

TOWARDS A UNIVERSAL CONVENTION / REGIONAL
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
OF THE ELDERLY



Pan American Health Organization 2009

MANDATES, AND STANDARDS INTERNATIONAL LEGALLY BINDING INSTRUMENT

- United Nations Principles;
- Madrid Action Plan;
- Brasilia Declaration;
- International Covenant on Economic, Social and Cultural Rights;
- International Covenant on Civil and Political Rights;
- The Convention on the Elimination of All Forms of Discrimination against Women;
- The Convention against Torture;
- The Convention on the Rights of Persons with Disabilities, and
- Protocol of San Salvador



MANDATES, AND STANDARDS INTERNATIONAL LEGALLY BINDING INSTRUMENT

- Declaration of Commitment of Port of Spain (Official Third Meeting of Plenipotentiaries, 2009, Trinidad and Tobago);
- Declaration on Human Rights and Seniors (OAS General Assembly, 2009);
- Health Action Plan of elderly and Resolution CD 49 / 8 (PAHO, 2009) and
- Principios y buenas prácticas sobre la protección de las personas privadas de libertad en las Américas (CIDH, Resolución 1/08)



San Salvador Protocol

- Article 17, Protection of the Elderly: "Everyone is entitled to special protection in old age. In this role the States Parties undertake to take progressively the necessary steps to make this right in practice and in particular:
 - a. Provide suitable facilities, as well as food and specialized medical care to the elderly who lack them and are not able to provide them for themselves ... "



A CONVENTION Basic section of the UN / OAS

- Purpose and Scope of the Convention;
- Definitions: aging process, age discrimination, affirmative action, measures of protection; abandonment, abuse or maltreatment (physical, psychological and economic), ability to make decisions informed consent, palliative care, economic exploitation, long-stay institution, body review, health worker, legal representative and the personal representative.
- General Principles;
- General limitation clause;



- Elements of the Convention: Obligations of States parties, equality and non discrimination, human rights and fundamental freedoms in general, rights of particular interest to older people-specific areas-(to live in the community, accessibility to social services and rights and fundamental freedoms of institutionalized persons, ethnic groups, women and humanitarian situations / emergencies);
- Rights of institutionalized long-term care: Admission procedures and periodic review procedures on informed consent and the procedures for cosentimiento informed decision making



Mechanisms for monitoring, evaluation and monitoring: Guidelines to implement mechanisms and measures to protect national universal mechanisms and / or regional protection and enforcement of the rules of the Convention



SOME HUMAN RIGHTS AND FREEDOMS

- Life and dignity at the end of life;
- Physical, mental, and emotional;
- A freedom from abuse;
- Prevention against torture and other cruel, inhuman or degrading treatment;
- Freedom and personal security;
- Freedom of movement;
- Privacy;
- Freedom of expression (access to information);
- Accessibility;
- Equality before the law;



- Access to justice and due process;
- Participation in political life;
- Labor;
- Social security and retirement
- Priority attention;
- Protection of the family;
- Participation in cultural life;
- Recreation;
- Education;
- Housing and
- Healthy Environment



FUNDAMENTAL SERVICE LONG STAY (PROTOCOL, IACHR BRASILIA and Observation 6)

- Private or governmental institutions;
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- Community-based programs private or governmental;
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- Private or government housing programs and
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- Elderly persons incarcerated in prison serving a sentence or detained in the course of criminal proceedings



- Obligations of states and actions to be taken;
- Procedures for registration of institutions offering long-term care and
- Human rights and freedoms protected in these institutions
- Examples:
- Provisions regarding the limitation of rights and prohibitions in relation to these constraints (Siracusa Principles, ICCPR and American Convention);
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- Right to equality before the law: recognition as subjects of law, participation in committees with voting rights, maintenance of their independence, make their own choices and change your preferences
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- Right to life and personal integrity: protection against isolation, overcrowding, malnutrition, abuse and economic exploitation or sexual abuse, threats of abandonment, intimidation by gestures or words, neglect of hydration, nutrition or personal hygiene intentionally or abandonment elderly person in bed (injured), receiving palliative measures to relieve pain and quality of care at the end of life.
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- Right to personal security: making decisions and accept or refuse treatment voluntarily and without coercion, assistance or medical or scientific experiments; right to his ability to make decisions to be evaluated professionally and in case of disability it is revised periodically;
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- Freedom of thought and expression information on all your rights and applicable law, what happens in the establishment of long-stay and community to which he belongs, right to the press, access to radio, TV, information from the outside world through magazine and receive items for daily life, express your opinions (comments) in relation to life on the premises;
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- Right to judicial protection and legal guarantees are Crucial in the context of legal capacity, provision of informed consent to enter establishments, appointment of personal representatives, hearings before review bodies, assignment of counsel and appeals courts.



RIGHT TO HEALTH OF THE ELDERLY / OLDER

- Minimum measures:
- Develop legal frameworks and enforcement mechanisms for the protection of elderly care services in long term;
- Promoting cooperation to States Parties concerning the design of strategies to implement plans on health and aging;
- Formulate strategies that integrate environmental and personal behaviors saludables throughout the life cycle to achieve healthy aging;
- Prevention and management of chronic diseases and other health problems;
- Establishment of quality services;
- Strengthening health systems based on primary care;
- C. Strengthening technical health authority



TOWARDS AN INTERNATIONAL CONVENTION TO PROTECT HUMAN RIGHTS OF THE ELDERLY



Translation: Javier Miles Avello
Ingeniero en Informática
jmiles@senama.gov.cl
SENAMA



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