

Policies for Older Persons and Human Rights: Public Agenda in Latin America and Caribbean Countries

Summary Version

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This paper aims to examine ageing policies in Latin America and the Caribbean, particularly in countries that have ratified the *Inter-American Convention on Protecting the Human Rights of Older Persons* (Organization of American States [OAS], 2015). The paper seeks to describe the institutional dimension of ageing policies, as well as the definition of specific public actions related to the protection of the rights of older persons. The analysis will also consider the priority areas defined by the *Madrid International Plan of Action on Ageing* (United Nations [UN], 2002) and their adjustments through successive reviews in the Latin American context.

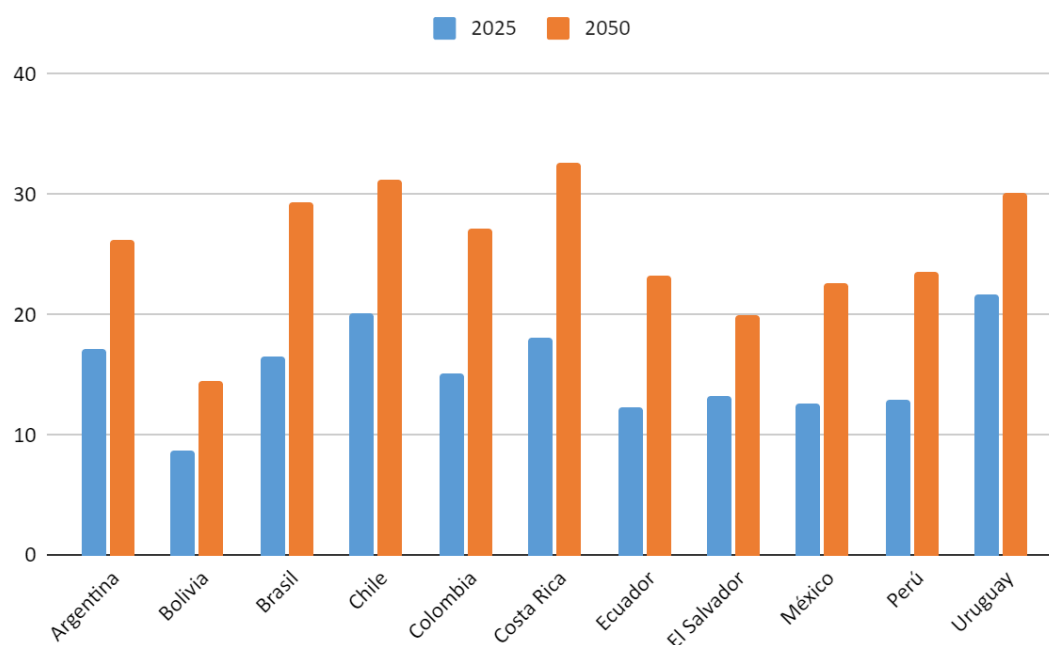
Theoretical Focus and Demographic Trends

The Latin American and Caribbean region is among the most affected by demographic ageing, a phenomenon expected to intensify in the coming decades, with a persistent rise in the population of older persons. The age structure of countries across the region is undergoing radical transformations due to an accelerated ageing process, driven by demographic transitions experienced over the past century. These transitions have taken varied and heterogeneous forms across Latin America, reflecting different phases of demographic ageing, though at a significantly faster rate than in regions such as Europe. In Latin America, the proportion of people over 60 was 5.6% by the mid-20th century; today, it exceeds 13%, and by mid-century, this percentage is expected to double, with one in four people being over 60. At that point, the number of people over 60 will surpass those under 15 across the region, with an annual growth rate of 4.3%.

