

Guiding questions on the normative content related to social inclusion

Definition

1. How are the key human rights related to older persons' social inclusion defined in the national and local legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional and international legal frameworks?

The Inter-American Convention on the Protection of the Human Rights of Older Persons - approved in Argentina in 2017, through Law No. 27,360 and elevated to constitutional status in 2022, through Law No. 27,700 - is the legal instrument that provides a specific framework of protection for the human rights of older people, and compels the State to implement public policies that guarantee the enjoyment and exercise of those rights. In reference to the participation and social inclusion of older adults, the Inter- American Convention on the Protection of the Human Rights of Older Persons establishes in its Article 8, the right to community participation and integration. This article determines that older people have the right to active, productive, full and effective participation within the family, the community and society for their integration in all of them; and States are obliged to adopt measures to enable older people to participate actively and productively in the community, and develop their capacities and potentials.

Within this framework, the National Institute of Social Services for Retirees and Pensioners (hereinafter, INSSJP or PAMI), is an organization that guarantees health coverage for a large part of older adults in Argentina. It provides both health and social benefits, that is, medical assistance services for health protection, recovery and rehabilitation, coordinated with social development and social promotion benefits. Over the last few years, PAMI has implemented several actions oriented on expanding rights and improving the quality of life of its affiliates.

- Dignity
- Equality and non-discrimination
- Access to health
- Economic security
- Social participation
- Protection against abuse and violence
- Accessibility
- Legal protection

Scope of the right

2. Please provide references to existing national legal standards relating to older persons social inclusion on normative elements such as:

Some references to national legal standards in Argentina related to the social inclusion of older people regulation elements are:

- a) the right of older persons to take part in cultural life;
 - Act # 27360 (Inter-American Convention on Human Rights' Protection of Older Persons) Article 21 "Rights to Culture".

The INSSJP-PAMI has implemented, over the years, numerous policies and social benefits oriented in improving the quality of life and well-being of its affiliates, in terms of tourism, culture, education, sports, recreation, volunteering, solidarity activities and community, amongst others.

Specifically, the PROGRAMA NACIONAL DE PROMOCIÓN Y PREVENCIÓN SOCIO-COMUNITARIA - "PREVENIR PARA SEGUIR CRECIENDO" (Resolution No. 585/DE/08) established activities with work techniques for small groups and workshops carried out in the Centers of Retirees and Pensioners and other community effectors.

The objective of this Program is the comprehensive improvement of the health of the affiliates, promoting their functional autonomy, their active participation in the control of their pathologies, their social integration and the full exercise of their rights, based on the generation and use of participatory, associative and interactive spaces.

At the same time, and taking into account the regulatory framework, the "PROGRAMA DE UNIVERSIDADES PARA ADULTOS MAYORES" (UPAMI), was reformulated and approved in its current terms through the Resolution RESOL-2020-1629-INSSJP-DE#INSSJP. The Program's aim is to facilitate and promotes an adequate access for older adults in the educational field, both in person and virtually, with an offer of different courses and trainings within various Universities and Faculties throughout the country.

In accordance to these initiatives, the Resolution RESOL-2022-222-INSSJP- DE#INSSJP, established the creation of the Program "BUEN VIVIR". Its objective is to consolidate the development of activities, through the provision of complementary services managed by Retirement and Pensioner Centers and/or Community Centers.

Finally, the "PROGRAMA NACIONAL DE TURISMO SOCIAL", approved by Resolution RESOL-2020-2391-INSSJP-DE#INSSJP, aims to improve the health and quality of life of the affiliates of the Institute, through the development of tourism, leisure and recreational activities that guarantee their autonomy, independence, inclusion and community participation.

b) older persons' inclusion in the digital sphere;

- National Act # 27360 (Inter-American Convention on the Human Rights' Protection of Older Persons) Article 20 "Right to Education"
- National Act # 27078, known as the "Digital Argentine Law," contains provisions related to the digital inclusion of the population in general, indirectly including older people. Additionally, government programs such as "Connecting Equality" (Conectar Igualdad) also seek to improve access to and training in information technologies, including older people.

c) ensuring that older persons can live independently and be included in the community;

- Ley N° 27.360 (Inter-American Convention on Human Rights' Protection of Older Persons) Article 7 "Rights to Independence and Autonomy", Article 8 "Rights to participation and community integration".

The INSSJP-PAMI promotes various Care Policies at a community level, which contribute in the social inclusion of older people. Community care represents the first stage in a progressive care mode of attention, oriented to people who, due to different fragility or dependency situations, need some degree of support and care to carry out their daily activities. These services include both home care and other devices: Centers (Resolutions No. 559/IN/01 and RESOL-2022-1387-INSSJP-DE#INSSJP) and Day Clubs (Resolution No. 27/DE/09).

In reference to Home Care Services, the INSSJP-PAMI has the "PROGRAMA DE ATENCIÓN A LA DEPENDENCIA Y FRAGILIDAD" (RESOL-2019-1029-INSSJP-

DE#INSSJP), whose objective is to provide partial financial support for the care of those affiliates to the Institute who present situations of dependency and fragility, that do not have an adequate support network and, therefore, require attention and care to carry out the instrumental and/or basic activities of their daily life at home.

