

Área de enfoque 1: Contribución de las personas mayores al desarrollo sostenible

Definición

1. ¿Cómo se definen en la legislación nacional de su país los derechos humanos fundamentales relacionados con la participación de las personas mayores y, por tanto, su contribución al desarrollo sostenible?

The Inter-American Convention on the Protection of the Human Rights of Older Persons - approved in Argentina by Law N°. 27.360 and raised to constitutional rank in 2022 through Law N°. 27.700- is the legally binding instrument that provides a specific protection framework to the human rights of the older persons, and obliges the State to implement public policies that guarantee the enjoyment and exercise of said rights.

Regarding the participation of older persons and their contribution to sustainable development, the Convention establishes in Article 8 the right to participation and community integration; in Article 25 the right to a healthy environment, promoting the development of the older persons in harmony with nature and guaranteeing access to basic public services; and in Article 26 the right to accessibility and personal mobility in order to guarantee an independent life so that older persons have equal access to the physical environment, transportation, information and communications.

Alcance de los derechos

2. Proporcione referencias a los estándares legales nacionales existentes relacionados con la contribución de las personas mayores al desarrollo sostenible en elementos normativos tales como;

- a) derecho a la igualdad y prohibición de todas las formas de discriminación contra las personas mayores por motivos de edad, sola o combinada con otros motivos, en el contexto del desarrollo sostenible;
- b) la eliminación de todas las formas de discriminación por motivos de edad y edad de las leyes, marcos, programas, políticas y prácticas de desarrollo sostenible;
- c) derecho a la libertad de expresión, incluida la libertad de buscar, recibir y difundir información;
- d) derecho de reunión pacífica;
- e) derecho a la libertad de asociación;
- f) derecho a participar en el gobierno de su país, directamente a través de representantes libremente elegidos;
- g) derecho al desarrollo, incluyendo a las personas mayores como participantes activos y beneficiarios del desarrollo;
- h) participación activa, libre y significativa de las personas mayores y sus organizaciones representativas en todos los asuntos relacionados con el desarrollo sostenible, incluidos los procesos políticos;
- i) el acceso a recursos y reparación oportunos cuando se vulneren los derechos de las personas mayores antes mencionados.

Obligaciones del Estado

3. ¿Qué medidas y consideraciones especiales debe tomar el Estado para respetar, proteger y hacer efectivos los derechos antes mencionados para asegurar la contribución de las personas mayores al desarrollo sostenible?

The Convention incorporates fundamental rights that address the contribution of older persons to sustainable development. In the first place, it establishes in its Article 5 the “right to equality and non-discrimination for reasons of age”, where discrimination for reasons of age in old age is prohibited, especially in relation to older people in vulnerable conditions and those who are victims of multiple discrimination, including women, people with disabilities, people of diverse sexual orientations and gender identities, migrants, among others. Likewise, in Article 9 it raises the right to a life without any type of violence and the elimination of all forms of discrimination based on age.

The Article 14 refers to the right to freedom of expression and opinion, and access to information. With regard to peaceful assembly and freedom of association, Article No. 28 refers to the fact that older persons have the right to meet and to freely form their own groups and associations. In relation to participation in the government, article N°. 27 gives an account of the political rights of the older persons.

The Article 8 establishes the right to participation and community integration, where it's indicated that older persons have the right to active, productive, full and effective participation within the family, community and society to their integration in all them.

Lastly, with respect to remedies and reparation for the violation of rights, Article 31 establishes the "right of access to justice" and Article 36 establishes that any person or group of persons, or non-governmental entity, can legally present to the IACHR petitions that contain denunciations or complaints of violation of any of the articles of the Convention.

Implementación

4. ¿Cuáles son las buenas prácticas y los principales desafíos que enfrenta su país en la adopción e implementación del marco normativo antes mencionado para asegurar la contribución de las personas mayores al desarrollo sostenible?

In recent years, the National Institute of Social Services for Retirees and Pensioners (PAMI) has implemented various actions aimed at expanding rights, which promote the contribution of older persons to sustainable development.

In this way, in February 2020 the General Secretariat for Human Rights, Community Gerontology, Gender and Care Policies was created, whose purpose is to formulate, design and execute policies and programs based on compliance with the Inter-American

Convention on the Protection of the Human Rights of Older Persons and the United Nations 2030 Agenda, that is, promoting the defense of human rights and fundamental freedoms of older persons, contributing to their development and autonomy and favoring their participation, full and effective integration and inclusion in society, from a life course approach and with a gender perspective that prioritizes their well-being and care.

Within this framework, it's worth highlighting the creation of the "Eva Giberti" Integral Protection Center for Women and Diversities, whose objective is to provide psychosocial assistance and advice in situations of gender-based violence experienced by affiliated persons, and to develop training, activities, mutual aid groups and workshops to promote rights; as well as the creation of the "Program for the promotion of good treatment and comprehensive protection against violence against the elderly", which aims to provide a psychosocial approach and support service for affiliated elderly people in alleged situations of violence; develop actions to raise awareness against abuse of the elderly; and generate training spaces aimed at preventing, avoiding and detecting situations of violence.

Finally, to promote the contribution of older people to sustainable development, it's necessary to guarantee the participation of older people in the decision-making sphere of public policies. In this way, within the scope of PAMI, the Participatory Councils of local, regional and national scope function, which enable the meeting between the authorities of the Institute and the affiliated persons through their representatives (Councillors and Authorities of Confederations, Federations and Centers of retired). These Councils are constituted as favorable areas for raising demands, problems and suggestions for the improvement of the Institute's policy, promoting participatory management and necessary interaction for the planning of institutional actions that allow improving the care provided and the quality of the services.