

A Report on the Status of Older People's Rights in Latin America

Luz Barreto

January 2009

A Report on the Status of Older People's Rights in Latin America

1. Executive summary

Latin America is a region of contrasts. Great wealth in the hands of the privileged few coexists next to populations living in poverty and extreme poverty. It is considered to be one of the regions with the most social and financial inequality in the world.

The region is undergoing a sustained ageing process, the rate of which differs in each country. In recent years the theme of ageing has had a greater presence on governments' agendas, but it is not always the case that policies catering for the specific needs and rights of older people are implemented. The Latin American states have signed up to many agreements, treaties and international conventions, including those dealing with human rights, which have become an institution in the region. However, specific monitoring of the human rights situation of older people is practically non-existent. Few countries have human rights plans which include specific sections on older people. What does exist is a tendency to develop specific legislation, national plans on ageing and, in some countries, social policies and programmes, but generally this is without the corresponding budget allocation needed for implementation.

A review of the situation regarding health, social protection, age discrimination, gender and ethnic origin reveals just how neglected the rights of most older Latin Americans are. There is also a lack of awareness among the older population of their rights and the instruments in place to protect them, and in the majority of cases accessible mechanisms through which older people can channel complaints about human rights abuses either do not exist or are not well known.

In many countries, older people are not considered a priority group for public spending. Socially, older people are considered to be worthless and in general there is a lack of awareness of the ageing process and its social, political, cultural and financial implications.

Some sectors of civil society are active in the field of social gerontology, as are a growing number of older people's associations, on a national level. However, in many cases there is a lack of coordination because some are active in local, regional or national planning, and in other cases because the members are a mixture of pensioners and non-pensioners. A few years ago the Continental Network of Older Leaders was set up, with representatives from 13 countries and it is gaining recognition in important arenas such as intergovernmental meetings. To varying degrees, non-governmental organisations and associations, and international networks in the ageing field, contribute to the promotion of rights within their societies. Some of these sectors are monitoring the implementation of the recommendations that were made in the Madrid Plan of Action on Ageing.

2. Methodology

In writing this report, there has been a review of the literature and documentation related to human rights in the region, analysis of the situation of older people on a regional and national level, existing guidelines, conversations with specialists in human rights generally and those specialising older people's rights. This includes conversations with older people who are leaders in the region, and who have a good knowledge of the everyday reality for older people and the obstacles or gaps that they encounter in accessing their rights.

3. Key findings

- The older population, especially women, are living longer but little attention is paid to their particular needs and rights. They are not prioritised in the social spending plans of Latin American governments.
- Older people were severely affected by structural adjustment models. Many of them lost their jobs and others saw their work benefits cut, but no measures were put in place to alleviate these impacts. The reform of pensions systems also affected them. Most are excluded.
- Poverty, lack of protection, exclusion and discrimination due to age, ethnicity or gender are a fact of life for most older Latin Americans.
- In many cases, governments are progressively focussing on rights. Historically, human rights had a greater presence among the civil society sector, although this has tended to take place within the political environment. There is an inclination to relate it to daily life: health, income, education, etc.
- There exists an Inter-American Human Rights System and an Inter-American Human Rights Committee. Likewise, the ESCR Committee at the UN fulfils the role of monitoring rights compliance in these countries. Jurisprudence and the recommendations of the Inter-American system are lacking any detail on the human rights of older people specifically.
- What is certain though, is that older people know little about these bodies and mechanisms so are unlikely to report any human rights violations this way.
- There have been significant legislative advances but they have not been applied in practice. There are many obstructions within the judicial bodies that implement the law. Indigenous communities are protected by law but they feel that they are discriminated against.
- Social violence due to drug trafficking and gangs of youths (the latter especially in Central America) has led to a deep sense of insecurity among citizens, with older people being the main victims.
- Forced displacement of older people due to political unrest means that their specific needs are not met and they have little opportunity to recover their livelihoods. Statistics do not reflect the situation of older people.
- Migration has left older people abandoned or looking after grandchildren. Little is being done to deal with this problem.
- In spite of Latin America's extreme vulnerability to natural disasters, the specific needs, contributions and rights of older people are not considered in official or humanitarian aid, and aren't integrated into the civil defence systems.
- Global climate change will have a severe impact on the region, and measures are not being developed to know the effects, minimise risks nor to help older people to adapt.
- Advances in the mobilisation of older people is giving them greater visibility and more opportunities to demand access to their rights.

