

## **Guiding Questions: Equality and non-discrimination**

**1) Does your country's constitution and/or legislation (a) guarantee equality explicitly for older persons or people of all ages and (b) forbid discrimination explicitly on the basis of age? If so, how is the right to equality and non-discrimination defined?**

The Argentine Constitution establishes in a generic way, in the article 16, the right to equality, when sets that *"all the inhabitants of the Argentina nation are equal before the law and admissible in the jobs with no other condition than the than the suitability. Equality is the basis of tax and public charges"*.

In addition, and following the constitutional reform of 1994, in paragraph 22 of article 75 provides which will be the attribution of the National Congress: *"Approve or reject treaties concluded with other Nations and international organizations and concordats with the Holy See"*, stressing that *"treaties and concordats have higher hierarchy than laws"*.

Notably, the same paragraph states that the *"American Declaration of the rights and duties of man; the Universal Declaration of human rights; the American Convention on human rights; the International Covenant on economic, social and cultural rights; the International Covenant on Civil and political rights and its Optional Protocol; the Convention on the prevention and punishment of crime of genocide; the International Convention on the Elimination of all forms of Racial Discrimination; the Convention on the Elimination of all forms of discrimination against women; the Convention against torture and other cruel, inhuman or degrading and the Convention on the rights of the child in the conditions of their validity have constitutional hierarchy".*

In addition, and as regards the particularity of the rights of elderly persons, the paragraph 23 or the article 75, establishes that it is attribution of the National Congress to *"legislate and promote positive action to ensure real equality's opportunities and treatment, and the full enjoyment and exercise of the rights recognized by this Constitution and by international treaties in force on human rights, in particular that's with respect to children, women, elderly and persons with disabilities"*.

Regarding domestic law, there is no national legislation that specifies or explicitly ensures equality for older people or people of all ages. Also there is no legislation that explicitly prohibits discrimination based on age. However, our country is in the process of ratification by the National Congress of the "Inter-American Convention on protecting the human rights of older persons", adopted on June 15, 2015, by the General Assembly of the Organization of American States (OAS), adopting timely definitions and specific approaches in policies, plans and laws that the States parties of the Convention must develop on aging and old age, in relation to the older person in a condition of vulnerability.

**2) Does your country produce information about discrimination against older persons in the following or other areas? If so, what are the main findings?**

- Employment
- Access to goods and services
- Social protection
- Health care
- Social care
- Justice, Inheritance
- Decision-making and autonomy, Living environment
- Other areas (please specify)

There is no information produced by Government agencies relating to discrimination in old age. However, Argentina held, in 2012, a national survey on the quality life of elderly people (Encaviam). This was the first national survey on this subject. The survey explored the development of activities of daily living, participation in social and cultural life of communities, the use of free time in artistic, sports and community activities, etc. One of the innovative thematic segments was the one related to perceptions and assessments of the older population with regard to situations of abuse, relationships and sexuality in the current life cycle, as well as levels of satisfaction regarding the own life.

Also, academic -private and public- institutions and civil society organizations publish periodic research that addresses the issue of discrimination, abuse and mistreatment towards older people.

**3) Is there information available about inequality of opportunities or outcomes experienced by older persons in the following areas?**

- Availability of, access to and quality of health care services

No.

- Financial services

No.

**4) Are there any areas where differential treatment based on old age is explicitly justified?**

*Examples:*

- Access to godos

No

- Mandatory age of retirement

In Argentina, men retire at 65 while women do it at 60. The Historical Reparations Law (N ° 27.260) sets that people who have not made corresponding contributions may still have access to a universal pension that will be awarded by men and women from age 65.

- Age limits in financial services and products

The housing credit program PROCREAR implements a line of mortgage loans to the population between 18 and 55 years old and also indicates that the beneficiaries should be under 56 years old at the time of the granting of the loan.

- Age-based benefits

The "ARGENTA" program establishes the beneficiaries of the Argentine Integrated Provisional System (SIPA) will have access to credits, transferred one hundred per cent (100%) of the amount awarded in their bank account where they received their SIPA's assets. The retirees and pensioners of the SIPA regime may apply for a loan for AR\$5,000 to AR\$60,000, taking into account that the share ratio-asset may not exceed 30% of the monthly net income. Also, installment plans of 12, 24, 48, and 60 payments are available for general purchases.

The retirees and pensioners can travel with the Argentine flagship airline "Aerolineas Argentinas" to destinations around the country. By presenting the identity card and the "ARGENTA" card they can acquire their tickets in installment plans and get additional benefits.