



**First session of the
Regional Conference on
Population and Development in
Latin America and the Caribbean**

Montevideo, 12 - 15 August 2013

FOR PARTICIPANTS ONLY
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31 July 2013
ENGLISH
ORIGINAL: SPANISH

**CONTRIBUTIONS MADE BY ECLAC TO FOLLOW-UP AND IMPLEMENTATION
OF THE SAN JOSÉ CHARTER ON THE RIGHTS OF OLDER PERSONS
IN LATIN AMERICA AND THE CARIBBEAN 2012-2013**



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Full integration of population dynamics into rights-based sustainable development with equality: key to the Cairo Programme of Action beyond 2014

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* This report, prepared by ECLAC, has not been subjected to editorial review.

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I. PRESENTATION

This document was prepared by the Latin American and Caribbean Centre (CELADE)-Population Division of ECLAC to report to the first session of the Regional Conference on Population and Development in Latin America and the Caribbean on the activities conducted by the Economic Commission for Latin America and the Caribbean (ECLAC) between July 2012 and July 2013 in its capacity as technical secretariat of the Regional Intergovernmental Conference on Ageing in Latin America and the Caribbean.

II. MANDATE

A. SAN JOSÉ CHARTER ON THE RIGHTS OF OLDER PERSONS IN LATIN AMERICA AND THE CARIBBEAN

Since the fifth anniversary of the Madrid International Plan of Action on Ageing, in 2007, the governments of the region, with the technical support of ECLAC, have undertaken various activities aimed at laying the groundwork to ensure that ageing provides an opportunity for a more just development based on solidarity and rights.¹

Within this framework, the Government of Costa Rica and ECLAC invited all of the ECLAC member States to the Third Regional Intergovernmental Conference on Ageing in Latin America and the Caribbean, which was held in San José from 8 to 11 May 2012 under the central theme “ageing, solidarity and social protection”.

The regional conference culminated in the adoption of the San José Charter on the Rights of Older Persons in Latin America and the Caribbean, which is a road map for progress in this respect. In the Charter, the countries undertook to:

- (a) Move towards a proactive State with a more central, dynamic role and two goals: try to anticipate the impacts that rapid population ageing will have on social protection systems, and deploy new mechanisms that expand and improve these systems in order to meet the needs of people throughout life.
- (b) Overcome the inequality that social protection systems reproduce and that affects the most disadvantaged groups, such as older women, older persons in rural areas and older indigenous persons, mitigating the inequities that arise early in life and subsequently translate into disadvantages and constraints against a dignified old age.

¹ See “Contribuciones de la CEPAL para la implementación de la Declaración de Brasilia”, [online] <http://www.cepal.org/celade/noticias/paginas/0/46070/CEPD-DDR4-Envejecimiento.pdf>; “Avances en el seguimiento e implementación de la Declaración de Brasilia”, [online] http://www.cepal.org/publicaciones/xml/3/39283/ddr2_CEP2010.pdf, e “Informe de actividades 2006-2008 sobre envejecimiento y desarrollo para el Comité Especial sobre Población y Desarrollo del período de sesiones de la CEPAL”, [online] <http://www.cepal.org/publicaciones/xml/0/33200/2008-298-SES.32-DDR-2-CELADE-Informeactividades.pdf>.

- (c) Move towards recognition and inclusion of caregiving in public policies. The goal is to enhance the autonomy of older persons and make recommendations so that dependency and caregiving are defined as a matter of collective responsibility, supported by benefits and public services that maximize the autonomy of older persons and the well-being of families.
- (d) Strengthen national capabilities for the realization of the rights of older persons. This entails, among other things, enforcing laws, developing public institutions, assigning human resources, an adequate budget and the effective participation of older persons.

In the Charter, the representatives of the Governments undertook to enhance the protection of human rights and ensure that older persons have access to justice and differentiated, preferential treatment in all spheres. They supported the work of the United Nations Open-ended Working Group on Ageing, as well as the appointment of a special rapporteur responsible for the promotion and protection of the human rights of older persons under the umbrella of the Human Rights Council. They also supported the efforts of the Working Group on Protecting the Human Rights of Older Persons of the Organization of American States (OAS).

B. REGIONAL CONFERENCE ON POPULATION AND DEVELOPMENT IN LATIN AMERICA AND THE CARIBBEAN

Two months later, from 4 to 6 July 2012, ECLAC and the Government of Ecuador convened the most recent meeting of the ECLAC Ad Hoc Committee on Population and Development. The meeting adopted agreement 1 whereby the Regional Conference on Population and Development took on all of the functions originally assigned to the Committee, including its role as an intergovernmental body responsible for the regional follow-up of the Madrid International Plan of Action on Ageing, which was subsequently ratified by resolution 670(XXXIV) of the session of the Commission.