4. Analysis of research

4.1 The Latin American context

Latin America is a vast geographical area characterised by its cultural diversity and natural riches. Another characteristic is the presence of indigenous communities, which have survived in many of the region's countries in spite of expanding modernisation. In countries such as Uruguay, however, they have practically disappeared. In recent years, migration and urbanisation have increased at an accelerated rate, but this has not always been in a planned

manner, creating chaos and problems with access to basic services. Many of those that are left behind in communities are older people. Latin America is one of the regions most vulnerable to natural disasters, and the high incidence of deaths, victims and damage mainly affects the poorest populations and in particular older people. Climate change will have a severe impact, according to studies carried out. Except for Cuba, none of the countries in the region are prepared for this.

Latin America is considered to be the region with the most inequalities in the whole world. Development models applied in recent years have led to a wider gap in the historic breach in social and financial inequalities. In reality the answer to the problem is not only to generate wealth, but to redistribute it with some sense of fairness. In addition, democracy is fragile in several countries. There have been various incidences of coup d'état and in some countries there are still armed rebel groups. These situations have affected and still affect the human rights of the population, and the impact of this on older people is not evident. It is also worth mentioning that drug trafficking takes place in many countries, bringing with it violence and corruption. In Central America the number of youth gangs called "maras" have increased and become even more menacing, demonstrating very deep social divisions.

Most countries in the region are undergoing a sustained and accelerated ageing process. In the year 2000, there were 41 million older people in the region. In 2025 it is estimated that this figure will increase to 98 million. By 2050, the population of older people will have tripled. For the first time, there will be more older people than there are children under 15. The average annual growth rate is 3.5%. This drastic change in the demographic profile alerts us to the need to implement measures which currently will not come into effect within the timescale in which they are really necessary. Until 2025 this demographic boom is seen as an opportunity to make the most of.

The theme of ageing first began to gain attention among public bodies in 1999, when the International Day of Older People was celebrated. Civil society had already been working in this area before. Through the Second World Assembly on Ageing, a regional implementation strategy for Latin American and the Caribbean was developed, led by ECLAC. The strategy pushed for more concrete responses to issues affecting older people from government entities in Latin American countries.

4.2 The Inter-American Human Rights System and older people's rights

There exists an institutionalised system to protect human rights in the Latin America region. On 30 April 1948, the Organisation of American States (OAS) was established to guarantee peace and security in the region and promote its development. It brings together 35 countries from all over America, although Cuba is suspended. At its general assembly, which took place in Bogota, Colombia, the organisation approved the American Declaration on the Rights and Duties of Man (American Declaration). The Inter-American Commission on Human Rights was created by virtue of Resolution VI of the Fifth Consultative Meeting of Foreign Ministers (Santiago de Chile, 1959). Part II of this stated that the Commission would be responsible for ensuring that the rights set out in the American Declaration are respected. In 1959, the Inter-American Court of Human Rights (Inter-American Court) was set up. It moved to its headquarters in Costa Rica in September 1979, and since then has made visits to countries in the region to examine the human rights situation in each one and then draw up corresponding reports. In November 1969 a Specialist Inter-American Conference on Human Rights took place and resulted in the drawing up of the American Convention on Human Rights (American

Convention), which came into effect on 18 July 1978. At present 25 countries have signed up to it.

In November 1988 the Additional Protocol to the American Convention on Human Rights in the Area of Financial, Social and Cultural Rights (San Salvador Protocol) was approved at the XVIII Session of the OAS Assembly. This came into effect on 19 November 1999. 14 countries have signed up to this: Argentina, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Paraguay, Panama, Peru, Suriname, Uruguay.

It is evident that the American Declaration, the American Convention and the Additional Protocol are legal instruments which contain the rights protected by the Inter-American system and mechanisms of protection. These instruments are clearly important. Bodies such as the Inter American Commission and the Inter American Court file accusations by case and not by sex and age, so this makes it difficult to collect data and carry out monitoring. They deal with individual cases of human rights violations.

