

Preliminary findings and recommendations from the United Nations Independent Expert on the enjoyment of all human rights by older persons, Dr. Claudia Mahler, at the end of her official visit to the Dominican Republic

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In my capacity as United Nations Independent Expert on the enjoyment of all human rights by older persons, I conclude today my official visit to the Dominican Republic that took place from 28 February to 10 March 2023, at the invitation of the Government. Pursuant to the mandate established by the United Nations Human Rights Council in 2013 and most recently renewed in 2022, I am tasked to report and advise on progress, opportunities and challenges in realising the human rights of older persons worldwide.

I would like to express my sincere appreciation to the Government of the Dominican Republic for its invitation, in a spirit of cooperation and dialogue, to assess the level of enjoyment of all human rights by older persons pursuant to international human rights law and standards, and the existing needs and challenges experienced by this group within the country.

During these 11 days in the country, I visited Santo Domingo and the provinces of Elías Piña and San José de Ocoa. I had the privilege to have an exchange with the President of the Dominican Republic Luis Abinader. I also met with the Vice-Minister of Foreign Affairs for Multilateral Affairs, the Vice-Minister of Planning and Women's Development, other relevant Government officials at national and provincial level, the Inter-Institutional Commission of Human Rights of the Ministry of International Relations, the vice-president of the Senate and president of the Commission on justice and human rights, the Ombudsperson, the president of the Commission on health of the Senate, the Human Rights Commission of the Chamber of Deputies, representatives of United Nations (UN) presences, doctors, community leaders, academics, faith leaders, civil society organizations, and older persons from different communities and backgrounds. I visited several care homes and day care centres in the capital and the provinces, as well as a correctional centre.

I would like to particularly thank the Ministry of Foreign Affairs, the National Council of the Ageing Person (CONAPE), the United Nations Resident Coordinator and his office, UNDP, UNFPA, as well as the rest of UN Country Team in the Dominican Republic and the UN Office of the High Commissioner for Human Rights in Geneva for their considerable support that led to the success of my visit. I want to express my gratitude to everyone I met for taking the time to share their knowledge and views with me.

This visit was the opportunity to commemorate and honour the work of Dominican Ambassador Julia Tavares de Alvarez, a pioneer for the visibility of older persons at the United Nations to whom we owe, among other achievements, the UN Day of Older Persons celebrated on 1 October. I commend the role played by the Dominican Republic at the United Nations in support of the enjoyment of all human rights of older persons, as well as its continuous participation in the UN

Open-Ended Working Group on Ageing. I strongly encourage the Government to support the elaboration and adoption of an international Convention on the Human Rights of Older Persons.

The observations that I am presenting today are preliminary and non-exhaustive findings. They will be followed by a more comprehensive report presenting my analysis under applicable human rights law and a series of recommendations to the State and relevant stakeholders, which will be presented to the Human Rights Council in September 2023.

Context

The population in the Dominican Republic is still relatively young (45% of the population was 24-year-old or younger in 2020), even though demographic change has reached the Caribbean region. The ageing population increases (6,29% of the population was 65 years and older in 2020), which has profound effects on the Dominican Republic and gives rise to growing concerns in terms of human rights linked to ageing.

The country's socioeconomic landscape has been severely impacted by COVID-19 containment measures. The Government declared a state of emergency in March 2020 and continued to extend it throughout the year. Despite the challenges raised by the pandemic of Covid-19, the economy strongly recovered in 2021 and the country has experienced remarkable and continuous economic growth over the past 25 years. Yet, inequalities are still prominent in the country and a large part of the population, including older persons, lives in poverty and experiences food insecurity. I have learned that many older persons are provided with food packages from the Government or civil society to get healthy nutrition because they have to decide if they spend their money for food, medication or housing. Furthermore, the constant threat of climate-related events also constitutes a considerable challenge for the country, including for the enjoyment of all human rights by older persons.

I was reassured during the mission that the Dominican society cultivates a culture to care for older relatives in the family. Parents will typically stay in the house of the daughter or the son, although women are the main care providers.

Collecting data on older persons is essential to inform adequate and effective public policies and programmes. The National Office of Statistics conducted a census in 2022, for which the results are not yet known. I recall that data on older persons should be disaggregated by age groups and other factors, such as gender. Older persons are a very diverse group, with different needs and lived realities that must necessarily be taken into account in the legal architecture and policy-making to improve the situation of all older persons in the country and leave no one behind.

Institutional, legal and policy framework

All stakeholders that I have met have consistently underlined the progress made by the current Government towards a better protection of older persons in the country. With the appropriate allocation of resources and political will, I am confident that the institutional framework currently in place is a good basis to undergo the necessary improvements that the Dominican Republic needs to achieve to ensure the full enjoyment of the human rights of older persons.

