



**ARGENTINA**  
**DEFENSOR DEL PUEBLO DE LA NACIÓN**  
**NATIONAL HUMAN RIGHTS INSTITUTION**

*Accessibility infrastructure and habitat*

**National legal and policy framework**

1. The *Inter-American Convention on Protecting the Human Rights of Older Persons* has been adopted by Law 27.360<sup>1</sup> and ratified constitutionally by Law No. 27.700 as provided for in our National Constitution (section 75, para 22)<sup>2</sup>.

The OWN HOUSE-ACTIVE HOUSE SUBPROGRAMME<sup>3</sup> has been set up intended to promote and finance development projects of housing complexes, including furnishing of common areas and day-care centres, to be granted to persons aged 60+ on the basis of a loan for use contract.

Other programmes are designed to encourage independence and autonomy to help older persons while performing everyday activities and to create social networks that foster new connections preventing from isolation and loneliness, for example: the PROGRAMME OF COMPREHENSIVE DAY CARE CENTRES FOR OLDER PERSONS<sup>4</sup> and the PROGRAMME OF RESIDENTIAL LONG-TERM COMPREHENSIVE CARE FOR OLDER PERSONS<sup>5</sup>. The National Communications Agency (ENACOM) has also launched the ICT ACCESS PROGRAMME FOR OLDER PERSONS<sup>6</sup>, the aim of which is to provide them with equipment that facilitates their inclusion, integration and social development by using ICT.

The Argentine Civil and Commercial Code (CCCN), which governs and regulates property and inheritance<sup>7</sup>, recognizes housing as a human right, and protects it as real property. The right of occupation of the surviving partner or cohabitant deserves attention. Those persons are entitled to claim their right over the last couple's home, even if it is rented, and will be able to continue the lease until its termination. It is also possible to contest the division of the family home during the lifetime of the surviving partner.

As far as public services are concerned, the so-called '*social tariff*' has been introduced at national level for older persons who receive pension benefits. Regarding public transport, pensioners, among other groups, are permitted to buy tickets at 55% of the normal price<sup>8</sup>. For electricity and natural gas network services, only those who receive a gross income equal to or less than two *Minimum Vital and Mobile Salary* will be eligible to get a discount.<sup>9</sup> Additionally, the social tariff ensures subsidies for water and sanitation services for vulnerable people according to their ability to pay.

<sup>1</sup> <http://servicios.infoleg.gob.ar/infolegInternet/anexos/275000-279999/275347/norma.htm>

<sup>2</sup> <https://www.boletinoficial.gob.ar/detalleAviso/primera/276785/20221130>

<sup>3</sup> <https://www.boletinoficial.gob.ar/detalleAviso/primera/244577/20210519>

<sup>4</sup> [http://institucional.pami.org.ar/files/boletines\\_inssjp/RESOL-2022-1387-INSSJP-DE-INSSJP.pdf](http://institucional.pami.org.ar/files/boletines_inssjp/RESOL-2022-1387-INSSJP-DE-INSSJP.pdf)

<sup>5</sup> [http://institucional.pami.org.ar/files/boletines\\_inssjp/RESOL-2023-896-INSSJP-DE-INSSJP.pdf](http://institucional.pami.org.ar/files/boletines_inssjp/RESOL-2023-896-INSSJP-DE-INSSJP.pdf)

<sup>6</sup> <https://www.argentina.gob.ar/normativa/nacional/resoluci%C3%B3n-3248-2017-274349/texto>

<sup>7</sup> <https://servicios.infoleg.gob.ar/infolegInternet/anexos/235000-239999/235975/texact.htm> ART.225 et seq.

<sup>8</sup> <https://www.boletinoficial.gob.ar/detalleAviso/primera/251583/20211022>

<sup>9</sup> <https://www.argentina.gob.ar/normativa/nacional/resoluci%C3%B3n-219-2016-266416/actualizacion>

Cost of living, payment of utilities, access to housing (rent), together with the inability to apply for mortgage credits due to their age, are the main obstacles that older adults face in realising their right to housing. Their lower income (pension) exacerbates the situation. In September 2023, 41% of the 7,680,933 pensioners received benefits equal to or less than the minimum pension<sup>10</sup> (currently US\$ 204) and needed help from their families to cover their housing costs.