Lately this has evolved to allow collective cases to be dealt with, due to the legal reasoning that a person does not live in isolation, but within a social context. They deal with cases of violation of women's rights, children's rights, the rights of indigenous populations and migrants, among others, but they do not explicitly deal with older people's rights. Although Article 17 of the Additional Protocol has since 1999 provided for the rights of older people: "Everyone has the right to special protection in old age. With this in view the States Parties agree to take progressively the necessary steps to make this right a reality and, particularly, to: a. Provide suitable facilities, as well as food and specialised medical care, for elderly individuals who lack them and are unable to provide them for themselves; b. Undertake work programs specifically designed to give the elderly the opportunity to engage in a productive activity suited to their abilities and consistent with their vocations or desires; c. Foster the establishment of social organisations aimed at improving the quality of life for the elderly."

However, there is a lack of awareness-raising about these mechanisms among older people. It is worth pointing out that in reality the focus on rights in the region, in spite of the existing instruments, has only come into effect in relatively recent times.

As well as the legal framework referred to above, there are other related mechanisms which are recognised within the region, but which are equally unknown about among the majority of people: The Inter-American Convention for the Elimination of All Forms of Discrimination Against Disabled Persons; The Inter-American Convention to Eradicate Violence Against Women (Convention of Belem Do Para); The Convention for the Elimination of All Forms of Discrimination Against Women, among others. International instruments such as the Vienna Plan, the UN Principles for the Rights of Older Persons, The Toronto Declaration on Violence Towards Older People are all considered to be specific but none of them are binding. In this sense, jurisprudence and the recommendations of the Inter-American system fall short when it comes to specifying the particular human rights of older people.

In 2001, the first Regional Meeting of Leaders of Older People's Associations in Latin America and the Caribbean approved the Declaration of Lima. One of its action points is to promote the International Convention of Older People's Rights, which is currently being considered among important sectors.

The Brasilia Declaration approved by the II Regional Inter-governmental Conference on Ageing in Latin America (December 2007) agreed to request member states of the UN Human Rights Council to “consider the possibility of appointing a special rapporteur responsible for the promotion and protection of the human rights of older persons”. It also committed to carry out consultations with governments to promote a convention on the human rights of older people, within the UN framework.

4.3 Policies and legislation in Latin American countries: the focus on older people’s rights

In recent years there have been advances in terms of the design and implementation of national policies on older people as well as the formulation of specific laws which have the UN Principles of Older Persons and the International Madrid Plan as a framework. It is worth noting that ECLAC called upon governments and society to formulate public policies with a rights-based approach, rather than focusing on unmet needs and envisaging the population as deprived (2006)¹.

In almost all countries the political constitution specifically refers to older people, but the level of commitment and focus varies. In most countries older people are considered to be subjects with rights and in others they are also protected (in the context of welfare). Countries like Brazil, Costa Rica, Colombia, Dominican Republic, Honduras, Nicaragua, Panama and Paraguay all mention the right that older people have to enjoy the protection of the State. In Brazil, Guatemala, Venezuela, Ecuador and Panama older people’s right to basic needs such as health, food, and accommodation is recognised. Protection from age discrimination is contained in the constitutions of Brazil, Mexico and Ecuador (in general), while in the constitutions of Venezuela, Panama and Paraguay older people are also protected from age discrimination, but only in the labour market. The constitutions of Peru, Brazil and Ecuador refer to vulnerable or abandoned older people.

If it is the case that the constitutions oblige Governments to guarantee the rights that are recognised within them, in reality this is very far from the truth. In some countries, specific laws are in place for older people, to guarantee some of their social, economic and cultural rights such as the right to housing, education, health, social security, an adequate quality of life, family protection, equal rights for women and men, the right to life, to security, freedom of thought, association, freedom from discrimination. Among these countries are Brazil, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Paraguay, Peru, Puerto Rico, Dominican Republic, Uruguay and Venezuela. Only Mexico includes the right to equality between men and women.

The problem is that the laws are not always accompanied by financial resources, which means that they do not work in practice...and also there are many obstructions within the judicial bodies that implement the law. These are judicial bodies that have been discredited because of delays, corruption and incompetence.