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Currently, the populations of the Southern Cone are the most aged on the continent, with 21% of Uruguay's population over 60 years old, 20% in Chile, and 17% in Argentina. This phenomenon results from the early decline in fertility and mortality observed in Argentina and Uruguay relative to other countries in the region, with Chile undergoing this demographic transition at a later stage. Countries like Brazil, Mexico, and Costa Rica, which were in a phase of moderate ageing a decade ago, have now moved into a more advanced stage, with the proportion of older persons exceeding 15%, and around 17% in Costa Rica. Meanwhile, other countries, such as Bolivia, Paraguay, and Nicaragua, remain below 10%. The countries selected for analysis in this paper are expected to experience a substantial increase in their older populations over the next 25 years (Figure 1).

Figure 1 - Percentage of people aged 60 and over in the total population, 2025–2050. Latin America and the Caribbean. Selected countries.



Source: own elaboration based on UN Population Division available in <https://platform.who.int/data>

In the coming decades, changes in the age structure are expected to intensify and become more widespread across the region. As the demographic transition solidifies, overall

population growth rates will decline, while the growth rate of older persons, particularly those over 80, will triple.

In this context of progressive demographic ageing, the region has adopted various public policy measures, largely guided by initiatives from the *Second World Assembly on Ageing*, held in Madrid in 2002. Since then, successive conferences (Chile, 2003; Brasilia, 2007; San José, 2012; Asunción, 2017; Santiago, 2022) have been held to advance the implementation of the *Madrid International Plan of Action on Ageing* (MIPAA), tailored to the specific needs of Latin America.

One of the central pillars of the MIPAA is the inclusion of older persons in the design, participation, and monitoring of public policies. In this regard, the consolidation of a rights-based approach has been strengthened in the region. The process culminated in the 2015 adoption of the *Inter-American Convention on Protecting the Human Rights of Older Persons* within the framework of the Organization of American States. This is the first and only legally binding international instrument that recognizes the rights of older persons and establishes mechanisms for monitoring its implementation (OAS, 2022) within the Inter-American human rights system. It establishes a specific rights-based approach, considering the unique characteristics of this population.

Given these two regional peculiarities—accelerated ageing in the coming decades and a unique, rights-based instrument—the aim of this paper is to present the institutional architecture and political actions that have taken place in the countries that ratified this convention, namely Argentina, Bolivia, Brazil², Chile, Colombia, Costa Rica, Ecuador, El Salvador, Mexico, Peru, and Uruguay.

² Although Brazil signed the Convention, it neither ratified nor deposited the instrument. Nevertheless, it will still be included in the analysis given its quantitative dimension and its relevance on the continent

Data and Methods

The data used come from a documentary review of public policies in the aforementioned countries, related to laws, measures, and national public policy actions. The analysis will be based on four main axes:

- Description of national initiatives in each country
- Explicit incorporation of a rights-based approach
- Articulation of political actions with the rights outlined in the OAS Convention
- Analysis of the MIPAA public policy areas, considering the priority directions people and development, health and well-being, supportive environments (physical environments and social environments), care and caregivers³.

Based on these axes, the actions identified in the eleven countries will be classified by rights, grouped into 12 categories, and areas of public policy impact, grouped into 5. Both analytical axes converge on key thematic points.

To analyse the initiatives in each country, the following criteria were used to record the data:

- ✓ description of the policy
- ✓ policy objectives
- ✓ target audience
- ✓ explicit incorporation of the human rights approach
- ✓ rights protected under the OAS Convention
- ✓ rights protected in the Policy Area of the MIPAA

The data collection was done through the websites of the main institutions responsible for ageing policies in each country. Only the actions explicitly stated on these websites were included in the analysis. These institutions coordinate public policies in each country and are listed in the same order as in the original source. At this stage of the analysis, other institutions that may have broader policies including older persons—such as ministries of economy, public health, and housing—were not included. Ideally, these policies should be part of the central political institution and coordinated across sectors. This will be made clear

Finally, it should be noted that there was not enough information available for Bolivia, Colombia, and El Salvador. As a result, these countries were excluded at this stage of the analysis.