Agreement 2, titled “Population, territory and sustainable development, and other priority activities”, also adopted at the most recent meeting of the Ad Hoc Committee, highlighted the Third Regional Intergovernmental Conference on Ageing in Latin America and the Caribbean, held in San José from 8 to 11 May 2012, and welcomed the San José Charter on the Rights of Older Persons in Latin America and the Caribbean. It requested the secretariat to provide technical support to the countries for implementation of the Charter, with special reference to training, information, public policies and financing, research and human rights, and requested that the secretariat support the organization of meetings for the dissemination and follow-up of the Charter.

C. AREAS OF WORK AND ACTIVITIES CONDUCTED

During the year that has gone by since the most recent meeting of the ECLAC Ad Hoc Committee on Population and Development, ECLAC has, through CELADE-Population Division of ECLAC, focused on the following areas of work related to ageing and development:

- Positioning the San José Charter on the Rights of Older Persons.
- Promoting and teaching about the human rights of older persons.
- Preparing studies and publications on ageing and development.

ECLAC has also continued to provide technical assistance to governments in the region, academic institutions and civil society organizations in the framework of the regular programme of work of ECLAC.

1. Positioning the San José Charter on the Rights of Older Persons

The San José Charter on the Rights of Older Persons is the first instrument in the history of ECLAC that addresses so clearly the issues related to this social group from a human rights perspective.² While it does draw on the Regional Strategy for the Implementation in Latin America and the Caribbean of the Madrid International Plan of Action on Ageing (2003) and the Brasilia Declaration (2007), the Charter has the virtue of being a modern and purposeful instrument that reflects the deepest demands of older persons in the region, as well as the commitment of States to move forward in addressing them from a human rights perspective.

Positioning the San José Charter involved, as with the Brasilia Declaration at the time, meeting basic requirements to put it on the regional and international map as a reference on the issue of older persons. These requirements were related to the following areas: (i) dissemination via print media and in different languages; (ii) direct knowledge on the part of key actors; (iii) timely and widespread events in order to strengthen the commitments of the parties concerned.

The Government of Costa Rica, through the National Council for Older Persons (CONAPAM) and the Ministry of Foreign Affairs and Worship, with technical support from ECLAC through its Population Division, undertook various actions to move forward in actively positioning the San José Charter. Other governments joined this initiative spontaneously; in the span of one year the instrument has become widely known both in the region and at the international level.

A reflection of this positioning is its inclusion in the Preamble to the draft Inter-American Convention on the Rights of Older Persons that is being developed in the OAS, and its use as a basis for responding to the Note Verbale in follow-up to General Assembly resolution 67/139, of 13 February 2013, entitled “Towards a comprehensive and integral international legal instrument to promote and protect the rights and dignity of older persons”.

The main activities linked to this line of work carried out during the reporting period include:

- (a) Dissemination of the San José Charter in print and in several languages of the United Nations: to date Costa Rica’s CONAPAM and ECLAC have distributed more than 17,000 copies of the instrument.

The document was issued by CONAPAM in brochure form and as a poster. ECLAC, with financial support from the United Nations Population Fund (UNFPA) and the French Development Agency (ADF) published the text in Spanish, English, Portuguese and French.

- (b) Direct knowledge of the San José Charter on the part of key actors: since adoption of the Charter, activities such as seminars and national meetings have been organized in Chile by the National Service for Older Adults (SENAMA); in Costa Rica, by CONAPAM and the National Pension Board for Teachers of Costa Rica (JUPEMA); in Peru, by the Directorate

² Dirk Jaspers, “Opening remarks”, First follow-up meeting of the San José Charter of on the Rights of Older Persons in Latin America and the Caribbean, San José, Costa Rica, 3 July 2013.

of the Older Adults Department of the Ministry of Women and Social Development of Peru; and in Nicaragua, at the initiative of the Legislative Assembly and the Interuniversity Group for Dialogue on Public Policies on Population and Development.

On 23 August 2012, within the framework of the third session of the Open-ended Working Group on Ageing, the Permanent Mission of Costa Rica to the United Nations organized the event “San José Charter on the Rights of Older Persons in Latin America and the Caribbean: its importance for the region and the world”, which was well attended by delegates and non-governmental organizations of Latin America, North America, Europe and Africa, who broadly welcomed the regional agreement.