This action, which currently reaches out to more than 57,000 affiliates, seeks to promote the permanence of people in their social and family environment and their communities, as well as to avoid hospitalizations and prolonged or inappropriate re-hospitalizations, preventing the deterioration of functional dependency, promoting quality of life and guaranteeing people's autonomy to their maximum.

Moreover, the CENTERS and DAY CLUBS are devices oriented to the participation, prevention, promotion and social inclusion of older people, and seek to stimulate the creation of ties and social support networks, promoting the sense of permanency of people in their social and community environments, delaying and/or avoiding institutionalization. In this way, they are oriented to those affiliates who need to promote, recover or maintain the highest degree of independence possible, even if they are self-sufficient or have cognitive impairment or another type of diagnosed dementia. Currently the INSSJP-PAMI has 72 Centers and Day Clubs throughout the country, which seek to preserve the person in their community, with the promotion of ties between those who participate and their integration into the institutional environment, with the required professional support.

d) ensuring the social inclusion of older persons living in institutions;

- Act # 27360 (Inter-American Convention on Human Rights' Protection of Older Persons) Article 7 "Rights to Independence and Autonomy", Article 12 "Rights of the older Persons receiving long-term care"

e) older persons' inclusion in intergenerational policies and programs;

- Act # 27360 (Inter-American Convention on Human Rights' Protection of Older Persons) Article 8, section b "Rights to participation and community integration", Article 27 "Political Rights"

f) Access to prompt remedies and redress when older persons' rights related to social inclusion are violated.

- Act # 27360 (Inter-American Convention on Human Rights' Protection of Older Persons) Article 30 "Equal recognition as a person before the law", Article 31 "Access to Justice"

State obligations

3. What are the measures that should be undertaken by the State to respect, protect and fulfil relevant human rights to ensure the social inclusion of older persons?

- Inclusive and comprehensive public policies
- Awareness and training programs
- Accessibility to services and resources
- Promotion of participation and autonomy
- Monitoring and assessment
- Strategic partnerships with national and international organizations

Special considerations

4. What special measures and specific considerations should be considered to respect, protect and fulfil relevant human rights to ensure the social inclusion of older persons?

- Awareness and training actions
 - Gerontological Policies with a rights-based approach: Policies and programs should adopt a human rights-based approach, recognizing older persons as subjects of rights rather than just recipients of social assistance.
 - Accessible and elder-friendly design: It is crucial to ensure physical, environmental, communicational, and technological accessibility for older people, ensuring they can access services, public spaces, information, and technologies equitably and without barriers.
 - Adequate social and health services: Social and emotional support services addressing the specific needs of older persons should be provided, including fighting social isolation, promoting support networks, and access to mental health services.
 - Protection against abuse and violence: Specific measures should be established to prevent and address abuse, violence, and mistreatment of older people, including professional training, public awareness, and strengthening reporting and protection systems.
 - Promoting active participation: It is essential to promote the active participation of older people in decision-making affecting their lives, both at an individual level and in the design, implementation, and evaluation of policies and programs concerning them.
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- Intersectional approach: Diversity within the older population should be taken into account, considering factors such as gender, ethnicity, sexual orientation, disability, economic situation, and geographical location to ensure that measures are inclusive and address the specific needs of each group.
 - Intersectoral coordination and articulation: It is necessary to foster coordination and collaboration among different governmental sectors, as well as with civil society organizations, the private sector, universities, and other stakeholders involved, to comprehensively address the needs of older people and avoid duplication in service provision.

Implementation

5. What are the best practices and main challenges faced by your country in the adoption and implementation of relevant human rights to ensure the social inclusion of older persons?

Good Practices:

- Legal Framework: Argentina has a solid national and international legislation that recognizes and protects the rights of older people, in addition to adherence to relevant international treaties.
- Gerontological Public Policies: The Argentine government has implemented public policies aimed at promoting the social inclusion of older people, including comprehensive care programs, specific health services for older people, and leisure and social participation programs.

- Awareness and Training: Efforts have been made to raise awareness in society about the rights and needs of older people, as well as to train professionals in the care and attention of this population group.
- Active Participation: Active participation of older people in decision-making affecting their lives is encouraged through the creation of advisory councils and spaces for citizen participation.

Challenges:

- Discrimination and Stereotypes: Despite legal and political advances, age discrimination and negative stereotypes about older persons persist, limiting their access to opportunities and services.
- Access to Services and Resources: Many older people in Argentina face difficulties in accessing essential services such as quality healthcare, adequate housing, and social inclusion programs, especially in rural and low-resource areas.
- Socioeconomic Vulnerability: A significant percentage of older people in Argentina live in poverty or economic vulnerability, which can affect their access to basic services and their overall quality of life.
- Social Isolation and Unwanted Loneliness: Social isolation and unwanted loneliness are growing problems among older persons, especially those living alone or in Long-Stay Residences (support and care institutions), which can have a negative impact on their physical and mental well-being.

In summary, although Argentina has implemented significant measures to promote the social inclusion of older people, it still faces significant challenges that require ongoing attention and specific policies to ensure that all older adults can live with dignity and fulfillment in society.