



Handout 1.4 - Global and Regional Framework for Protection of Rights of Older persons

Module 1

In addition to the inter-American convention, the participants will recognize other regional frameworks to be applied and that are part of soft law.

Slide reference- 22 and 23

For- Participants for pre reading for the module for preparing for the session

Get to know the key documents that support the inclusion of older persons

Here is some historical background ...

United Nation conventions and protocols

1. 1. Convention Relating to the Status of Refugees, 1951
2. 2. Protocol Relating to the Status of Refugees, 1967
3. 3. Universal Declaration of Human Rights, 1948
4. 4. UN International Covenant on Economic, Social and Cultural Rights, 1966 (see General Comment No 6, 1995)
5. 5. UN Convention on the Rights of Persons with Disabilities, 2006
6. 6. Inter-American Convention on Protecting the Human Rights of Older Persons, 2015
7. 7. (the world's first binding instrument on the rights of older persons)
8. 8. UN Principles for Older Persons, 1991 Guiding Principles on Internal Displacement, 1998
9. 9. Political Declaration and Madrid International Plan of Action on Ageing, 2002, and Report of 2011
10. 10. Charter on the Inclusion of Persons with Disabilities in Humanitarian Action, 2016
11. 11. 9. UN Global Compact on Refugees, 2018

Humanitarian policy and principles

- o UN Humanitarian Principles
- o UNHCR Policy on Older Refugees
- o UNHCR Policy on Age, Gender and Diversity, 2018





Sector standards and guidance

- Core Humanitarian Standards
- Humanitarian Inclusion Standards for Older People and People with Disabilities
- Inter-Agency Standing Committee (IASC) Policy on Protection in Humanitarian Action

Cartagena Declaration (1984)

This instrument was adapted in the framework of the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, held in Cartagena de Indias. Its importance lies in the fact that, taking into account the elements of the 1951 Convention and the 1967 Protocol, it also considers under the definition of refugee “persons who have fled their country because their lives, security or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order” (Conclusion III, UNCHR, 1984). Although this instrument is not an international treaty, there is an argument that it is a norm of customary international law in the region and would therefore be binding or obligatory for Latin American countries (Mondelli, 2018).

Madrid International Plan of Action on Ageing (2002)

This instrument recognises that older asylum-seekers of different cultural backgrounds growing old in new and unfamiliar surroundings are often in special need of social networks and of extra support. This implies a duty to ensure that they have physical access to these services, and that they are included in programmes that strengthen their activity, independence, and community initiatives (United Nations, 2002, Issue 8, Point 55, Letter f).

Older persons migrating from rural to urban areas face the loss of social networks and lack of infrastructure, which can lead to marginalisation and exclusion, especially if they are ill or have a disability: “The urban setting for the older migrant in developing countries and countries with economies in transition is often one of crowded housing, poverty, loss of economic autonomy and little physical and social care from family members who must earn their living outside the home” (Issue 3, Point 31).

The Brasilia Declaration of the Second Intergovernmental Conference on Ageing in Latin America and the Caribbean (2007)

Point 3 of the Brasilia Declaration underscores “the importance of examining thoroughly and comprehensively the effects of migration on the ageing dynamic of the communities of origin, transit and destination of migrants, with special attention to the impact of migration flows on the migrants themselves, their families, community and society, as well as on the economic and social development of countries” (ECLAC, 2011, point 3. Page 7).

The San Jose Charter on the Rights of Older Persons in Latin America and the Caribbean (2012)

On social protection, the San Jose Charter establishes to “promote actions designed to pay particular attention to the situation of migrant older persons to facilitate access to services and benefits in communities of origin, transit and destination” (ECLAC 2012, Social Services, Letter X, p. 12), as well as in the work on housing conditions and environment by “making every effort to ensure that older persons enjoy adequate housing and are given high priority in the assignment of housing or land, particularly in situations of crisis, emergency, displacement or forced evictions” (ECLAC, 2012, Point 10, Letra A, p. 14).

The Montevideo Consensus on Population and Development (2013)

This instrument accords ten measures aimed at ensuring the protection of the human rights of all migrants on global, regional and national agendas, including regularisation, assistance and



protection policies, regardless of migration status, in order to eradicate the violation of their human rights and to call for the harnessing of the benefits that migration can bring.

Inter-American Convention on the Protection of the Human Rights of Older Persons (OAS, 2015)

The rights of older migrants are explicitly mentioned in terms of the right not to be discriminated against due to age (Art. 5), and the right to social security and pensions, calling on States to seek global mechanisms or agreements to guarantee this right (Art. 17).

Quito Declaration and Plan of Action (2018)

The Quito Declaration is a manifestation by countries in the region to jointly address the refugee and migrant crisis of citizens from Venezuela. This highlights the efforts of governments to adequately welcome persons in vulnerable situations, identifying older persons as part of this group. The declaration is of political relevance as it considers that the problem must be addressed systematically, comprehensively and in a coordinated manner at the regional level, and calls for mutual cooperation.

The Quito Plan of Action (2018) signed subsequently to the declaration was approved to strengthen actions to facilitate human mobility, in order to ensure the proper economic and social integration of persons from Venezuela, which requires regularisation of their migratory status.

National frameworks for older people

This section presents a profile of ageing and an overview of the status of the ratification, accession and implementation of the Inter-American Convention on the Rights of Older Persons (OAS, 2015) in each of the countries that took part in the assessment. It also lists the most important legislation on old age in each of these countries.

From a regional perspective, since the Convention entered into force in 2017, only eight states have deposited it before the OAS. As for the countries included in this assessment, El Salvador and Ecuador deposited it in 2018 and 2019, respectively, while Peru did so only very recently in 2021. In Colombia, the Congress approved it in plenary and it has received presidential sanction and the next steps will be deposited. Honduras has not yet signed or acceded to the Convention. Ten states have to ratify the convention in order to activate the follow-up mechanism foreseen by this instrument, to promote the effective implementation of the Convention, through the Conference of States Parties and a Committee of Experts (Art. 33).

Different types of support have been provided to the Inter-American Convention on the Elimination of all Forms of Discrimination against Persons with Disabilities. The Convention entered into force in 2001, and has, thus far, been deposited by 19 States in the region, including Peru (2001), El Salvador (2002), Colombia (2004), Ecuador (2004) and Honduras (2011), all part of this assessment.

It is of utmost importance to address the analysis of national normative frameworks on old age and ageing in future studies, based on regional and international instruments, in order to identify the degree of their adequacy and implementation, and the gaps in compliance with the instruments that make up international human rights law. There is also a need for regional comparative normative analyses to be carried out.

For country specific regulatory frameworks, refer to section 3.3, pages 47-55, A claim to dignity, Ageing on the move.