



Las personas mayores y la agenda 2030: oportunidades y desafíos para que nadie se quede atrás



United Nations **Human Rights**
Office of the High Commissioner for Human Rights



OBJETIVOS

- La Agenda 2030
- En que medida las personas mayores están incluidas en la Agenda 2030
- Los derechos humanos como guía en la inclusión de las personas mayores en la implementación de los ODS
- Desafíos, oportunidades y el camino a seguir



LA AGENDA 2030



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La Agenda 2030 y los Derechos Humanos



THE UNIVERSAL DECLARATION OF Human Rights

PREAMBLE recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

PREAMBLE disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind and the advance of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

PREAMBLE it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

PREAMBLE it is essential to promote the development of friendly relations between nations.

PREAMBLE the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have deter-

mined to promote social progress and better standards of life in larger freedom.

PREAMBLE Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms.

PREAMBLE a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge.

ARTICLE 1 THE GENERAL ASSEMBLY

PROCLAIMS This Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

ARTICLE 1 All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE 2 Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other designation of sovereignty.

ARTICLE 3 Everyone has the right to life, liberty and security of person.

ARTICLE 4 No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

ARTICLE 5 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ARTICLE 6 Everyone has the right to recognition everywhere as a person before the law.

ARTICLE 7 All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

ARTICLE 8 Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him in the constitution or by law.

ARTICLE 9 No one shall be subjected to arbitrary arrest, detention or exile.

ARTICLE 10 Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and of any criminal charge against him.

ARTICLE 11 Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

ARTICLE 12 No one shall be held guilty of any penal offence on account of his race or ethnicity which did not constitute an offence under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the offence was committed.

ARTICLE 13 No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

ARTICLE 14 Everyone has the right to freedom of movement and residence within the borders of each state.

ARTICLE 15 Everyone has the right to leave any country, including his own, and to return to his country.

ARTICLE 16 (1) Everyone has the right to own and to enjoy in other countries, acquired from purchase.

(2) This right may not be denied in the case of persons persecuted, having been non-voluntary conscripts from one country to another, or principles of the United Nations.

ARTICLE 17 (1) Everyone has the right to own property.

(2) No one shall be arbitrarily deprived of his nationality.

ARTICLE 18 (1) Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, within alone or in community with others, and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

ARTICLE 19 Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

ARTICLE 20 (1) Everyone has the rights to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

ARTICLE 21 (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

ARTICLE 22 Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

ARTICLE 23 (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity and supplemented if necessary by other means of social protection.

ARTICLE 24 Everyone has the right to rest and to leisure, including reasonable limitation of working hours and periodic holidays with pay.

ARTICLE 25 (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

ARTICLE 26 (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, social or religious groups, and shall foster the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

ARTICLE 27 (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

ARTICLE 28 Everyone is entitled to social, political, economic and cultural rights and freedoms set forth in this Declaration and to take part in the free and full development of his personality in which alone the free and full development of his personality is possible.

(3) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

ARTICLE 29 (1) These rights and freedoms shall be exercised only in conformity with the law and the conditions of such law shall be determined by the State, in order to give effect to the rights and freedoms set forth in this Declaration.

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- La Agenda 2030 esta anclada en los derechos humanos
- Los 17 ODS y muchas de las 169 metas y 241 indicadores están vinculados a derechos humanos específicos
- No dejar a nadie atrás – principios de igualdad y no-discriminación (ODS 5, 10, 16)

UNITED NATIONS



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En que medida las personas mayores están incluidas en la Agenda 2030?



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Menciones Explícitas



- **2.2:** Para 2030, poner fin a todas las formas de malnutrición, (...) y abordar las necesidades de nutrición de las adolescentes, las mujeres embarazadas y lactantes **y las personas de edad**
- **11.2** De aquí a 2030, proporcionar acceso a sistemas de transporte seguros, asequibles, accesibles y sostenibles para todos y mejorar la seguridad vial, en particular mediante la ampliación del transporte público, prestando especial atención a las necesidades de las personas en situación de vulnerabilidad, las mujeres, los niños, las personas con discapacidad **y las personas de edad**
- **11.7** De aquí a 2030, proporcionar acceso universal a zonas verdes y espacios públicos seguros, inclusivos y accesibles, en particular para las mujeres y los niños, **las personas de edad** y las personas con discapacidad



ODS que incorporan temas prioritarios para las personas mayores

- ODS 1: pobreza (protección social),
- ODS 2: erradicación del hambre y la desnutrición
- ODS 3: salud
- ODS 4: educación
- ODS 5: igualdad de genero
- ODS 6: agua y saneamiento
- ODS 8: empleo
- ODS 11: ciudades y asentamientos humanos
- ODS 16: sociedades pacificas, acceso a la justiciar e instituciones eficaces e inclusivas



OBJETIVO 3

Garantizar una vida sana y
promover el bienestar
para todos en
todas las edades



#GlobalGoals



3.8 Lograr la cobertura sanitaria universal, en particular la protección contra los riesgos financieros, el acceso a servicios de salud esenciales de calidad y el acceso a medicamentos y vacunas seguros, eficaces, asequibles y de calidad para todos

3.9 Para 2030, reducir sustancialmente el número de muertes y enfermedades producidas por productos químicos peligrosos y la contaminación del aire, el agua y el suelo



