

Report by the secretariat on the implementation of the San José Charter on the Rights of Older Persons in the Caribbean

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In preparation for this regional conference, Caribbean member States carried out a subregional review of the implementation of the San Jose Charter. In the same way as in Latin America, a questionnaire was used to gather information about the status of implementation in each country and the responses were analysed by ECLAC. A meeting was held for Caribbean countries and territories in Trinidad and Tobago at the start of June in which participants assessed progress, gaps and future priorities for the implementation of the San José Charter on the Rights of Older Persons in the Caribbean. This morning I will present the conclusions of that process and the outcome, in the form of recommendations which were agreed at the Caribbean preparatory meeting.

Legal and policy frameworks

Since 2012, seven Caribbean States and territories have drafted or adopted national policies on ageing (Antigua and Barbuda, The Bahamas, Barbados, Belize, Cayman Islands, Montserrat, Sint Maarten). Other countries or territories are in the process of reviewing their policy or plan. In some, the policy on ageing has become out of date or never advanced beyond the draft stage.

Out of a total of 25 Caribbean countries and overseas territories, 12 have implemented laws, policies, or strategies on ageing, while there are still 13 countries or territories in the region without a policy framework that effectively addresses ageing and the situation of older persons at the national level.

Further efforts are needed to ensure that all countries and territories have up-to-date national policies on ageing and that, where necessary, legislation is enacted to implement these policies. These policies should have regard to recent developments in the global and regional human rights systems, particularly the newest regional convention, the Inter-American Convention on Protecting the Human Rights of Older Persons.

Institutional framework

Primary responsibility for coordinating the implementation of the policies and strategies on ageing generally lies with ministries of social development (or similar). Some countries have, however, established specific bodies in charge of monitoring the implementation of the policy on ageing and providing advice to governments, for example The Bahamas National Council on Older Persons and the Belize National Council on Ageing. Some countries have established a specific section/division within the Ministry, with responsibility for ageing, for example the Division of Ageing in Trinidad and Tobago.

Participants in the Caribbean preparatory meeting emphasised the importance of having a specific body within government, adequately resourced, responsible for policies for older persons, advocating for their rights and for the mainstreaming of the concerns of older persons across government. Furthermore, their responsibilities should include coordination and reporting on the implementation of international and regional agreements.

Awareness-raising, data, survey and research

Since the last review, many States have conducted awareness raising activities on issues related to ageing, often to mark International Day of Older Persons on 1st October and the Elder Abuse Awareness Day on 15 June. Efforts have also been made to recognise the contribution of older persons to national and community development, for example award ceremonies and recognition of centenarians and nonagenarians. It is also important to disseminate existing laws and policies for older persons across the public and private sector organisations, particularly to those providing public services to older persons, including health and social care professionals, public transport providers, law enforcement officials, as well as among older persons themselves. There also a need for more data, and research, to identify challenges faced by older persons, and to inform policy development

Care

Caribbean countries have extended access to a range of health care services for older persons although demand often outstrips supply and out-of-pocket expenditure accounts for over 30 per cent of total health care expenditure. There is some preferential access to medication, especially for those with chronic diseases or non-communicable diseases; progress in addressing the situation of older persons living with HIV/AIDS; and in supporting older persons with physical or mental disabilities

However, many gaps remain and Governments are urged to promote the right to health by providing a continuum of care, including mental and physical health promotion and preventive care, treatment, rehabilitation and palliative care; to implement programmes for the prevention, care, treatment and management of non-communicable diseases (NCDs), including Alzheimer's and other forms of dementia; and to promote healthy ageing throughout the lifespan in order to reduce the burden of NCDs on the population, the economy, and health services.

There is a need to develop gerontological and geriatric care across health and social care systems in order to meet the needs of older persons; geriatrics and gerontology should be included in curricula at all levels and in nursing and caregivers training programmes; and palliative care should be integrated into medical and nursing curricula. Men should be encouraged to consider careers in the caring professions. Particular attention should be paid to facilitating the access of older persons living in rural, remote, and deprived areas to health care.

Most Caribbean countries have a government run scheme to provide home care services to frail older persons to enable them to continue living independently in their own homes. However, further efforts are needed to extend the reach of these services and ensure a consistent quality of care. In addition, measures should be adopted to support family carers who have to balance care with other commitments, for example through respite care and promoting the equal sharing of care responsibilities between men and women. Similarly, in long-term care settings, regulation and monitoring of care needs to be improved. Standards and codes should protect human rights and there should be training programmes for those working with older persons in public and private institutions.

Existing rehabilitation programmes aimed at helping older persons with disabilities, or age-related functional decline, should be expanded to include the adaptation of their homes, as well as the promotion of alternative types of housing for those in need of care, with the provision of grants, loans or other forms of financing.

Autonomy and Independence

There have been few laws or programme designed specifically to strengthen the autonomy and independence of older persons. Further efforts are needed to guarantee the right to equal recognition before the law, legal capacity, to implement regimes for supported decision-making for older persons with mental disabilities, and the right to participate in all decision-making affecting their lives.

Adequate standard of living and social protection

Many older persons do not have an independent income which provides them with an adequate standard of living. Depending on the country, between a quarter and three-quarters of persons over statutory retirement age receive a social security pension. Those who do not receive a social security pension may be eligible for a non-contributory pension although, in most cases, these provide incomes inferior to national poverty lines. Some receive no pension at all.