Results

Institutional Framework for Policies on Older persons in Latin America

The institutional architecture of policies for older persons in Latin America is diverse, and in some countries, it has a long-standing tradition. However, it gained more relevance and, especially, developed a distinct identity and autonomy towards the end of the last century, consolidating over the past few decades.

Between 1998 and 2021, several special laws intended for older persons were approved in different Latin American countries. Since 2015, the years in which countries signed, acceded to, and/or ratified the OAS Convention have also been documented. Most of the time, these laws are aimed at protecting the rights of older persons. Sometimes, they establish regulatory frameworks, others explicitly state specific rights, and occasionally, they create national governing institutions for older persons 'policies.

The majority of the governing institutions responsible for policies on older persons in these countries fall under the ministerial sphere of the social sector, mostly within ministries of social development or, alternatively, ministries of health, women, vulnerable populations, justice, among others (ECLAC, 2022). In the countries analysed in this work, the institutions responsible for implementing specific policies for older persons vary. In this sense, this paper will focus on the countries that have ratified the OAS Convention and the specific actions they have implemented, seeking to highlight the incorporation of a human rights-based paradigm.

Policy Measures for Older persons in the Selected Countries

The policy measures identified in this report come from the main institutions responsible for public policy on older persons in each country, as outlined in the methodology section.

This has led to a paradigm shift in how older persons are viewed, reflected in the trend towards a more comprehensive approach to public policy and focus in human rights. The main institutions responsible for ageing policies have, to some extent, responded to this shift by developing coordinated public policies within social ministries. However, these institutions often coexist with others that continue to manage historically rooted actions within more traditional frameworks—reflecting welfare-based paradigms towards older persons. This, in turn, makes intersectoral coordination more difficult. Nonetheless, the degree of consolidation of these efforts varies depending on the institutional structure in each country.

Based on these considerations, this study focuses on analysing the actions carried out by the main institution responsible for public policy on older persons in the countries that have ratified the OAS Convention and for which information was available for review

A total of 67 initiatives related to the older adult population were identified in the selected countries in the region. Most of these initiatives are grouped in the social environments area of the *Madrid International Plan of Action on Ageing*, accounting for 39% of the total initiatives identified. The second most common group includes initiatives related to care (27%), either directly targeting older persons or focusing on the training of caregivers. Approximately one in five (22%) are linked to development areas, which include economic security, poverty, employment, and education for older persons. Health and well-being efforts identified within the main institutions responsible for older adult policies represent 9%, while those aimed at improving physical environments—such as housing or urban areas—account for just 3%.

Regarding the rights protected under the OAS Convention, a significant proportion of the identified initiatives are linked to access to care and the rights of those receiving care. This issue has attracted growing attention on the Latin American policy agenda, reflecting the region's ageing population, the rise in functional dependence, and the increasing demand for professionalised care. In several countries, it has been noted that only a minority of caregivers receive formal training, which in turn affects the rights of older persons and the quality of care they receive. In this regard, it has been suggested that Latin American countries prioritise expanding and improving the quantity and quality of care services for older persons, as well

as the training of caregivers, as part of the public agenda (PAHO and IDB, 2023).

The second most common group of initiatives (18%) involves the participation and community integration of older persons within public policy. Rights related to equality and non-discrimination account for 8% of the initiatives. The same percentage applies to those related to education, culture, and recreation. A smaller proportion of initiatives are linked to health, access to basic goods, social security, and justice.