The National Council of the Ageing Person (CONAPE) is the main governmental agency in charge the implementation of public policies in relation to older persons in the Dominican Republic. It has a coordinating role among other ministries and governmental agencies, and is also collaborating with civil society organisations and other key stakeholders, such as service providers. CONAPE is also the agency responsible for designing national policies regarding older persons. It was created in 2007 under the law 352-98 on protection of older persons (1998), which establishes procedures for the comprehensive protection of persons of 65 years of age and older. CONAPE offers an institutional setting that would allow the Government to strengthen its efforts to promote and protect the rights of older persons to an active, productive and participatory life, where their dignity, freedom, family and community coexistence, recreation, culture and equality are respected.

I want to congratulate the Government of Dominican Republic on its National plan on human rights (2018-2022, that is in the process of being extended to 2024) which already includes a chapter on the human rights of older persons. I would like to encourage the Government to develop, strengthen and implement this chapter. In this context I also want to express my full appreciation that the Dominican Government is in the process of ratifying the Inter-American Convention on Protecting the Human Rights of Older Persons (A-70). The ratification of this convention will give guidance on strengthening the human rights of older persons in the Dominican Republic in the near future and could be used as a basis to update and reform the law 352-98 on protection of older persons. This legal framework would also inform a future national plan on older persons and would be a helpful tool to support its implementation.

Ageism and age discrimination

Law 352-98 on protection of older persons refers to older persons as “the segment of the population that requires the greatest attention” and prohibits age discrimination as well as discrimination of older persons based on health, religion, political beliefs or ethnic origin. During my visit, all national and local government representatives have insisted on the importance of providing services without discrimination based on age. However, there is a general lack of understanding of the concepts of ageism and age discrimination, which were largely ignored in my conversations with Government officials as well as civil society. In many sectors such as employment, housing or education, anecdotal evidence suggests that older persons face specific barriers due to their age. However proper data collection and analysis is needed to assess the extent of the phenomenon. The information gathered could inform public policies such as investing in social housing dedicated to older persons – which are currently crucially lacking – as well as increasing resources dedicated to the education of older persons in rural areas.

The healthcare system is one of the most visible spaces in which older persons face structural age discrimination in the Dominican Republic. In most of my meetings with older persons, they claimed that medication is far too expensive in the country, and they explained that their health insurance stopped covering the costs of their medication once they retired. For instance, an older lady who was taken care of by her daughter told us that she has to travel a long distance to see her doctor and that she is in need of financial support from her family to be able to buy her medication.

I would recommend assessing these structural barriers in the law and providing older persons with the same access to healthcare on an equal basis as other age groups of the population.

Social protection and pensions

The right to social security for all persons is enshrined in Article 60 of the Constitution, which also states that social security should be developed to “ensure universal access to adequate protection in sickness, disability, unemployment, and old age”. Law No. 87-01 (2001) created the Dominican Social Security System which includes a contributive regime (contributions from the employer and the worker), a solidary regime (contributions by the State), and a mixed regime which has not yet started. Benefits under both schemes in effect include old age, disability and survivors' insurance, as well as family health insurance; whilst the contributive regime also includes occupational risks insurance. Old age pension is available for persons from 60-year-old who are no longer in a payroll, however it is not suppletive to a disability pension as the latter is only available to workers currently employed.

Solidary pensions are provided by the State to older persons who do not have any source of income. The pension is equivalent to 60% of the minimum wage: 6,000 Dominican pesos (108 USD) effective in 2020. Over 20,000 persons currently benefit from solidary pensions created in 2020, and 20,000 additional beneficiaries are expected to receive it in 2023. I salute the efforts of the Government to expand this system which, however, still falls short of covering the large number of older persons that live in poverty and extreme poverty. Despite the progress made, a large part of the older population in the Dominican Republic remains completely excluded of any pension system because they worked in the informal economy or are undocumented.

Due to the lack of universal pension, older persons often continue to work after the retirement age. In 2020, 36% of persons over the age of 60 years in the Dominican Republic were still working. Older people generally find themselves in insecure, low-productivity jobs or in informal employment. In 2018, 63 % of the population aged 60 years and older were working under these conditions,¹ which made them particularly vulnerable during the Covid-19 pandemic. I strongly recommend to the Government to reform its social security legislation in order to implement a universal pension system which would effectively protect the constitutional right to social security for all older persons.

Access to healthcare services

Despite significant progress regarding access to healthcare and health insurance, inequalities also exist in relation to these aspects. In 2016 more than 20% of persons older than 60-year-old did not have an insurance, 30% had a private insurance and around 40% were covered by the public health insurance. The same year, the out-of-pocket health care spending amounted to 45% of the total healthcare spending in the Dominican Republic.²

¹ CEPAL, Covid-19 y sus impactos en los derechos y la protección social de las persons mayores en la subregion, p. 30-31, [COVID-19 y sus impactos en los derechos y la protección social de las personas mayores en la subregión \(cepal.org\)](https://repositorio.cepal.org/es/publicaciones/COVID-19-y-sus-impactos-en-los-derechos-y-la-proteccion-social-de-las-personas-mayores-en-la-subregion).

