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**THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS:
Instruments and Obligations of States in relation to older
people**

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1. What are the economic, social and cultural rights?

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- Social rights secured to all persons able to meet their basic needs to enable it to exercise freedoms while
 - **Economic rights:** the right to food, housing, employment and income
 - **Social rights:** the right to social security, physical and mental health
 - **Cultural rights:** the right to education and the rights of minority groups (Schultz, 2002)
- Economic, social and cultural (RESC) can be individual or rights to be exercised and enjoyed by groups of people.
- They are recognized in international instruments as well as in the American human rights system

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In the international system of human rights, the International Covenant on Economic, Social and Cultural Rights recognizes, inter alia, the following rights to all human beings:

Equality between
men and women

Right to Work

Right to
social security

Right to an
appropriate
level of life

Right to health
physical and mental

Right to Education

Right to life
cultural and
benefit of scientific

The American human rights system, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (San Salvador Protocol), provides, inter alia, the following rights

Right half
Healthy Environment

Rights protection
of older persons

Rights of children

Rights protection
of People
with disability



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3. Obligations of States towards RESC

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OBLIGATION TO RESPECT

Requires States to refrain eating in the enjoyment of rights economic, social and cultural

OBLIGATION TO ENSURE

It requires States to oppose the violation of these rights by third

OBLIGATION TO MEET

It requires States to take laws, administrative, budgetary, judicial and other measures towards the full exercise of these rights



4. Older people and the economic, social and cultural

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There is widespread recognition of the elderly as a group of special interest

- Some communities suffer disproportionate harm on any human rights violation, for example, areas of low income, the disabled, the elderly, among others (Maastricht Guidelines, 2000)
- The Committee on Economic, Social and Cultural Rights is of the opinion that States Parties to the Covenant are obligated to provide special attention to promoting the protection of economic, social and cultural rights of older persons (CESCR, 1995)

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Equal rights for men and women (Thirth Article)

Create non-contributory benefits or other assistance for all people regardless of their gender, lacking the resources to achieve a age specified in national legislation.

Right to work (Articles 6, 7 and 8)

- Take steps to avoid discrimination as a matter of age in employment and occupation
- Ensure safe working conditions to retirement
 - To employ older workers in circumstances to make better use of their expertise
- Launch preparations retirement programs.

Right to social security (Article 9)

Establish general schemes for insurance compulsory old age

Establish a flexible retirement age

Provide non-contributory old-age benefits and other aid to all people without income from another source.

The right to family protection (Article 10)

Create social services to support family where there are elderly people at home

Special measures for families of low incomes who wish to maintain in the home to the elderly.

Right to an adequate standard of living (Article 11)

Developing policies that support life on their homes by improving and adaptation of their homes.

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Right to physical and mental health (Article 12)

Making health interventions aimed at maintaining the health in old age with a life cycle perspective

Right to education and culture (Article 13)

Access to different levels of education

Facilitating literacy, lifelong learning and access college

Promote programs based unstructured
community and recreation oriented

Establish education programs for people
higher the teachers and transmitters and cultural knowledge.

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Conclusiones

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- The adoption of an International Convention for the rights of older persons would:
 - **specify the** economic, social and cultural context of aging and identify new rights to be protected in the current demographic scenario (eg care)
 -
 - **eliminate** the **enormous** variation that exists today, and to clarify any ambiguities in relation to the recognition of economic, social cultural rights of older persons
 -
 - **enhance** the level of **supervision** and international **promotion** of the practice of States and international organizations with respect to economic, social and cultural
 -
 - provide a sound **regulatory framework** for the design and implementation of specific national and international policies based on a human rights approach in the field of economic, social and cultural
- (spanish) <http://www.cepal.org/celade/envejecimiento>

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