Normative framework for equality in old age
A. Normative framework

There is no global treaty that expressly guarantees the rights of older adults, but the Inter-American Convention on Protecting the Human Rights of Older Persons has recently been adopted. This regional human rights instrument is the only binding standard in the Americas that focuses on promoting, respecting and guaranteeing the rights of older persons.

The purpose of the Convention is to promote, protect and ensure the recognition, full enjoyment and exercise, on an equal basis, of all human rights and fundamental freedoms of older persons in order to contribute to their full inclusion, integration and participation in society (OAS, 2015).

The Convention’s 27 articles identify areas for policy action aimed at narrowing the gaps that exist in terms of the exercise of this population’s group’s human rights. The rights protected by the Inter-American Convention can be classified as emerging rights, existing rights and extended rights (see diagram VIII.1).

- Emerging rights can be defined as rights that are beginning to be demanded and/or rights that are partially recognized in existing international and/or national instruments.
- Existing rights are those that are already covered in international instruments but that need to be adapted to conform to the specific needs of a given group either by interpreting them in a new way or by expanding upon them.
- Extended rights are those that are specifically being extended to groups that have not been able to avail themselves of those rights in the past owing to omissions or discrimination (Dussel, 2010).

This treaty can also be used as a framework for emphasizing the rights of older persons in the course of the implementation of the 2030 Agenda for Sustainable Development on a basis of equality and non-discrimination. This approach is especially useful for implementing actions and tracking progress towards target 1.3 (universal social protection), target 3.8 (universal health coverage), target 5.4 (recognition and valuing of care work) and target 17.18 (availability of high-quality, timely and reliable data disaggregated by age, among other factors).
DIAGRAM VIII.1
Inter-American Convention on Protecting the Human Rights of Older Persons

EMERGING RIGHTS
• Right to life and dignity in old age (art. 6)
• Right to independence and autonomy (art. 7)
• Rights of older persons receiving long-term care

EXISTING RIGHTS
NEW INTERPRETATIONS
• Equality and non-discrimination for reasons of age (art. 5)
• Right to give free and informed consent on health matters (art. 11)
• Right to safety and a life free of violence (arts. 9 and 10)

EXPANDED RIGHTS
• Right to work (art. 18)
• Right to health (art. 19)
• Access to justice (art. 31)
• Right to education (art. 20) and to culture (art. 21)
• Right to a healthy environment (art. 25)
• Right to recreation, leisure and sports (art. 22)

EXTENDED RIGHTS
• Right to accessibility and personal mobility (art. 26)
• Rights in situations of risk and humanitarian emergencies (art. 29)

THREE DIMENSIONS