The Charter was also presented at the International Congress of the American Federation of Associations for Older Persons (FIAPAM), held in Panama. This event brought together some 400 participants and served as the basis for a workshop for parliamentarians in the framework of a meeting convened by the Latin American Parliament (PARLATINO) and UN-Women.

The Government of Costa Rica presented the instrument at the High-level Panel Discussion on the Report of the Secretary-General on the Second Review and Appraisal of the Madrid International Plan of Action on Ageing, held at the fifty-first session of the Commission for Social Development, in New York from 6 to 15 February 2013.

ECLAC provided technical support for all these activities.

- (c) Timely and comprehensive events to enhance stakeholder commitment: to meet this requirement, CONAPAM and the Ministry of Foreign Affairs and Worship of Costa Rica, with technical support from ECLAC, organized the first Follow-up Meeting of the San José Charter on the Rights of Older Persons, which was held in San José from 3 to 5 July 2013. The event brought together over 200 participants from 16 countries of the region (Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, Puerto Rico and Trinidad and Tobago).

During the meeting, reports were presented on international and regional progress to enhance the protection of the rights of older persons. Information was provided on Resolution 67/139, entitled “Towards a comprehensive and integral international legal instrument to promote and protect the rights and dignity of older persons” and on the Open-ended Working Group on Ageing, the draft inter-American convention on protecting the human rights of older persons and the Charter itself.

The contribution of civil society to implementation and follow-up of the San José Charter on the Rights of Older Persons in Latin America and the Caribbean was explained as well, and seven thematic panels were held: autonomy, legal capacity and informed consent; age discrimination and multiple discrimination; access to justice and human rights; social protection, solidarity and care; health, dependency and palliative care; independence and work; and public institutions and the rights-based approach.

There was also a working meeting of governments on follow-up mechanisms for the Charter. The representatives of the countries of the region present at the meeting reported on national progress in the dissemination and understanding of the instrument and recognized its value in raising awareness of the rights of older persons at the national and international levels.

In the conclusions of the event, some preliminary ideas were raised that will facilitate the implementation of San José Charter (i) develop a methodological tool for preparing regular follow-up reports at the national level, with technical support from ECLAC; and (ii) enhance the fundamental and decisive contribution of civil society in dissemination and future implementation of the Charter. It was also agreed to hold the second follow-up meeting of the San José Charter in the Dominican Republic in the course of 2014. At that time there will be a comprehensive review of the implementation of the commitments made in the instrument.³

2. Promoting and teaching about the human rights of older persons

During the reporting period, the issue of the human rights of older persons gained prominence in the work of the governments of the region and beyond, including regional and international agencies.

In 2012, the Human Rights Council adopted Resolution 21/23 on the human rights of older persons.⁴ The resolution calls upon all States to ensure the full and equal enjoyment of all human rights and fundamental freedoms for older persons, including by taking measures to combat age discrimination, neglect, abuse and violence, and to address issues related to social integration and adequate health care. It notes with appreciation regional and subregional initiatives aimed at the promotion and protection of these rights, including by means of normative standards.

The human rights of older persons were also addressed in the Commission for Social Development Resolution “Second review and appraisal of the Madrid International Plan of Action on Ageing, 2002, adopted in February 2013⁵, and in the agreed conclusions of the fifty-seventh session of the Commission on the Status of Women, held in March of that year.⁶ But the most important step taken during this period in the framework of the United Nations was the adoption of resolution 67/139 “Towards a comprehensive and integral international legal instrument to promote and protect the rights and dignity of older persons”. According to this resolution, the Open-ended Working Group on Ageing shall, starting from its fourth session, to be held from 12 to 15 August 2013, examine proposals for an international legal instrument to promote and protect the rights and dignity of older persons.

At the inter-American level, in September 2012 the Organization of American States Working Group on Protecting the Human Rights of Older Persons started negotiating a draft inter-American convention on this matter.

This Working Group has worked intensively during the period, holding 19 formal meetings and 8 informal ones to date. During the negotiating process, the Working Group took up all of the paragraphs of the draft, many of which had been approved by the Working Group or by consensus of the majority of delegations. However, there are several on which agreement has yet to be reached. At the 7 May meeting,

³ The proceedings and conclusions of the meeting are available on the websites of ECLAC and CONAPAM. See [online] http://www.cepal.org/cgi-bin/getProd.asp?xml=/celade/noticias/paginas/8/50358/P50358.xml&xsl=/celade/tpl/p18f.xsl&base=/Celade/tpl/top-bottom_env.xslt } or { <http://www.conapam.go.cr/CartaSJ.htm>.