Brazil has established mechanisms which guarantee that the rights of its older people are respected. In Costa Rica and Mexico there are laws which determine punishments in the case of rights violations. In Bolivia there is a consultative body on the rights of older people, and in

¹ See report on the XXXI period of sessions of the Commission, Montevideo – Uruguay from 20-24 March 2006 (ECLAC), in particular the reference to the document “Shaping the future of social protection: Access, financing and solidarity”

Venezuela there is specialist staff in the office of the Public Ombudsman. In Peru, the Public Ombudsman collects denouncements from vulnerable older people whose rights have been violated by public entities and provides reports to highlight the problem, giving the relevant public bodies an opportunity to deal with the issues raised.

4.4 Definition of older people

There is no uniform definition of old age. In general a person over 60 years of age is considered to be an older person. This is the benchmark established by the UN. For pensions systems the age of retirement is variable. In some countries, women retire at the age of 60, while men retire at the age of 65. In others, retirement age is either 65 or 60 for everyone. It is worth noting that institutions within the same country do not use the same age benchmark as set out by the governing bodies on ageing, which makes it difficult to analyse and monitor the data they manage.

4.5 Discrimination

A negative image of older people prevails in the region, and brings with it discrimination and exclusion. The mass media disseminate images of older people as worthless. The macho mentality which is firmly rooted in Latin American society means that women are permanent victims, discriminated against throughout their lives. This is evidenced by the number of older women who cannot read or write, and those that do not have identity documents for example. Older people from ethnic communities are neglected and feel that they are treated with indifference, or even with contempt, because of their native language, dress and customs. Their knowledge of traditional medicine is not valued, nor is their management of bio-indicators that forewarn about natural phenomena and allow for populations to be protected against natural disasters.

Technological advances have widened the gap between generations. There are few intergenerational programmes that promote mutual respect between different age-groups. Age discrimination is conspicuous. It is impossible for a person aged 60 or over (or even younger than this nowadays) to find a job, even though they have the skills and experience. In 2002, the International Labour Organisation called on “all Member States to adopt a national policy to promote equality of opportunity and treatment for workers of all ages and take measures to prevent discrimination against older workers, particularly with regard to access to vocational guidance and placement services; access to employment of their choice that takes into account their personal skills, experience and qualifications; access to vocational training facilities, in particular further training and retraining; and employment security.”

Access to education, denied to many older people in their earlier life and in particular to women, is not enough to bridge this gap. The fact that older people, especially those in rural areas, do not have identity documents violates a basic human right to a name and shuts off access to all other rights.

In specific legislation within the region, there are explicit measures in place to protect older people from discrimination. This is the case in Brazil, Costa Rica, El Salvador, Mexico and Paraguay.

As regards their participation at local level, there has recently been a move to promote citizen participation in many countries in the region, such as Chile, Bolivia, Peru and Uruguay, which has allowed older people's associations to get involved. However, in some countries

bureaucratic red tape can limit this involvement, and in others it is less significant. In the majority of cases, older people feel that they are invited to participate in the local community, but in reality they are not taken into consideration because age is associated with lack of ability, and it is assumed that their intellectual and physical capacities are diminished. However, there are associations that have managed to engage with some community dynamics and authorities with relative success.

4.6 Violence against older people

In recent years there has been an increased concern to find evidence of cases of abuse against older people, which is socially the most invisible abuse. Abuse of older people is a question of public health and human rights. Older people indicate that they are most affected by structural abuse, because this is evidence that the State has forgotten them. They also mention urban violence. The cities are not friendly places for older people.

Strategies to prevent, detect and deal with abuse have been developed in various countries in the region: Argentina, Chile, Colombia, Cuba, Bolivia, Uruguay, Brazil, Peru, Dominican Republic. Various countries have organized activities around International Elder Abuse Awareness Day. There is little research on the subject, and what does exist is limited in scope. What is needed are studies that reveal the prevalence and magnitude of abuse in each country so that public policies can be developed to deal with it. There is little information available about rights to older people or to employees who work for both public and private service providers. The latter do not have the training to treat older people appropriately.

In Guatemala there is an Ombudsman for Older People. In Peru there are Policy Guidelines for the Prevention of Abuse and Protection of Older People's Rights, Ministerial Resolution No 156 2005 –MIMDES (Ministry for Women and Social Development), and Law 28803 on Older People provides for the setting up of Socio-Legal Advice Services or ombudsmen to be installed in each local government authority. The Public Ombudsman has embarked on a national campaign entitled "Los Años no quitan Derechos" (Years do not take away rights), in alliance with civil society. This has been affected by the austerity measures adopted by the government in the public sector.