² Ibid, p. 36-37.

The National Health Insurance (SENASA) provides a contributive system and a subsidized scheme. As long as they possess identity documentation, all older persons receiving a pension but also those who were working in the informal economy are enrolled in SENASA. They receive primary care for free and can get their medication in public pharmacies which are much cheaper than regular pharmacies because they only sell derivatives. However, SENASA only reimburses medication up to a threshold of 8,000 pesos per year under the contributive system. Furthermore, some medications do not have any derivatives available, therefore they cannot be bought in public pharmacies. Because the prices of medication are high and are not covered by the health insurance for pensioners, many older persons told me that they have to spend a lot of money on their medications or cannot even afford them. As soon as they receive a pension or do not have a payroll, older persons are no longer covered by their regular health insurance and are automatically enrolled in SENASA. As such, I heard testimonies of older persons who had a better health insurance coverage when they were working than when they retired and needed it the most, with no possibility to change to another health insurance provider. It would be highly recommended that the Government offers the opportunity to older persons who wish so to change their health insurance provider and raises the threshold of medication reimbursed by SENASA.

The management of the pandemic of COVID-19 in the Dominican Republic generally shows positive results, with a constant decrease of positive cases in the country. Older persons were considered a priority group in the inoculation campaign and, as such, vaccines were provided in care and nursing homes and CONAPE also opened vaccination centres specially dedicated to this age group. Additionally, a door-to-door service was provided to families to vaccinate older persons at home, in an effort to mitigate geographical inequalities in accessing healthcare. I encourage the Government to continue its efforts regarding the management of COVID-19 and other diseases, and to strengthen its existing cooperation with its Haitian counterparts to disease prevention and mitigation because of the risk of rapid spread across the border, due to the land borders between the two countries.

Care and support services

The Dominican Republic possesses numerous care homes for older adults, most of them run by the Catholic Church. These institutions take care of older persons who have no place to stay, who cannot get enough support to live by themselves, or do not have family members who can take care of them. Some institutions have a long waiting list, attesting the existing need for such services. According to all civil society organisations in charge of care homes that I have met, CONAPE's support in the past years has been instrumental in making sure that they can continue to operate while also reinforcing their capacities. Older persons in care institutions that I had the opportunity to visit have access to health care, including physical therapy, recreational activities, as well as rehabilitation services. On a more contrasted side, I have serious concerns about the lack of privacy suffered by older persons in these institutions, which only comprise collective rooms or dormitories, as well as the de facto deprivation of liberty since they are not able to leave the premises. Institutionalisation, especially for older persons with dementia or psychiatric health issues, currently seems to be without an alternative despite such alternatives exist for the rest of the older population.

Day care centres are an alternative to such institutions and I was pleased to see that the Government is currently developing these services. I had the chance to visit CONAPE's model day care centre in Juan Bosch, which is very well equipped and resourced. From 2021 to 2022, 9 new day care centres have been created in different provinces, and 2 new permanent homes are expected in Villa Tapia and Las Matas de Farfán.³ A number of old age day centers already existed before, but it was stated that most of them operate in precarious technical and financial conditions.⁴ Most of them are run by local NGOs and I could witness that, despite CONAPE's support, they do not have enough means and funding to support all older persons in need in their neighborhood.

CONAPE also put in place other types of foster care that are alternatives for institutionalisation, such as the program "Familias de Cariño", which consists in identifying families in each neighbourhood, especially those made up of single women and older persons, that the Government will support access to comprehensive services for the care of older adults. I had the opportunity to see two modalities of this program in two different settings.

I congratulate the Government for having already developed alternative solutions to institutionalisation and I recommend to provide sufficient resources and budget to increase the coverage and the development of more alternatives, including day care centres run by non-governmental organisations both in urban and rural areas, and to the expansion of CONAPE's "Familias de Cariño" program. In addition, it is indispensable to design alternatives to institutionalisation for older persons with cognitive impairment like dementia.

Older persons in particularly precarious situations

The Dominican Republic is regularly affected by environmental disasters with increasing occurrence and force due to climate change, such as droughts, floodings, hurricanes, and storms. I was informed that older persons are a priority group in the Government's emergency response, and that they receive support to be transferred to shelters and halfway houses, which are typically schools, churches or community centers. Information about the emergency response is communicated at the local level via a number of channels, which generally seems to reach out older persons in the community.

