

Argentina

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The ageing of population is an unprecedented phenomenon that will grow deeper in time. During the 20th century the proportion of grown adults rose and this tendency will probably continue in the next century. In 2007, 10.7 % of global population had 60 or more years. The projection shows that in 2025 the percentage of people at this age reaches a 15.1 % and 21.7% in 2050.

Every country in the world had experienced changes in the distribution of the age of its populations. Nevertheless, the regional differences with regard to the magnitude of the ageing process are considerable, according with the different stages in demographic transition. In 2007, the 5.3% of the population in Africa were sixty or more and the 9,6% of the population of Asia and the Pacific were people of age. In Latin America and the Caribbean, 9,1% of the population were sixty or more, in Oceania, 14,4% was composed of older persons, while in Europe, the grown adult population represented the 21,1%.

Although in present times older persons in Africa, Asia, Latin America and the Caribbean and Oceania is younger than in Europe, according to projections, these regions will experience a rapid growth of elderly population in future product of the high rate of growth that exhibits this segment of the population. At the global level, the population of 60 years and more has a rate of growth of 2,6%, and is higher in Africa (2,8%), Asia (3%), Latin America and the Caribbean (3,4%).

Consequently -although in the middle of the 20th century, ageing was a phenomenon of developed countries- ageing in developing countries will be faster in the future. This will imply lesser time to adapt to the consequences of this demographic phenomenon in the context of a less socioeconomic development.

There is no legally binding instrument to standardize and protect the rights of older persons. In the international doctrine of Human Rights 'age' is a matter to be treated as 'any other social condition', referring to the differences in age and generations but without really treating it.

The argument -as it happened with the rights of persons with disabilities- is that the universal nature of international instruments should include the elderly. We all know that this does not happen because we live in an imperfect world. If the world were perfect we would not need any convention, and there is no discrimination.

In the Universal Declaration of Human Rights of 1948, the reference to older persons is not explicit, although all its dispositions should apply to the members of the whole society, including the group of people with 60 years and more. The International Covenant on Economic, Social and Cultural Rights (1966) also contains no explicit reference to the rights of

older persons, except in Article 9 which deals with social security. That is why in 1995, the CESCR prepared the General Observation No. 6 which indicates: 'The States Part in the Covenant should pay attention to the promotion and protection of economic, social and cultural rights of older persons'.

Another important issue is to determine if discrimination by reasons of age is forbidden in the legally binding international instruments. In this regard, and as the CESCR affirmed in 1995 "nor in the Pact nor in the Universal Declaration of Human Rights made an explicit reference to the age as a forbidden factor for discrimination". Although this is not an intentional exclusion, this omission is probably explained by the fact that, when these instruments were adopted, the problem of ageing of the population was not as evident or as urgent as in the present days.

In the field of United Nations General Assembly resolutions and in the international action plans, there is a larger advance. However, these are not binding on the States, so they can observe them but are not legally obliged to.

There have been four initiatives in relation to a declaration on the rights of older people or discussed formally submitted as documents of UN agencies and their specialized organs:

1- The 'Declaration of the rights Older Persons' was presented by Argentina in 1948. The document proposed the rights to assistance, accommodation, food, dress, fiscal and mental health, moral health, recreation, work, stability and respect. Unfortunately, there was no major following of this draft or later advances.

2- In 1991, the International Federation of Ageing and the Dominican Republic presented the 'Declaration of the rights and responsibilities of older persons', which formed the basis of The United Nations Principles for Older Persons adopted by General Assembly resolution in 1991.

3- In 1999, the Dominican Republic presented to the Commission on Social Development a draft of a "Declaration of Interdependency" which pledge to promote and respect the bonds among peoples at the international level as those which bind individuals and groups at micro social scale.

4- Finally, in 1999, the American Association of Retired Persons (AARP) of the United States proposed the "Charter for a society for all ages" for the consideration of the United Nations in the International Year of Older People. It was expected that this initiative should follow the same process that the one of the International Federation of Ageing did in 1991, however this didn't succeed.

None of the previous proposals had been adopted and only the project of the International Federation of Ageing and the Dominican Republic could advance towards its final constitution as the 'Declaration of the rights and responsibilities of older persons'. Despite the enormous value of this resolution, there are difficulties in implementing the principles, since it is a tool for guidance and it is not mandatory.

The Convention on the Elimination of Discrimination against Women (CEDAW) is the only United Nations Human Rights instrument that refers in particular to the age discrimination in the field of work, stating that:

“e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave (United Nations, 1979, art. 11, inc. 1)”

But this does not apply to men nor takes into account the rest of the rights.

On 13 December 2006 the Convention on the Rights of Persons with Disabilities was adopted by the United Nations General Assembly.

In this Convention, explicit references to older persons are scarce (compared to the treatment given to children, in relation to which the autonomy and independence assume special importance) and appear linked to health and protection issues, which the Convention seeks to overcome. Furthermore, most of older persons don't present any disability and therefore this Convention doesn't apply to them.

There is a growing concern worldwide about the situation of vulnerability in the exercise of rights by the elderly and there is growing awareness of the value that would have a legally binding international instrument to standardize the rights of older people and to establish mechanisms and the body to make them enforceable, since it is a vulnerable sector of the global population that is subject to discriminatory practices and treatment.

The briefing of the European Parliament on “The role of women in an ageing society” (2009), states that poverty in older persons has risen more than in the rest of the population.

During the period 200-2050, in Latin America and the Caribbean, the amount of people with moderate to severe dependence will be duplicated, rising from 23 to 50 millions.

Today, 80% of global population doesn't have social security and, if there are no changes, about 1200 million people will suffer from income-insecurity by 2050.

We must protect older people from poverty, marginalization, discrimination, lack of access to health, social services, negative stereotypes, abuse and maltreatment, neglect of dependency and lack of resources to promote their autonomy.

To address ageing as a human rights issue is not purely semantics, but has important consequences in the design and implementation of public policies, in the adoption of laws and, in a general sense, is of great importance in social responses to the issue.

This is why the government of Argentina, led by Dr. Cristina Fernández de Kirchner, through the National Council of Coordination of Social Policies and the Ministry of Social Development, both directed by Dr. Alicia Kirchner, support the need for a convention to promote, protect and ensure the full enjoyment of all human rights and fundamental freedoms, ensuring its implementation through a binding instrument.