⁴ Human Rights Council Resolution 21/23, “Human rights of older persons”, 37th meeting, 27 September 2012.

⁵ In this resolution, the United Nations Commission for Social Development calls upon Member States to adopt legislative measures to promote and protect the rights of older persons and measures aimed at combating violence and discrimination against them (E/CN.5/2013/L.6).

⁶ In the conclusions, “The Commission recognizes the vulnerability of older women and the particular risk of violence they face, and stresses the urgent need to address violence and discrimination against them, especially in the light of the growing proportion of older people in the world’s population” (E/CN.6/2013/L.5).

after considering the progress made on the draft convention, the Group decided to request an extension of its mandate;⁷ this was approved by Organization of American States General Assembly Resolution AG/RES. 2792 (XLIII O/13).

In this area, ECLAC has focused on the following tasks: (i) technical support for the countries of the region in the implementation of United Nations General Assembly Resolution 67/139; (ii) technical support for the Organization of American States Working Group on Protecting the Human Rights of Older Persons; and (iii) training national teams on the rights of older persons.

- (a) Technical support for the countries of the region in the implementation of United Nations General Assembly Resolution 67/139: ECLAC widely disseminated the Note Verbale that the Secretariat of the United Nations transmitted to the permanent missions of the States Members of the United Nations, referring to resolution 67/139 of the General Assembly. The Note Verbale requested the governments that wished to do so to provide their views on the main components of an international legal instrument to promote and protect the rights and dignity of older persons: (a) statement of purpose; (b) general principles; (c) definitions (in particular, of old age and older persons); (d) equality and non-discrimination as applied to older persons; (e) specific human rights to be included; and (f) monitoring mechanisms at the national and international levels.

So that the countries of the region that deemed it appropriate could participate in this consultation, ECLAC supported national institutions for older persons as required. The Secretariat of the United Nations in New York received 29 contributions, including the position of the European Community. Of these, 17 were from countries of Latin America and the Caribbean (Argentina, Bahamas, Bolivarian Republic of Venezuela, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Honduras, Mexico, Paraguay, Peru, Plurinational State of Bolivia, Trinidad and Tobago and Uruguay). Support was also provided to civil society organizations so they could submit their responses within the framework of the consultation.

ECLAC also participated actively in the meeting of the countries sponsoring resolution 67/139, held on 22 and 23 April 2013 in El Salvador. In attendance were ambassadors and secretaries of the missions to the United Nations of the following member States: Argentina, Brazil, Chile, Cuba, Dominican Republic, Ecuador, El Salvador, Eritrea, Guatemala, Haiti, Mexico, Nicaragua, Plurinational State of Bolivia and Senegal.

- (b) Technical support for the Organization of American States Working Group on Protecting the Human Rights of Older Persons: during negotiation of the draft inter-American convention on the human rights of older persons, ECLAC has made substantive contributions.

The Commission was present at five formal meetings of the Group, held at Organization of American States headquarters. At all of them it provided technical support to the authorities of the Working Group for the smooth conduct of the meetings, clarifying consultations, drafting proposals in situ and explaining the rationale and justification for the text that the member States were agreeing on. ECLAC also participated in the first technical meeting for

⁷ Ana Pastorino, "Working group activities in the period 2012-2013" (Report of the Chair of the Working Group presented to the Committee on Juridical and Political Affairs at the meeting held on May 21, 2013 (CAJP/GT/DHPM-93/13)).

negotiating the draft inter-American convention, held in the City of Buenos Aires from 19 to 21 September 2012.

At the request of the Group, ECLAC has made technical contributions in relation to the following aspects of the draft inter-American convention: scope of application; definitions; general principles; general duties of States; equality and non-discrimination on grounds of age; the right to life and dignity in old age; the right to security and to a life without violence; the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment; the right to provide prior and informed consent; the right to personal liberty; the right to freedom of expression and opinion, and access to information; the right to a nationality and the right to freedom of movement, the right to privacy; the right to social security, [to a decent standard of living] and care; the right to health; the right to education; the right to culture; property rights; the right to housing; mechanisms for protection and follow-up to the implementation of the convention. It has also drawn up technical minutes to clarify concepts such as “integrated social services ” and “free, prior and informed consent” and has responded to specific queries on the subject submitted by Argentina, Chile, Costa Rica, Peru and Uruguay, among other countries.