Older persons in poor neighborhoods or slums are hit the most by natural disasters, due to the location of these habitations in areas prone to floods and drought, flimsy materials used to build their houses and more generally their precarious living conditions. Yet, I was informed that they do not always benefit from the full scope of the Government's emergency response and often do not get additional support to rebuild their habitation. Environmental disaster response must support older persons in vulnerable situations, including older women, older persons in poverty, older migrants, and national undocumented older persons.

Intersectional discrimination

³ [Gobierno ha impactado y mejorado la calidad de vida de más de 510.000 adultos mayores con más de 8.8 millones de servicios | Presidencia de la República Dominicana.](#)

⁴ Huenchuan, S. et al, 2006: Escenarios futuros de políticas de vejez en República Dominicana: la persistente demanda por derechos básicos, p. 23, [Microsoft Word - LCW.103.doc \(cepal.org\).](#)

Age aggravates inequalities for all persons in vulnerable situations. Being in the Dominican Republic on International Women's Day offered me the opportunity to highlight the situation of older women in the country. Although the situation is rapidly changing, women in the Dominican Republic are typically less educated than men and taking care of the family whilst men are traditionally the breadwinner. As such, women have less access to formal work and therefore to pensions in later life, leaving older women in particularly vulnerable socioeconomic situations.

Older persons with disabilities were mentioned on several occasions but there are still some information missing on the number of older persons who have a disability and the criteria to fulfill the category of a disability. I was pleased to receive information about a governmental program providing older persons with limited or reduced mobility with a walking stick or a wheelchair for free. Many older persons and their family members do not seem to be aware of this program, thus I encourage the Government to bolster its efforts to increase the coverage of this programme, and to collect additional disaggregated data and expand its communication strategy regarding the rights of older persons with disability.

I have been informed about specific barriers and challenges faced by older migrants residing both regularly and irregularly in the country. I also received credible information about older migrants who were regularly working in the Dominican Republic but whose temporary permits were not renewed and are now facing huge difficulties as they cannot work, receive a pension or any other benefits. The dire situation of older persons who are working, or used to work, in the sugarcane industry and live in the *bateyes* is of particular concern. As a national social pact is being considered in the country, it is important to take into consideration the situation of older persons who are already living in the Dominican Republic and are suffering the most. I encourage the Government to take a human-centered approach in relation to these issues to ensure that all older persons may enjoy their full human rights.

Older persons with diverse sexual orientation and gender identity are also facing a number of specific challenges in relation to access to employment, social security, healthcare, and care services. Often excluded from the formal employment market, many of them have always worked in the informal economy, thus cannot access to pensions and other benefits, and living in situations of poverty that worsen as they get older. According to the information that I have received, this is particularly the case for trans and intersex older persons. As the Government is making efforts toward the inclusion of older persons in all their diversity in the design and implementation of its legislation and public policies, a better understanding and consideration of the specific needs of this segment of the older population is still necessary.

Violence, abuse and neglect

CONAPE reported a total of 2,483 cases of discrimination, abuse and mistreatment of older persons between 1 January 2017 and 11 November 2021.⁵⁰ The records of CONAPE shows evidence of psychological, physical, economic, sexual, and patrimonial violence, as well as mistreatment by negligence and financial abuse. 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, generating a situation of partial or total dependency that makes them more vulnerable to this kind of action.

Law No. 352-98 protects older persons from harms by negligence, exploitation, violence and attacks, while the penal code sanctions the abandonment of older persons who cannot protect themselves. During my visit I have been informed that a number of stakeholders are requesting the reform of the law on domestic violence against women to include older women, which would be an important progress. These laws are basis for the protection on all forms of violence, abuse and neglect but a legislation focusing specifically on prevention, protection, remedies and redress for older persons would make it easier for the victims to claim their rights. I also strongly recommend the creation of specific shelters and safe spaces where victims of old age could stay when they need to leave a violent or abusive environment.

Conclusions

As I have mentioned at the beginning of my statement, my remarks today are of a preliminary nature and do certainly not cover all issues in a comprehensive manner. I will further analyse the information received in connection with my visit and elaborate on my findings in my report to the Human Rights Council presented in September 2023.

The country mission was very informative, and the exchanges with the Government and other stakeholders were conducted in a cooperative and open manner. I congratulate the Dominican Republic to have improved the situation for older persons through the coordinating powers of CONAPE as a focal point for policies on older persons. I would encourage the government to strengthen the participation of older persons in all their diversity in decision-making processes. This is crucial to ensure that those in the most vulnerable situations also get the possibility to be heard, that they are not left behind and that their needs are taken into account.

I would like to reaffirm my commitment to continue the dialogue with the Government of the Dominican Republic and that I look forward to the opportunity working with the relevant authorities in a spirit of cooperation on ensuring that all older persons can fully enjoy their human rights in the country.

Thank you for your attention.