In Bolivia and Peru there are Socio-Legal Advice Centres which are mechanisms set up by civil society as models for providing advice at local level. In Argentina there exists a programme called "Proteger" (Protect), which offers essential advice to older people who have been abused. In Chile there is a telephone advice line called "Fono Mayor" (Older People's Phone) to help older people who are victims of abuse. In Panama the State pays particular attention to the abuse of older people, and reports of abuse are channelled through the Specialist Judicial Police Centre for Reception of Accusations, MIDES (Ministry for Social Development) authorities, the Public Ministry and the Judicial Administrative Department. The Penal Circuit Judge can pass a sentence of 1-3 years imprisonment. They also have an Ombudsman for the Rights of Older People or Ombudsman for Human Rights, which protects the rights of older people. The Public Ombudsman has since 2005 been able to rely on the Legislative Delegation Office to monitor older people's human rights. In El Salvador, the Family Code includes various articles directly referring to older people and the Law for the Fundamental Protection of Older People also covers this topic.

In various other countries there are Laws on Family Violence, but older people are not always explicitly mentioned. In Belize the older population suffers a lot of rights abuses but cases are not registered with existing authorities and there is still no established legal framework to protect

them. Efforts are focused on raising awareness at government level to get them to realize how important it is for them to assume responsibility for older people's rights.

Abuse of inheritance rights or finances are two of the most typical abuses that older people are subjected to, and there are no mechanisms in place to protect older people appropriately when they are faced with attempts to appropriate their property.

4.7 Social and financial security

These are two of the rights that are generally revered in constitutions but that have low coverage, especially among older people in rural areas and women. In the 80s, the region's social and financial security systems were affected by the impact of the structural adjustment programmes. These were applied in Latin America with negative impacts on the human rights that had been recognized in the Inter-American ESCR Pact, since they put jobs at risk and led to the loss of rights that had been won. Older people were the most affected by the loss of work and, along with this, their labour rights. This drastically reduced their quality of life. No measures were introduced to deal with the social and economic effects. Governments reduced their social responsibilities towards citizens in the provision of basic needs such as education, health and social protection among others, which for the most part were privatised.

It is estimated that in 16 Latin American countries, social security coverage reaches 33%; in 4 it is more than 50%; and 42.5% of people over 60 do not receive any income at all, neither from a pension nor for work². "Data states that between 1990 and 1998 social security coverage fell from 66.6.% to 61.6%. Although this has risen in the last decade, it has not recovered to reach past levels of coverage. In terms of retirement funds and pensions, according to figures from ECLAC in 1997, 42.5% of the population aged 60 and over do not receive on average any income. It is worth noting that although these figures relate to urban areas, in countries such as Venezuela, Dominican Republic and Colombia more than 55% of older men and women do not receive any income. Countries which have higher coverage are Uruguay, with 9%, Argentina with 22.1% and Chile with 24.3%. These countries have some of the oldest populations"³

Faced with this reality, ever more countries are introducing universal non-contributory pensions or old age pensions. They have existed for many years in Costa Rica, Chile and Uruguay. In recent years, non-contributory pensions have been introduced in Bolivia, Guatemala and Aruba. In other countries certain criteria have to be fulfilled: Brazil (rural), Mexico (rural), Belize (women over 65), Argentina (people over 70 living in poverty and without a pension). In addition, older people have also been included in conditional cash transfer programmes, where they are granted to families with an older family member: Brazil, Colombia, Chile, Panama and Uruguay. There are still countries like Peru where non-contributory pensions do not exist. One would conclude that their existence depends more on political will, since they represent an average of ⁴. 0.93% (focalized pensions) and 2% (universal pensions) of GDP, and have a positive impact on the quality of life and on poverty reduction.

² Third World Resurgence: Latin America The state of social security (online)
<http://www.revistadelsur.org.uy/revista.121-122/America_Latina.html>
Ernesto Murro and Gabriel Lagomarsino

³ Latin American Commission for the Rights and Liberties of the Workers and the People Op. Cit p. 7.