- (c) Training national teams on the rights of older persons: adoption of the San José Charter gave rise to wide demand for training on the subject of human rights in the context of ageing, which has been provided via distance and face-to-face education. In this way, ECLAC, together with a number of national institutions, has trained 1,400 people in this thematic area over the past year.

Via the face-to-face modality, ECLAC implemented a basic training programme that was delivered in Argentina through the National Social Service Institute for Retired Persons and Pensioners (PAMI); in Nicaragua, through the Interuniversity Group for Dialogue on Public Policies on Population and Development; in Costa Rica, in conjunction with CONAPAM; and in Mexico in cooperation with the Institute for the Care of Older Adults in the Federal District of Mexico City (IAAM). Under this initiative a total of 350 people received training.

Implementation of the Cooperation Agreement between ECLAC and Argentina’s National Social Service Institute for Retired Persons and Pensioners (PAMI) began during the reporting period. In an initial phase of work, a distance learning programme on the rights of older persons was designed for the staff of the institution. Considering all the editions of the course given so far (pilot, SCORM and in progress), 1,050 PAMI professionals have been trained. Another 1,000 will receive training at the next edition, to be held in August.

3. Preparing studies and publications on ageing and development

During the period, research and production of publications has concentrated on three topics: human rights of older persons, ageing and social protection and public institutions and ageing.

- (a) Human rights of older persons: ECLAC, in conjunction with the Government of Mexico City, and through the work of CELADE-Population Division of ECLAC and the Institute for the Care of Older Adults in the Federal District, respectively, published a book on the rights of older persons in the twenty-first century: situation, experiences and challenges. The document is a collective work made possible by the collaboration of eminent specialists. It gathers the

papers presented at the International Forum on the Rights of Older Persons held in Mexico City from 26 to 28 March 2012. The book addresses the issues of equality and non-discrimination on the grounds of age; access to justice and priority treatment; integrity and protection from abuse; an adequate standard of living and social protection; women, life cycle and human rights; participation in public and political life; and outlook for the protection of the rights of older persons. CELADE-Population Division of ECLAC compiled and published the book. IAAM printed 3,000 copies; 1,900 have been distributed.

An article on the rights of older persons: a challenge for all and reflections on United Nations Resolution 67/139 was drafted at the request of Costa Rica's CONAPAM. It summarizes the main progress made on the topic since adoption of the Brasilia Declaration, with a focus on 2013. The document will be published in the magazine *La Voz de los Mayores*.

- (b) Ageing and social protection: ECLAC published the book *Ageing, solidarity and social protection in Latin America and the Caribbean: time for progress towards equality*⁸ in Spanish and English. It furthers research on and the analysis and design of initiatives in the area of social protection for older persons. One of the book's main contributions is the link between ageing and equality, using an innovative conceptual approach and different indicators to facilitate its measurement in terms of social security, health and social services. The print run was 300 copies in Spanish and 200 copies in English; 270 copies have been distributed.
- (c) Public institutions and ageing: the San José Charter makes specific recommendations for strengthening institutions for older persons. The issues of autonomy, technical capacity and budget were already being discussed by parliaments and incumbent administrations. This thematic area has remained on the ECLAC work agenda, with the aim of concluding a comparative study that is under way. Costa Rica and Mexico have joined this initiative; each of these countries is drafting the respective chapter for inclusion in the publication slated for this year.

Lastly, as part of the programme of work of ECLAC on this topic, the tenth edition of the bulletin *Envejecimiento y Desarrollo* was released in November 2012. This issue was devoted mainly to the region-wide celebration of the tenth anniversary of the Madrid International Plan of Action on Ageing.

4. Technical assistance activities

To work with the countries of the region in the implementation of the commitments made in the San José Charter, ECLAC has carried out a number of technical support activities, including those that are set out in table 1.

The Commission worked with the Organization of American States Department of Social Development and Employment, which, together with the Ministry of Social Development of Uruguay, the Spanish Agency for International Development Cooperation (AECID), the Inter-American Commission on Human Rights and the Inter-American Institute of Human rights, delivered the course on indicators of economic, social and cultural rights as a tool for effective social policy, in Montevideo from 10 to 14 December 2012.

⁸ See [online] <http://www.eclac.cl/publicaciones/xml/7/49267/AgesolidarityandsocialprotectionLBC117.pdf>.