Los Derechos Humanos en la inclusión de las personas mayores en la Agenda 2030



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I-Marco sustantivo y guía en la implementación de los ODS

ODS 8.10	Convención Interamericana Personas Mayores (art. 30)
“fortalecer la capacidad de las instituciones financieras nacionales para <u>fomentar y ampliar el acceso a los servicios bancarios, financieros y de seguros para todos</u> ”	“(…) los Estados Parte tomarán todas las medidas que sean pertinentes y efectivas para garantizar <u>el derecho de la persona mayor (...) y tener acceso en igualdad de condiciones a préstamos bancarios, hipotecas y otras modalidades de crédito financiero, y velarán por que la persona mayor no sea privada de sus bienes de manera arbitraria</u> ”

II- Identificación de los “dejados atrás”

- Los Estados se comprometieron a “que nadie se quedará atrás” y que adoptaran todos los esfuerzos para “llegar primero a los más rezagados” (art. 4), y a “un mundo justo, equitativo, tolerante, abierto y socialmente inclusivo en el que se atiendan las necesidades de los más vulnerables”.
- El párrafo 23 de la Declaración, identifica explícitamente a las “personas de edad” entre los grupos susceptibles de experimentar situaciones de vulnerabilidad



III - Identificación de los “dejados atrás”

- Varias metas mencionan explícitamente a los grupos vulnerables: garantizar la universalidad del acceso a un bien básico, cobertura de un servicio o erradicar una situación inaceptable
- Ex: ODS 1.3 requiere “(i)mplementar a nivel nacional sistemas y medidas apropiados de protección social para todos, incluidos niveles mínimos, y, de aquí a 2030, lograr una amplia cobertura de las personas pobres y vulnerables”.



Utilizando recomendaciones de los mecanismos de derechos humanos: : e.g. ODS 1 - pobreza – relatora especial

ODS	INFORME DE LA RELATORA DE DERECHOS HUMANOS Y POBREZA (BANGLADESH/VIETNAM)
<p>Poner fin a la pobreza en todas sus formas en todo el mundo</p>	<ul style="list-style-type: none"> ➤ Bangladesh - Social security system: <u>The number of older persons receiving a pension from the formal social security system, which covers only Government employees, remains extremely limited and will remain so as long as the informal sector continues to be prevalent in Bangladesh. Such a situation risks leaving a growing portion of the population excluded from much-needed support, especially considering the gradual decline of family support systems for older persons currently witnessed in Bangladesh and indeed in the rest of the world. The independent expert encourages the Government to expand its old-age allowance into a universal benefit over a certain age and to ensure access to health care for older people. (A/HRC/15)55)</u> ➤ Vietnam - The situation of persons vulnerable to extreme poverty - older persons: Despite the progress made in reducing poverty in Viet Nam, <u>many groups of older people, in particular in rural and isolated areas, are still living in poverty.</u> The SR called for the situation of older persons be one of the Government’s priorities, and “<u>welcomes the Government efforts to expand the coverage of social insurance schemes through voluntary pensions</u>” and strengthen the outreach and administration of voluntary pensions and to consider incentives to join the scheme”.



Utilizando recomendaciones de los mecanismos de derechos humanos: relatora especial personas mayores

ODS	INFORMES DE LA RELATORA DE DERECHOS HUMANOS Y POBREZA (Eslovenia, Austria, Mauricio, Costa Rica, Singapur, Namibia, Georgia, Montenegro)
ODS 1, 4, 5, 8,16	<ul style="list-style-type: none">➤ Discriminación,➤ Violencia y abandono,➤ Protección social y el derecho a la seguridad social➤ Nivel de vida adecuado➤ Autonomía y acceso a la justicia➤ Cuidados➤ Educación, capacitación y aprendizaje permanente➤ Participación e inclusión social



III - Desagregación de datos por razones de edad

- ODS 17.18 propone *“mejorar el apoyo a la creación de capacidad prestado a los países en desarrollo (...) para aumentar significativamente la disponibilidad de datos oportunos, fiables y de gran calidad desglosados por (...) edad (...)”*, entre otros factores mencionados.



Adopción enfoque derechos humanos: recolección datos



<http://www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf>



Mecanismos de Seguimiento

Mecanismos robustos, participativos y transparentes de rendición de cuentas

Mecanismos nacionales

Mecanismo global – Foro político de alto nivel sobre desarrollo sostenible

- ✓ Próxima sesión: 9/18 Julio 2019 (ECOSOC)
- ✓ “Capacitar a las personas y garantizar la inclusión e igualdad”
- ✓ ODS 4, 8, 10, 13,16,17
- ✓ 51 países (10 por segunda vez) estarán presentando sus informes voluntarios
- ✓ Participación



Desafíos

Normative gap

- Falta de acuerdo sobre un instrumento universal
- Inconsistencia en la integración de los derechos de las personas mayores en las recomendaciones de los mecanismos de derechos humanos

Protection gap

- Ausencia de instituciones/mecanismos nacionales enfocados al tema de las personas mayores
- Ausencia de datos desagregados
- Mecanismos débiles de rendición de cuentas



El camino a seguir



- Adopción de un instrumento normativo universal
- Integración de los derechos de las personas mayores en las recomendaciones de los órganos de tratado/ UPR/ relatores especiales
- Incorporación de los estándares de derechos humanos en la implementación de los ODS
- Experiencia mecanismos regionales





Muchas gracias!

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