportunities in access to work for as long as they wish, and to receive protection under the provisions of the Federal Labor Law and other labor laws.
- To be subject of actions and public policies by federal, state and municipal institutions, in order to strengthen their full social integration.

vi) Social assistance:

- To receive social assistance programs in the event of unemployment, disability or loss of their means of subsistence.
- To benefit from programs to have decent housing adapted to their needs.
- To benefit from programs to have access to a home or shelter, or other comprehensive care alternatives, if they are at risk or helplessness.

vii) Participation:

- To participate in the comprehensive planning of social development, through the formulation and implementation of decisions that directly affect their welfare, neighborhood, street, delegation or municipality.
- To associate and form organizations of older adults to promote their development and influence.
- To participate in the productive, educational and training processes of their community.
- To participate in the cultural, sports and recreational life of their community.
- To be part of the various bodies of citizen representation and consultation.

viii) Popular complaint:

- Any person, social group, non-governmental organization, associations or society may denounce before the competent bodies, any fact, act or omission that produces or may produce damage or violation of the rights guaranteed in the Law on the Rights of Older Persons, or that contravenes any other of its provisions or those contained in any other ordinance that regulate matters related to older persons.

ix) Access to public services:

- To have preferential attention in public and private establishments that provide services to the public.
- Services and establishments of public use shall implement measures to facilitate the use and/or adequate access.
- To have preferential seating in establishments that provide services to the public and in passenger transportation services.

x) Information

- To plural, timely and accessible information.

The National Institute of Older Persons, (INAPAM for its acronym in Spanish) promotes the exercise and protection of these rights and the participation of older persons in all areas of public life, with the purpose of making them partners and protagonists of their own change through the Clubs and Cultural Centers by INAPAM where they are able to participate in sports, social, recreational and cultural activities like dancing, painting, crafts and more.

Also, the INAPAM promotes the Citizen Committee, which is formed by older persons with the goal of becoming aware of the follow-up given to programs, having an opinion on them, collecting proposals of citizens regarding older persons and presenting them to the Executive Board.

Scope of the right

2. Please provide references to existing national legal standards relating to older persons social inclusion on normative elements such as:

a) the right of older persons to take part in cultural life;

Article 4 of the Mexican Constitution and Articles 4, 5 and 17 Bis of the Law on the Rights of the Older Persons, are actively enforced through accessible cultural programs and events specifically targeted at older persons.

In addition, INAPAM, in contribution with other public institutions, has developed programs and policies regarding the inclusion of this age group:

- Clubs: These are community centers where older persons gather and interact with people their own age to do sports and have cultural, educational, social and human development activities, while establishing self-managed groups that allows them to be active in their community, guided and supported by the Institute.
- Cultural Centers: Public spaces which offer various workshops and free lessons that boost older persons' well-being through sociocultural, artistic, occupational, recreational and physical activities, with the purpose of promoting and stimulating the participation of older persons. This includes classes on digital alphabetization and the use of digital technologies.



- Day residencies: Spaces for temporary stay for older persons that do not have any company and want to interact with people their own age. Activities such as physical culture and other forms of recreation are offered, as well as basic medical care, a balanced diet and snacks during their stay.
- Shelters: These spaces are dedicated to offer permanent residence to older persons who require constant care, providing medical attention, physical rehabilitation and/or cognitive stimulation. Services are provided 24 hours a day, 365 days a year. Admission is free, with a socio-economic study (a monthly recovery fee is requested).
- Legal advice: Advice and orientation are offered to older persons who seek redress when their rights are being negated or violated.

Special considerations

3. What special measures and specific considerations should be considered to respect, protect and fulfil relevant human rights to ensure the social inclusion of older persons?

Social inclusion is not only related with the guarantee of the human rights of older persons, but also with the constant development of mechanisms and policies that reintegrate this age group in all aspects of social life.

Meaningful participation within society will help to make older persons visible, especially in terms of experience and professionalism. This can be done with the reeducation of this age group.

In addition, equality and non-discrimination in terms of age should be upheld in order to eradicate ageism and promote a healthy aging. This can be achieved through the proper training and education of any person, non-governmental organizations, public and private institutions, associations, and societies.

Simple actions can be implemented, such as prohibiting age as an impediment to apply for a specific job, or eliminating requirements for postgraduate scholarships based on age.

Similarly, specific programs can be designed to address the vulnerable situations faced by older persons, in all their diversity, as well as to consider the particular needs of vulnerable groups of older persons, such as older persons with disabilities or those living in poverty.

However, in order to know if the exercise of the rights of older persons is being guaranteed, it is necessary to have an overview that diagnoses and evaluates whether they have access to the exercise of their rights, identify possible barriers for this access, and implement concrete actions that help to ensure that the exercise of rights is not hindered.

Surveys such as the National Survey on Discrimination (ENADIS) on the perception of discrimination in exercising rights are a good practice to identify which elements must be reinforced and to guarantee the full exercise of rights.

Implementation

4. What are the best practices and main challenges faced by your country in the adoption and implementation of relevant human rights to ensure the social inclusion of older persons?

Recently, the universal pension for older persons has been promoted as part of the public policy, hence guaranteeing their economic security and economic empowerment, which are crucial aspects to be recognized within their local environments.

In addition, Mexico has ratified the Inter-American Convention on the Protection of the Human Rights of Older Persons, becoming an international duty that the State must guarantee. However, the challenge now is to strengthen the national instruments for its monitoring and improvement.

On the other hand, one of the main challenges about the above-mentioned services is the lack of coverage, especially on periphery areas and marginal zones, which leads to a significant increase in the inequality gap caused by the absence of opportunities and services to improve their lives. Therefore, it is necessary to reach full capacity of the existing programs and policies in conjunction with all the institutions of the Federal Administration to help older persons from the entire country.