⁴ See Report on the application of the regional strategy for implementation of MIPAA in Latin America and the Caribbean, Non-contributory pensions and protection against loss of income in old age, UN ECLAC 2007.

In the 90s the social security system was reformed in 40 countries, and a system of individual capitalization was introduced. This did not resolve the problem but on the contrary created more instability and is managed for profit. At present there are social movements linked to the human rights movement, which are proposing a counter-reform to bring back the original co-ordinated nature of the system. In Argentina the government recently nationalized the private pension system. The Committee for Social, Economic and Cultural Rights UN-ESCR monitors States who have signed up to the ESCR International Pact, which provides for respect of the human right to social security and employment. It has noted that this right is not being met in practice.

4.8 Armed conflict

There is particular concern for the numbers of older people displaced by armed conflict, as is the case in Colombia. The specific situation of older people who are displaced either on their own, with their families or collectively is not well known among institutions and organizations that focus their work in this area. It is estimated that more than 3 million older people have moved from their homes in the last 5 years. Of these, 12% are aged 60 or over. When population surveys are carried out, these focus on women and children. Likewise, in the case of older people who were victims of the political violence which took place over the past decade in Peru, they were not included in the National Victim Reparation Plan. This means many are undocumented and so find it impossible to access their rights. Policies to help older people recover their livelihoods have not been considered. For example, older people who once earned a living by fishing cannot return to work, to doing what they have done all their lives and so have to learn a new skill in an unsupportive and unsettled environment.

4.9 Health

The epidemiological profile has seen a change towards a higher prevalence of chronic illnesses, according to a report from ECLAC⁵. However, health service provision in these countries has not been adapted to deal with this reality. Of course, the situation varies in each country and transmissible illnesses associated with a poor quality of life still prevail in poor countries. There is a pressing need in all cases for increased budgetary allocation (in 2002 the country which spent most on health was Uruguay with 10.3%, and the countries which spent least were Trinidad and Tobago with 3.8%, Belize and Peru, with 4.6%. In 2004 Argentina spent more with 9.6%, while Trinidad and Tobago spent 3.5%, Venezuela 4.7% and Peru 4.1%)⁶; training for staff who provide services and an increase in coverage, particularly to reach populations in rural areas, which register quite low on indicators.

Although there have been advances, universal access to the right to health has not materialized. Health programmes have been implemented largely within the respective Ministries. Countries such as Brazil, Chile, Mexico, Peru and Colombia have introduced basic healthcare packages for their older populations. Countries in the Southern Cone have seen increased access to public health services: Argentina (76.5%) and Brazil (70%) while in Paraguay 83% have no access at all.⁷ Some countries have yet to include older people in their primary healthcare strategies.

⁵ See Report on the application of the regional strategy for implementation of MIPAA in Latin America and the Caribbean, p. 75 UN ECLAC 2007.

⁶ See Report on the application of the regional strategy for implementation of MIPAA in Latin America and the Caribbean, p.87. Data WHO UN ECLAC 2007.

⁷ See Report on the application of the regional strategy for implementation of MIPAA in Latin America and the Caribbean, p. 89. UN ECLAC 2007.

4.10 Food security

According to FAO reports on Latin America⁸, the level of malnutrition has increased in recent years, and this is not due to a lack of food but because inequalities in income distribution makes it difficult to access. The situation differs in each country. In some countries natural disasters have led to failed harvests. Others have seen a reduction in imported foodstuffs because of the international crisis. Little is done to deal with the situation with regard to older people, especially those that live in poor rural areas and experience high levels of poverty and do not have the resources to feed themselves adequately. In reality, the right to food is not firmly established. The impact of climate change in terms of water and food shortages is foreseeable but there are still no preventative measures in place.

4.11 Disasters and climate change

The Latin America and Caribbean region is continually subjected to different types of natural disasters: tornados, earthquakes, droughts, floods, etc. It is estimated that more than 130 disasters occur each year, with a high incidence of death, wounding and destruction. Except for Cuba, the Civil Defence mechanisms do not systematically include older people in prevention, response and reconstruction plans. This makes them all the more vulnerable. The specific needs, contributions and rights of older people are not catered for by the state nor by humanitarian aid agencies.