## **Data and research**

2. The *National Population, Households, and Housing Census 2022*, which was conducted by the National Institute of Statistics and Censuses (INDEC), shows that there are 11,920 collective dwellings, and 30% of them fall under old age homes<sup>11</sup>. The *Statistical Dossier for Older Persons 2023*<sup>12</sup> measured the use of ICT: 82 out of 100 use cell phones, 21 out of 100 run computers and 69 go on the Internet. The Social-Debt Observatory report carried out by the Argentine Catholic University (UCA) on "*Living Conditions of Older Adults (2017-2021)*" finds that 37.9% of those aged 60+ lack sufficient income to live on, while 24.7% are assisted by others. It is estimated that 13.6% of this population is in need of adequate housing, while an estimated 20% is in need of basic services<sup>13</sup>.

## **Equality and non-discrimination**

3. The National Institute Against Discrimination, Xenophobia and Racism (INADI)<sup>14</sup>, even though it is an agency in the process of being dissolved, as officially announced<sup>15</sup>, has launched a set of publications aimed at reducing ageist stereotypes, prejudices and behaviours against older adults<sup>16</sup>. The National Secretariat for Children, Youth, and the Family (SENNAF) conducted the 12th NATIONAL GOODWILL CAMPAIGN 2023<sup>16</sup>, based on the "right to equality and non-discrimination in old age".

## **Remedies and redress**

4. Should rights to accessibility, infrastructure and habitat be violated, older persons are entitled to lodge complaints with the national and/or provincial authorities, depending on the jurisdiction in which the cases occur. In the event of a negative decision or non-response, they will be able to file an *acción de amparo* (protective order) before the appropriate court, particularly in the case of violations of the housing rights.<sup>17</sup>

<sup>10</sup> <https://www.anses.gob.ar/sites/default/files/archivo/2024-02/Informe%20de%20Estad%C3%ADsticas%20III%20Trimestre%202023.pdf#:~:text=En%20septiembre%202023%2C%20se%20dieron,las%20altas%20fue%20de%20%24104.995> (pages 5 and 6)

<sup>11</sup> [https://www.indec.gob.ar/ftp/cuadros/poblacion/censo2022\\_viviendas\\_colectivas.pdf](https://www.indec.gob.ar/ftp/cuadros/poblacion/censo2022_viviendas_colectivas.pdf) (page 9).

<sup>12</sup> [https://www.indec.gob.ar/ftp/cuadros/poblacion/dosier\\_personas\\_mayores\\_2023.pdf](https://www.indec.gob.ar/ftp/cuadros/poblacion/dosier_personas_mayores_2023.pdf)

<sup>13</sup>

<https://wadmin.uca.edu.ar/public/ckeditor/Observatorio%20Deuda%20Social/Documentos/2022/2022-Observatorio-Doc-Estadistico-PersonasMayores.pdf> (pages 49, 50, 51, 52, 57, 59, 61).

<sup>14</sup> <https://www.facebook.com/inadiok/videos/-los-viejos-son-pasivos-e-improductivos-no-tienen-sexo-o-a-esa-edad-no-cambian-m/739077537233052/>.

[https://www.argentina.gob.ar/sites/default/files/2021/08/26\\_07\\_21\\_la\\_vejez\\_no\\_es\\_una\\_enfermedad.pdf](https://www.argentina.gob.ar/sites/default/files/2021/08/26_07_21_la_vejez_no_es_una_enfermedad.pdf)

<sup>15</sup> <https://www.infobae.com/politica/2024/02/22/el-gobierno-anuncio-el-cierre-definitivo-del-inadi/>

<sup>16</sup> [https://www.argentina.gob.ar/sites/default/files/decimosegunda\\_campana\\_nacional\\_de\\_buentrato\\_ano\\_2023.pdf](https://www.argentina.gob.ar/sites/default/files/decimosegunda_campana_nacional_de_buentrato_ano_2023.pdf)

<sup>17</sup> <http://www.saij.gob.ar/tribunal-superior-justicia-ciudad-buenos-aires-local-ciudad-autonoma-buenos-aires--gcba-otros-amparo-fa14380016-2014-07-17/123456789-610-0834-1ots-eupmocollaf>, <https://aldiaargentina.microjuris.com/2021/05/14/fallos-derecho-de-propiedad-en-pos-de-resguardar-la-integridad-psicofisica-del-adulto-mayor-se-le-atribuye-el-uso-de-la-vivienda-ante-el-fallecimiento-de-su-conviviente-aun-cuando-esta-no-era-prop/>