Table 1
**TECHNICAL ASSISTANCE ACTIVITIES IN THE AREA OF POLICY, PLANS
 AND LEGISLATION, AMONG OTHERS, TARGETING OLDER PERSONS**

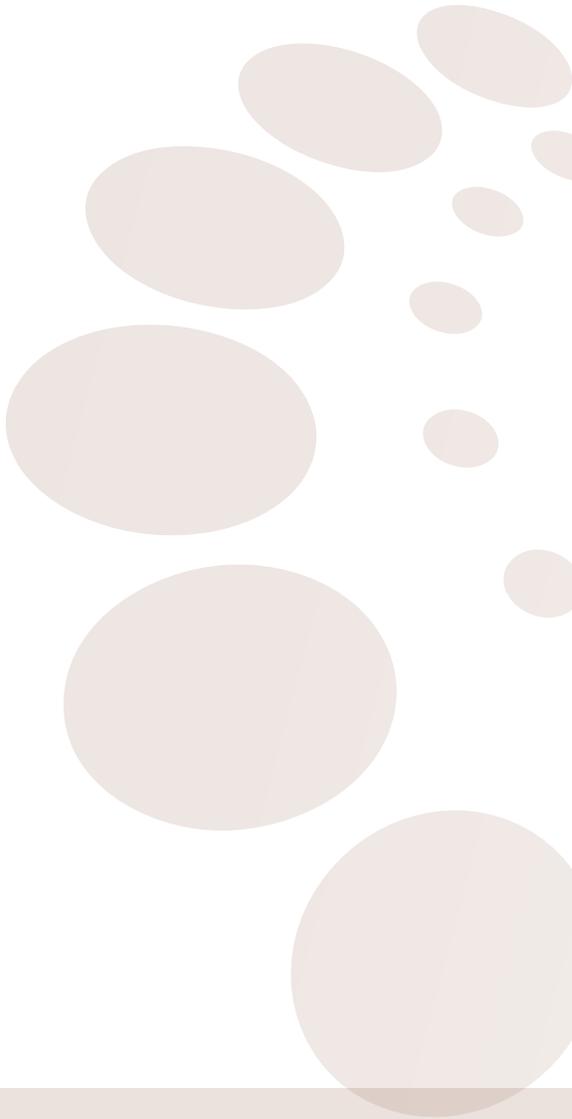
| Country | Institutions | Activity for which technical support was provided |
|--------------------|--|--|
| Argentina | National Institute of Social Services for Retirees and Pensioners-PAMI | Design of a training strategy for the institute's staff throughout the country. |
| Chile | National Service for Older Adults (SENAMA) | Participation in a panel on using knowledge generation to prevent abuse. |
| Costa Rica | Council for Older Persons (CONAPAM) | Dissemination, training on and promotion of the San José Charter on the Rights of Older Persons. |
| | National Pension Board for Teachers (JUPEMA) | Training on and dissemination of the human rights of older persons. |
| Dominican Republic | National Council on the Ageing (CONAPE) | Initiative for updating law 352 1998. |
| Ecuador | National Institute for Gerontological Research (INIGER) | Work plan for the development of a course on ageing, human rights and social protection. |
| Mexico | Institute for the Care of Older Adults in the Federal District of Mexico City (IAAM) | Strengthening of work teams in the subject of the rights of older persons. |
| Nicaragua | Interuniversity Group for Dialogue on Public Policies on Population and Development | Promotion and dissemination of the San José Charter on the Rights of Older Persons. |
| Panama | Technical Council on Population | Development of the national plan of action on ageing. |
| Uruguay | University of the Republic | Support for activities in the area of ageing of the doctorate in population studies. |

Source: Latin American and Caribbean Demographic Centre (CELADE)-Population Division of ECLAC.

III. RESULTS AND OUTLOOK IN THE FRAMEWORK OF THE SAN JOSÉ CHARTER

In the little more than a year that has elapsed since adoption of the San José Charter, there has been a major effort to enhance its positioning in the national and international arena. Governments have focused primarily on disseminating the Charter in order to advance in raising awareness of the rights of older persons. Its current broad dissemination has been strengthened by ongoing work at the United Nations and at the inter-American level, in which the countries of the region have played a significant role by advocating recognition of the rights of older persons.

In the coming years, the work of the countries must focus on the implementation of the Charter. The instrument lays out strategies for moving forward in that regard, including recommendations on institutions, public policy, information, training and cooperation. In this context, ECLAC, in response to the request made at the first San José Charter follow-up meeting held in early July, will continue to support the countries of the region in implementing the commitments made: first, by finishing the ongoing research and then by concentrating on the design of proposals for methodologies and programmes that facilitate the measurement of implementation.



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