

The urgency of advancing the dissemination and implementation of the Inter American Convention on Protecting the Human Rights of Older Persons

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Abstract

Ten years have passed since the Member States of the Organization of American States (OAS) approved, on June 15, 2015, the Inter American Convention on Protecting the Human Rights of Older Persons [1]. This instrument is the first international treaty of regional scope to recognize and comprehensively protect the human rights of older persons. Its drafting process, convened in 2011, was relatively fast by the standards of international treaty negotiations [2], making it possible to finalize the text in just four years. To date, thirteen countries have ratified the Convention: Argentina, Belize, Bolivia, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Mexico, Peru, Suriname, Saint Kitts and Nevis and Uruguay [3]. The Convention is a binding instrument; therefore, ratification entails an obligation to move toward its effective implementation. Accordingly, States Parties must periodically report legislative and public policy progress and submit to a follow-up mechanism that includes a Conference of States Parties and a Committee of Experts [1]. Despite the time that has passed, the Convention remains little known outside specialized circles, which limits its transformative potential. In a regional context where structural discrimination persists, the Convention offers a normative framework to safeguard rights in health, social protection, justice, participation and independent living. It also helps to make visible and confront abuse, neglect and violence that are still too often normalized. In Chile, where it was ratified in 2017, implementation today more than ever requires dissemination, training and civic oversight, with territorial relevance and genuine inclusion of the diversity of ageing experiences -leaving no one behind.

Keywords: Older persons; Human rights; Inter-American Convention; Ageism; Implementation; Public policies; Chile; Participation

Abbreviations: OAS: Organization of American States; ECLAC: Economic Commission for Latin America and the Caribbean; WHO: World Health Organization; UN: United Nations; SDGs: Sustainable Development Goals

Introduction

The Inter-American Convention on Protecting the Human Rights of Older Persons was adopted on June 15, 2015, by the OAS [1]. It is a regional legal commitment that recognizes specific rights in older age and defines state obligations. Its drafting process, initiated in 2011, was considered fast relative to typical international negotiation timelines [2], reflecting a regional political urgency to address the gap between demographic ageing and the weak effective protection of older persons' rights. Today, with thirteen States Parties having ratified it [3], the challenge is to ensure that the Convention translates into laws, policies, budgets, institutional capacities and enforceability mechanisms that positively affect the everyday lives of older persons.

Discussion

As established by the Convention itself [1], States Parties must report progress in legislative and policy actions and participate in a follow-up mechanism consisting of a Conference of States Parties and a Committee of Experts, to be convened once the tenth State Party had ratified

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it. This design matters because it introduces a logic of periodic accountability and supports regional comparability. However, a treaty without sufficient dissemination is reduced to a document of formal adherence. Effective implementation requires capacity and coordination, ranging from regulatory adjustments and sectoral protocols to coherent indicators and budgets.

The Convention is a binding instrument of major relevance because:

- a) First, it establishes a normative framework that recognizes specific rights of older persons in areas such as health, social protection, work, access to justice, participation and independent living [4]. This level of detail matters because it moves from broad declarations to concrete standards.
- b) Second, it is a fundamental legal instrument to confront ageism and discrimination against older persons [5]. Ageism is a social practice expressed through clinical, administrative and community decisions that restrict rights and opportunities and directly affect the health and well-being of older persons.
- c) Third, it provides definitions and standards that make visible and combat abuse, neglect and abandonment, including economic, emotional and physical violence [1]. Naming these forms of violence is a first step toward prevention, detection, protection and sanction.
- d) Fourth, it promotes cultural change by recognizing the value of experience and the contribution of older persons to sustainable development. This is especially relevant in societies where ageing is often framed as a “burden”.

The United Nations has warned that many older persons in the region face multiple forms of discrimination, especially when they are women; Indigenous or Afro-descendant people; persons with disabilities; persons from the LGBTIQA+ community; displaced persons; or stateless persons [6]. Recognizing these intersections and inequalities -and adapting policies and services so as not to reproduce exclusion -becomes one of the major challenges.

In Chile, ratification of the Inter-American convention on protecting the human rights of older persons was finalized in 2017 after a process in which civil society played a leading role, mobilizing the debate in both the Executive and Legislative branches [7] and working closely with academia. This experience leaves an important lesson: Rights advance when there is informed civic articulation. Today, the implementation phase once again requires an active civil society, as well as an academia connected to territory and public policy. The participation of independent experts, designated by States Parties, can contribute a contextualized

perspective that is close to local realities -precisely what is often missing in regional policy follow-up processes. The challenge we face today is the effective implementation of the Convention as a transformative tool, with a territorial approach and leaving no one behind. This requires that older persons know their rights and can recognize violations; that institutions and teams understand the obligations, standards and procedures that must be met; and, above all, that there be continuous social and political oversight to make compliance enforceable.

Conclusion

Ten years after its adoption, the Inter-American convention on protecting the human rights of older persons still faces its greatest obstacle: Limited awareness among older persons and institutions of its existence and of the rights it recognizes and guarantees. The challenge is not to draft new commitments, but to comply with the one already undertaken, one that required significant work at different levels. To achieve this, dissemination, training and civic oversight must be strengthened, grounded in a rights-based approach, territorial relevance and explicit recognition of the diversity of ageing experiences. A Convention that is implemented protects, defends and guarantees; a Convention that is unknown becomes mere decoration.

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Conflict of Interest

The author declares no conflict of interest.

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