In disaster situations, when relief packages are distributed, older people find it difficult to walk to distribution points or to remain on their feet for the amount of time they must wait in the queue until it is their turn.⁹

Many older people are left abandoned and in extreme poverty for an indefinite amount of time. Projections indicate that Latin America will be one of the regions most affected by climate change and the effects are already being felt in countries such as Colombia, Chile and Peru, but no action has yet been taken to find out more about the impact on older people and measures to help them adapt.

4.12 Longevity and care

Older people are living longer all the time, especially older women, and not enough is being done to make preparations to care for older people in their own homes (culturally, most hope to grow old at home with their family), or in long-stay residences. Socially, the family is considered to be responsible for its older family members and the state sector disassociates itself from this responsibility. Cases of abuse, through negligence or other forms of abuse, are common but are not always reported. There is a growing need to train carers, and for the state to monitor institutions which provide accommodation for older people, and which often provide a service without meeting any minimum standards and without having a suitable staff or infrastructure.

⁸ Report on the activities of the FAO Regional Conference for Latin America and the Caribbean, Brasilia April 08. Statements by José Graziano de Silva, FAO Representative for Latin America and the Caribbean, Madrid 25 Nov 2008. FAO website.

⁹ Case studies. The current situation of older people in disasters in El Salvador 2007 and Elderly population in the Ubinas volcano emergency Moquegua, Peru (2006) Sergio Alvarez 2007 presented at the Regional Meeting about Seniors and Emergencies in Latin America, with support of WHO and HAI, Lima October 2007.

5. Conclusions

The Latin American region is undergoing a sustained ageing process, among all the other complexities it is facing. The theme of human rights for its population is becoming more and more visible, although there are still some who see the poverty and exclusion of older people as a “natural condition” and do not analyse it from a rights perspective.

In general, macro economic indicators are used to measure growth but they hide the socio-economic chasms which make Latin America the most unequal region in the world. One of the groups most affected by these inequalities is the older population. The poverty and discrimination they experience demonstrates the continued abuse of their human rights, which is known as structural abuse.

There is more and more discussion about human rights among States, encouraged by the international environment, but this is a contradiction since it is they who are primarily responsible for the lack of respect for rights.

There is a system in place to protect human rights in the region but older people’s rights are not asserted specifically to differentiate them from other population groups. In addition, they are unaware of the channels that exist for them to report rights violations to.

Legislative advances have been made, but these do not benefit older people, for example when they need food or healthcare. Governments regard the Madrid Plan and other instruments as a framework for formulating policies or laws but in the majority of cases these are insufficient to make the commitments viable because they are not prioritised in social spending plans.

One of the most critical themes for older people is economic insecurity and social security systems, which most of them fall outside of. Social protection is a legislative matter which depends on the political will of governments rather than the availability of resources.

Most countries have still not adapted health systems to cater for the new epidemiological profile, or for increased longevity and the care needs that will bring, for the problems of the displaced or those affected by disasters, for the impact of migration, or for the need for skilled human resources. All of this prevents older people from exercising their human rights.

The sustained action of civil society, in particular older people’s associations, in local and regional processes making decisions on ageing policy plays a legitimate role in the democratic system and in pushing for the fulfilment of national and international guidelines which seek to guarantee respect for the rights of the ageing population. This demonstrates the real, not just symbolic, participation of older people.

One thing to point out is that CEPAL’s Regional Strategy has contributed to more public sector action in those countries that have to periodically report what they are doing. Likewise, the recommendation of the Intergovernmental Conference (Brasilia, 2007) to designate a special rapporteur and consult governments about a human rights convention for older people could indicate that a coordinating body is required for further advances, concurring with the agreement of the I Meeting of Older Leaders of Latin America and the Caribbean (Lima Declaration, 2001).

Recommendations

- Lobby for special rapporteurs to monitor older people’s rights.

