Challenges to the autonomy and interdependent rights of older persons

Report by the secretariat
Structure of the presentation

- **The path:** From Santiago (2003) to Asunción (2017)
- **The data:** Population ageing and characteristics of older persons
- **The concepts:** A new approach to ageing, older persons and their rights
- **Persistent and emerging problems**
- **The milestone:** The Inter-American Convention on Protecting the Human Rights of Older Persons
- **Final reflections**
The path

1. First Regional Intergovernmental Conference on Ageing (Santiago, 2003): *Regional Strategy for the Implementation in Latin America and the Caribbean of the Madrid International Plan of Action on Ageing*

2. Second Regional Intergovernmental Conference on Ageing in Latin America and the Caribbean (Brasilia, 2007): *Brasilia Declaration*

3. Third Regional Intergovernmental Conference on Ageing in Latin America and the Caribbean (San José, 2012): *San José Charter*


5. Fourth Regional Intergovernmental Conference on Ageing and the Rights of Older Persons in Latin America and the Caribbean (Asunción, 2017)
Position of the countries in the demographic transition

Latin America and the Caribbean: total fertility rate and life expectancy at birth, 2015-2020

(Children per woman and years)
Convergence towards a similar demographic regime

1980
Convergence towards a similar demographic regime

2010
Convergence towards a similar demographic regime

2040
Convergence towards a similar demographic regime

2070
The emergence of aged societies

(Millions of persons)
The emergence of aged societies

(Millions of persons)
The emergence of aged societies

(Millions of persons)
The emergence of aged societies

(Millions of persons)
The number of older persons will continue to grow in absolute and relative terms.

**Latin America and the Caribbean: number and proportion of persons aged 60 or older, 2017-2060**

(Millions and percentages)

Source: Economic Commission for Latin America and the Caribbean (ECLAC).

![Graph showing population growth](chart.png)
The cohorts joining the older population are increasingly educated.
Older persons are remaining economically active, although women’s economic participation is relatively smaller.

Latin America (17 countries): participation rate of the population aged 60 and over by sex, around 2014

(Percentages of the economically active population aged 15 and over)
A high percentage of older women have no independent income

**Latin America (15 countries): persons aged 60 or older with no income of their own by sex, around 2014**

*(Percentages)*

![Bar chart showing the percentage of older women and men with no independent income in Latin America (15 countries) around 2014. The chart indicates that women have a higher percentage of no independent income compared to men across the region.](image)

*Weighted average.*
The concepts

- **Dignity**: fundamental basis of the architecture of rights of older persons
- **Autonomy**: beyond welfarist and fatalistic visions of old age
- **Protection**: guarantee and enforceability of rights
- **Entitlement**: empowerment to exercise and demand rights
- **Universality-specificity**: binding legal instrument to catalogue, specify and guarantee rights
Persistent and emerging problems

Main issues noted by the countries

– Care
– Awareness-raising
– Health
– Social security
– Discrimination
– Mistreatment
– Others: food insecurity, access to justice, housing, accessibility of public spaces, access to information and decision-making, participation and identity
Persistent and emerging problems

- Emerging issues
  - Access to credit
  - Palliative care

- Unmet commitments
  - Right to a life free of violence
  - Long-term care
Inter-American Convention on Protecting the Human Rights of Older Persons

➢ Process of preparation
  – Conceptual debates
  – Technical discussions
  – Political decisions

➢ Current ratification process
  – Five countries to date
  – Legal implications
  – Follow-up mechanisms and procedures
Recognition of age as an additional source of discrimination

Classic definition (race, sex, language, religion, etc.)

Age

Multiple (age+woman, gender, disability, migrant, indigenous, etc.)

Discrimination
Catalogue of rights of older persons

Inter-American convention on Protecting the Human Rights of Older Persons

Triple dimension

1. Emerging rights
   - Right to life and dignity in old age (art. 6)
   - Right to independence and autonomy (art. 7)
   - Rights of older persons receiving long-term care (art. 12)

2. Existing rights
   - New interpretations
     - Equality and non-discrimination for reasons of age (art. 5)
     - Free and informed consent on health matters (art. 11)
     - Safety and a life free of violence (art. 9 and 10)
   - Broadened content
     - Right to work (art. 18)
     - Right to health (art. 19)
     - Access to justice (art. 31)
     - Right to education (art. 20) and to culture (art. 21)
     - Right to a healthy environment (art. 25)
     - Right to recreation, leisure, and sports (art. 22)

3. Extended rights
   - Right to accessibility and personal mobility (art. 26)
   - Situations of risk and humanitarian emergencies (art. 29)
Right to free and informed consent on health matters

Any medical or surgical treatment, procedure, or research

Possibility to expressly indicate prior will and instructions

Exception in cases of life-threatening medical emergency
Final reflections

1. Change of approach to older persons and old age
2. Increasing visibility and greater protagonism of older persons and their organizations
3. Advances on various fronts
4. Many problems persisting
5. New challenges emerging
6. Need to protect advances and continue to make progress