



ARGENTINA
DEFENSOR DEL PUEBLO DE LA NACIÓN
NATIONAL HUMAN RIGHTS INSTITUTION

Right to health and access to health services

1. In Argentina, the right of older persons to enjoy the highest attainable standard of physical and mental health is protected, at national level, by our Constitution (sec. 42): “... *consumers and users of goods and services have the right to the protection of their health, safety, and economic interests; to adequate and truthful information; to freedom of choice and equitable and reliable treatment...*”. Despite not specifically addressing older individuals therein, this section should be seen as ensuring that every citizen, regardless of age, has the right to health. Locally, also, some provinces have enacted specific legislation.

2. Different provisions have been implemented, including:
 - Social Protection Programmes: *The Pensions Law* (Law No. 24.241), the *Universal Pension Programme for Older People* (Law No. 27.260), the *National Healthy and Active Ageing Programme for Older Adults* (Res. No. 753/07).
 - Access to water and sanitation: The *Environmental Water Management Law* (Law No. 25.688); the *National Plan for Drinking water and Sanitation* (PNAPyS, in Spanish)
 - Adequate housing: The *Federal Housing Programme* (Pro.Cre.Ar., in Spanish) and the *Federal Housing System* (Law No. 24.464). Similarly, the *Law of Fair Access to Habitat* adopted by the Province of Buenos Aires stands out (Law No. 14.449).
 - Health education: The *National Programme for Comprehensive Sexual Education* (ESI, in Spanish), vaccination campaigns, programme for the prevention of falls and fall-related injuries in older adults, among others.

3. a) **age discrimination is prohibited in all its forms:**

The principle of equality before the law, without discrimination on grounds of age or any other ground, is part of our National Constitution (sec.16). Law No. 24.901 prohibits discrimination on the basis of age in access to health services.

- b) **provision of facilities, goods and health care services:**

Patients have the right to receive appropriate medical care and to be informed about their state of health and the options for treatment, as per Law No. 26.529.

- c) **availability, accessibility, acceptability and quality of facilities, goods and health services:**
 - Law No. 26.529: patients are entitled to receive quality and accessible

- health care
- Law No. 26.742: all persons have the right to access quality and appropriate health care
- Law No. 19.032: medical assistance is provided to retired persons to help improve, maintain and restore their health.

d) **equal exercise of legal capacity by older adults on equal conditions:**

In terms of legal capacity, the paradigm of substituted decision-making has been replaced by the paradigm of supported decision-making (SDM) in our National Civil and Commercial Code (Chapter 2).

e) **prompt and effective access to remedies and redress:**

Law No. 24.946: the main objective of this law is to facilitate the access to justice for all, guaranteeing the full exercise of their rights and equality before the law.

4.

- Provision of appropriate resources: the State is required to allocate enough financial, human, and material resources
- Development of indicators and monitoring systems
- Promoting cross-sector involvement and collaboration
- Education and awareness intended to raise awareness of older people's health rights and needs
- Strengthening of the primary health care system

5. A. Focus on promoting active and healthy ageing

B. Person-centered care

C. Accessibility and adaptability

D. Stigma and discrimination prevention

E. Encouraging participation and autonomy

F. Integrating LTC with palliative care

6. A. Ensuring access to and quality of healthcare

B. Promoting innovation and continuous improvement

C. Respect for human rights and ethical principles

D. Work with government and other relevant actors

E. Accountability & Oversight

7. In Argentina, the adoption and implementation of the normative framework on the human right to health of older persons presents both:

Best practices

- The *Patients' Rights Law*: the process of Informed Consent is enshrined therein as the highest expression of respect for personal autonomy
- The *National Healthy and Active Ageing Programme for Older Adults*
- The National Civil and Commercial Code establishes a new paradigm in terms of legal capacity. It recognises the right of all persons, including older adults, to make their own decisions and, if necessary, to receive assistance in exercising their rights, including their right to health

Main challenges

- Disparities in access to health care
- Absence of a comprehensive care system
- Stigma and discrimination
- Lack of co-ordination between levels of government