An analysis was also conducted on the explicit incorporation of a human rights approach in the initiatives examined. This approach may be evident in the design of the measure, the target audience, or the scope of the public policy. Overall, 42% of the total initiatives identified explicitly include a human rights approach. A country-level analysis reveals that, although Chile has the highest number of public policy initiatives targeting older persons, only 13% explicitly adopt a human rights-based approach. In contrast, Brazil exhibits the highest proportion of initiatives with this explicit orientation, encompassing the vast majority (90%) of its actions. Uruguay and Ecuador follow, with a comparatively lower number of initiatives; however, approximately 50% of them incorporate a human rights perspective. Mexico and Costa Rica show slightly lower proportions, around 45%, although Mexico has twice as many initiatives as Costa Rica in absolute terms. Meanwhile, Argentina and Peru integrate this approach in roughly one out of every four initiatives implemented by their respective lead institutions. Notably, Argentina includes 11 such actions, while Peru has only 4. Therefore, the number of actions implemented in each country targeting the older population is not necessarily associated with the explicit incorporation of a rights-based approach. Although this perspective may not be overtly stated in the description of policy measures, the initiatives can nonetheless be categorized according to the type of rights with which they are aligned.

Main findings

Latin America has made significant progress regarding ageing policies. These advances largely took place in the first two decades of this century, when most countries began creating their first public institutions to coordinate ageing-related policies. These initiatives were developed alongside agreements that reflect recommendations from various international



These developments largely reflect the importance that population ageing has gained in recent decades in Latin America, and the recognition that old age is a stage of life that requires specific protection of rights.

Two instruments have been central to this process: the *Madrid International Plan of Action on Ageing* (United Nations [UN], 2002) and the *Inter-American Convention on Protecting the Human Rights of Older Persons* (Organization of American States [OAS], 2015). These documents have played a key role in promoting policies and actions aimed at older persons. They also highlight a shift in the understanding of ageing and old age, along with a move towards integrating a rights-based approach into public policies.

This study has examined the public policy actions currently being implemented in countries that have ratified the OAS Convention. These actions are coordinated by the main institutions responsible for public policies concerning older persons in each country. The findings reveal a diverse and robust set of policy initiatives. Most measures focus on care and caregiving, as well as on promoting supportive social environments for older persons. This focus reflects the role of the coordinating institutions, which prioritise these areas over economic issues, usually handled by other organisations responsible for pensions or retirement schemes in each country. However, some actions related to poverty or employment conditions have been identified in certain countries.

These actions clearly represent a positive step forward in Latin American countries. The focus on care and caregivers in the Latin American public agenda is particularly relevant, as rising life expectancy has been accompanied by only very modest gains in healthy life expectancy, leading to higher levels of dependency at older ages.

This is the result of declining functional capacity associated with increased dependency in advanced old age (Aranco et al., 2022; Baptista et al., 2024; Martínez et al., 2021). Therefore, the expansion of care systems and the specific actions identified in the countries analysed — whether aimed at older persons or their caregivers — are especially relevant.

However, it is important to approach the implementation of these measures with caution,

particularly regarding how explicitly a rights-based approach is incorporated. These policies generally target highly vulnerable populations whose ability to exercise their rights is constrained by their condition, making it essential to take this into account.

In addition, implementing measures to improve social environments is particularly important, as this is the area where intervention is most needed and where, overall, there are fewer indicators for diagnostic purposes. This analysis has shown that several of the countries studied have introduced initiatives to promote the participation and social integration of older persons.

Other key areas where governments have developed initiatives include respect for life and dignity in old age, independence, safety, and protection from violence — all of which inevitably require a rights-based approach. From this perspective, Brazil stands out as the country with the most initiatives incorporating such an approach. Notably, its lead agency for policies on older persons falls under the Ministry of Justice. This reflects the institutional structure of public policies and their capacity to address ageing in a comprehensive way.

Equally, it is deemed critically important to incorporate additional perspectives into ageing policies, particularly those grounded in a gender-sensitive approach and informed by intersectional and intercultural frameworks (Montes de Oca, 2024). Such integration serves to enhance the reach and effectiveness of actions targeting older persons within a rights-based paradigm.

More in-depth research is needed to better understand the challenges that countries have faced in the development of their institutions as they have sought to incorporate these approaches more fully into public policies. This is particularly relevant for countries that have ratified the OAS Convention, given the additional obligation this entails for its implementation.

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