Measures should be adopted to establish a social protection floor, including through non-contributory pension schemes, in order to reach those who have worked, or continue to work in the informal sector or as caregivers, with particular attention to older women and older migrants.

The right to work and access to an inclusive labour market

In addition to income security, older persons should have opportunities to work if they so desire. Measures should be taken to enable older persons to continue to work beyond the statutory retirement age if they wish to do so, with the adoption of flexible working hours and flexible retirement arrangements. Information should be disseminated on retirement and retirement planning, including the importance of remaining physically and socially active.

Equality and non-discrimination based on age

Further efforts are also required to adopt legal guarantees of equality for all and combat all forms of discrimination. Age should be one of the proscribed grounds for discrimination in legal, policy and administrative frameworks. Special attention should be given to discriminatory practices against older persons in the labour market; in relation to their access to, ownership, and control of land, property, possessions and natural resources; and access to bank loans, mortgages and other forms of financial services.

Accessibility, infrastructure and housing

Transport and accessibility have been areas where much progress has been made compared to the previous review cycle of five years ago. States have implemented measures to improve the access of older persons to transportation. For example, the Bahamas, Barbados, Belize,

Guyana, Jamaica and Trinidad and Tobago, all have either a reduced-fare scheme for older persons, free transportation, or specialised accessible transportation services.

Further work is needed to improve the accessibility of public buildings and public spaces. Most countries now have building codes which address accessibility although legislation is often not up to date and enforcement inadequate.

Some countries provide support to older persons who need assistance with home maintenance and repairs but more needs to be done to ensure that older persons enjoy adequate housing and are given high priority in the assignment of housing or land, particularly in situations of disasters, emergencies or evictions.

Participation and contribution

In comparison to the last review, Caribbean countries have made significant efforts to establish mechanisms that encourage older persons' participation in decision-making and policy-making. For example, national committees, commissions and councils on ageing have been established which include older persons and representatives of community organisations that work with older persons.

Existing mechanisms should be strengthened to facilitate the full inclusion, integration and participation of older persons in all phases of government decision-making on issues that have an impact on their lives, and promote new forms of participation, with networks of civil society organisations and associations, charity, faith-based organisations and community-based organisations;

Neglect, Violence and Abuse

The issue of elder abuse has received increasing attention in the Caribbean. Dominica and Trinidad and Tobago are both in the process of establishing an integrated system to address reported cases of elder abuse. Some countries have established training in order to strengthen human capacity to detect cases of abuses. Other States have established protective mechanisms, including shelters.

There is a need to raise awareness of all forms of financial, physical, sexual and psychological abuse, violence, abandonment, and neglect. In addition to older persons and their families, key stakeholders include those involved in the justice system and law enforcement, as well as health and social care providers. There should be legal and policy frameworks to prevent, investigate, punish and eradicate abuse, abandonment, negligence, and all forms of violence against older persons as well as practices that infantilise older persons or that jeopardize their safety and integrity.

Access to justice

The San José Charter recognises that access to justice is an essential human right and the fundamental instrument for guaranteeing that older persons are able to exercise and effectively defend their rights. It was generally acknowledged that the present mechanisms are inadequate to present, investigate and resolve complaints regarding the compliance with laws and rights violations.

Measures should be implemented that will improve older persons' access to justice through legal aid and counselling, alternative dispute settlement mechanisms and mediation processes. Efforts should be made to raise awareness of the rights of older persons throughout the justice and law enforcement systems as well as among older persons themselves.

Emergency and disaster risk management

The San José Charter also draws attention to the vulnerability of older persons in emergency situations and disasters, and recommends Member States to include the contribution of, and the needs of, older persons in disaster preparedness, relief, post-emergency or post-conflict plans, providing preferential treatment.

Several good practices have been implemented by Caribbean States. For example, in Trinidad and Tobago, the National Policy on Ageing includes a specific priority on disaster preparedness. This encompasses actions, personnel and amenities needed for shelters and coordinated responses to the needs of older persons, with particular attention to those with dementia and infirmity. The new Homes for Older Persons Legislation requires biannual evacuation drills that should be conducted in collaboration with emergency response personnel.

Education, training, lifelong learning and capacity-building

Older persons should enjoy the right to education and continuous learning but only a few countries have developed lifelong learning programmes for older persons. In Barbados, the Unique Helping Hands Senior School was opened in 2012. The School serves retired and independent persons aged 50 and over and offers programmes in areas such as information technology, arts and craft, music and foreign languages. More needs to be done to promote access to lifelong learning.

Conclusions

Caribbean Member States remain committed to addressing the issues of ageing and protecting the rights of older persons. This has been illustrated by the adoption of National Policies on Ageing and the establishment or strengthening of institutions. Nevertheless, the human rights-based approach, which was emphasised in the San José Charter, has yet to be entirely adopted. There is still a dispersion of measures to protect the rights of older persons at the national level, and they are often focused on specific issues, mainly in the area of health and social care, without considering the whole spectrum of human rights. Less attention has been paid, for example to, safeguards for free and informed consent for medical treatment, decision-making, legal capacity, access to justice and rights to culture. Policies and programmes also need to consider more explicitly the heterogeneity of older persons, specific groups of older persons, including older women, older migrants, LGBTI older persons, those belonging to ethnic, religious and linguistic minorities, those living on the streets or those who are deprived of liberty.

The 2030 Agenda for Sustainable Development serves as a road map for development that leaves no one behind. The further implementation of the Madrid Plan and the San Jose Charter will form an important contribution to the achievement of the Sustainable Development Goals and the realisation of human rights for all.