



ARGENTINA
DEFENSOR DEL PUEBLO DE LA NACIÓN
NATIONAL HUMAN RIGHTS INSTITUTION

Social inclusion

1. The human right to social security is essential for the social inclusion of older people. Thus, benefits of social security, which are of integral nature and may not be waived, namely adjustable retirement and pensions, are granted by our National Constitution (sec. 14 bis, para.3). International human rights legislation, incorporated into our legal system and constitutionally ratified, upholds the right to social security as a protection against those contingencies in old age that make it physically or mentally impossible to support oneself or to enjoy an adequate standard of living (ADRDM, sec. 16 and UDHR, sec. 25).

The ICPROP, incorporated into our legislation by Law 27,700 with constitutional status since 11/30/22, provides guidelines for promoting, protecting and ensuring the full enjoyment and exercise of the older people's rights. As emphasised therein, they have the same human rights and fundamental freedoms as other individuals, without age discrimination, and recognizes "*that, as a person ages, they should continue to enjoy a full, independent, and autonomous life, health, safety, integration, and active participation in the economic, social, cultural and political spheres of their society*". The minimum benefits for old age is referred to in ILO C102 (Part V. The Argentine Law 24.241 sets a general framework for the coverage of old-age security, intended to guarantee the human rights granted in the legislation above.

2.
 - a) The Autonomous City of Buenos Aires (CABA) promotes programmes in retirement centres that encourage the development of collective learning and leisure spaces for people aged 60+. The National Social Security Administration and the National Institute of Social Services for Retirees and Pensioners offer a range of discounts in cinemas, theatres, tourism, etc.
 - b) computers and digital training have been given to 17 provincial retirement centres according to the DIGITAL INCLUSION FOR OLDER PERSONS PROGRAMME.
 - c) Older adults enjoy discounts on local and inter-urban public transport, home care networks, and day and residential centres. However, the pension provides their major independence, considering that 90% of older people enjoy retirement benefits whether or not they enter the scheme with limited or no contributions, with access to health services, including free medication.

d) CABA provides permanent accommodation with comprehensive support for vulnerable older adults without family support or social network.

e) Judicial and administrative remedies are available. A protective judicial resource (amparo) is the main remedy. The Public Prosecutor's Office has established a team of mobile lawyers working in social security courts. Free legal advice is also offered by bar associations and universities. Administratively, the Ombudsman's offices are very effective, using informal procedures get quick results. Our NHRI is especially concerned with this group in cases of ageism, lack of access to, or delays in, obtaining social security benefits and provides free legal aid.

3. The State must respect the principles of human dignity, solidarity, subsidiarity, universality, comprehensiveness, social justice and equity. "Prompt response" is also an operative principle to be followed whose non-observance leads to tragic and irreparable consequences. For its part, the State undertook to adopt measures "*to the maximum of its available resources, ... progressively ...*" (ICSCR, art. 2), from which the prohibition of retrogression of an acquired right is derived. The IACHR insists that the State must ensure the availability, accessibility, and effectiveness of judicial and administrative remedies in the absence of a response from any of the agents responsible for administering benefits. It should be noted that the *Brasilia Regulations on Access to Justice for Vulnerable Persons*, to which our Supreme Court adhered in 2009, are applicable to our older population.
4. Providing pensions to those excluded and improving the administration of benefits should be the focus of special measures. For example, annual pensioners are excluded from the minimum income guaranteed. In another case, those whose benefits are not updated experience administrative delays: they receive the update late and at historical values. Another major problem is that of retired people who have decided not to appeal for their incomes to be recalculated, a measure they accepted as a condition of compliance with the Historical Reparations Programme, which provided for immediate payment of an incorrect calculation of income. A group who have not yet received the money, although they are old or sick.
5. Inadequate and uncoordinated pension procedures and low retirement income are the main challenges to be addressed. Good practices include exempting women with children from the contribution years requirement to recognise their caring work. Early retirement is another good practice that has been reintroduced. As challenges, one of them is the "non-binary" approach: there is no legislation or decision on a mandatory retirement age for them. In addition, equalising the retirement age for men and women and, eventually, raising the retirement age based on current life expectancy.