- Lobby for the jurisprudence and recommendations of the Inter American system to define older people's specific rights and set up specialist channels.
- Assess regional expectations for a coordinating body which specifically obliges States to implement policies, programmes and allocate budgetary resources.
- Systematically collect older people's experiences concerning the application of their rights, facilitating channels or implementing mechanisms to monitor human rights, conducted by older people themselves.
- Support research on various topics such as older indigenous populations, longevity, migration and other research which will help identify special protection measures.
- Campaign for social protection to be given priority attention in countries in the region, to guarantee the well-being and dignity of the older population, looking for options based on inter-generational solidarity and state social responsibility.
- Mainstream the theme of ageing in a sustainable way into the global debate on poverty, migration, climate change, women, health, food security, citizen security and other themes, to contribute to the greater visibility of, inclusion of and commitment to older people in global agendas.
- More coordination between the different international networks, including older people's networks, for a greater social and political impact.

References

Commemorative book for the 60th Anniversary of the American Declaration of the Rights and Duties of Man and the Universal Declaration of Human Rights
Collegiate of Lawyers of Lima. Human Rights Directorate.

Lima - Peru
2008

Human Rights - Argentina
United Nations, October
2008

Document on older people in Peru and non-contributory pensions
Miguel Romero – President of ANAMPER
2008

Poverty, inequality and development in Peru
Annual report, OXFAM UK
2007-2008

Declaraciones de José Graziano de Silva, Representante de la FAO para América Latina y el Caribe .- Madrid 25 de nov 2008.

Report on the application of the regional strategy for implementing the Madrid International Plan of Action on Ageing in Latin America and the Caribbean.
ECLAC
2007

Ageing and development in a society for all ages
ECLAC
2007

Brasilia Declaration
Intergovernmental Conference on Ageing in Latin America and the Caribbean
Brazil
2007

Older people come out of the shadows
Madrid + 5
Voices from Colombia
HelpAge International
2007

Older people come out of the shadows
Madrid + 5
Voices from Bolivia
HelpAge International
2007

Older people come out of the shadows
Madrid + 5
Voices from Peru
HelpAge International
2007

International Human Rights Law as a tool for creating enabling and healthy environments
Javier Vasquez
Pan American Health Organisation
Paper presented at intergovernmental conference
Brasilia
2007

Report on the regional meeting on older people and emergencies
WHO, Proceso Social – Red Tiempos
Lima- Peru
2007

National Service for Older People (SENAMA)
Law 19.828
Chile

Fundamental law for older people
N° 7935
Costa Rica

Law on the rights of older people
Mexico

Fundamental support for older people
Law N° 17.796
Uruguay

Law 28803 on older people
Perú

Challenges and Opportunities of Ageing in Latin America and the Caribbean
Caritas Germany
2007

Ageing and Poverty in Argentina: The view of older people
Silvia Gascón and contributors
Isalud
2007

The current situation of older people in disasters in El Salvador
2007

Elderly population in the Ubinas volcano emergency
Moquegua, Peru (2006)
Sergio Alvarez

2007

Newsletter 01 Ageing and Development in Latin America
ECLAC UNFPA
2005

Newsletter 02 Ageing and Development in Latin America
ECLAC UNFPA
2005

Ageing and Poverty in Bolivia
Mercedes Cerda
Awichas
HelpAge International
2004

Economic Profile of Older People in Peru
Working Group on Older People / IDB / HelpAge International
2003

Regional Strategy for Implementation of the Madrid Plan of Action on Ageing in Latin America
and the Caribbean
ECLAC 2003

Permanent Human Rights Assembly of Argentina
Comission for Older People and their Rights
Human Rights and Older People
Lic. Nora Pochtar Pszemiarower.
2003

Plan of Action on Health and Ageing: Older People in the Americas 1999-2002
Pan-American Health Organisation
2002

Third World Resurgence: Latin America
The state of social security
Ernesto Murro y Gabriel Lagomarsino
Uruguay

The employment and social protection challenge
Paper presented by the ILO at the Second World Assembly on Ageing
Madrid, 8-12 April
2002

Beyond Human Rights
Miguel Osset
Barcelona, Spain
Editorial Actual Eterno
2001

Telephone interviews:

Latin American Leaders of the Continental Network

Nedda Cecchini (Argentina), Edilia Carmargo (Panama), Paulino Porrás (Uruguay)

Staff interview:

Javier Mujica

Inter-American Human Rights Platform

Contributors:

Silvia Gascón (Isalud – Argentina), Lía Daicham (INPEA), Augusto Medina (Peru)

Gina Bardellí (Peru), Mercedes Viera (Peru) Laura Bottini (Argentina)