

Guiding Questions: Neglect, violence and abuse

1) In your country, are there specific studies or surveys (from governmental, non-governmental or academic sources) on violence, abuse and neglect experienced by older persons?

The National Institute against Discrimination, Xenophobia and Racism (INADI) published in 2014 the “National Map against Discrimination, Xenophobia and Racism”. The research was carried out jointly by INADI and twenty-seven National Public Universities. The objective was to inquire about representations, perceptions and experiences of the public opinion around the discriminatory practices in the Argentine society and deepen the knowledge of the social models that promote discrimination. While the survey is not specific for population over sixty years of age, it includes this group as one of its axes.

The “National Survey about Quality of Life of Elderly Persons” of 2012 inquires about abuse received by elders, as well as on who perpetrates this abuse and in which areas the abuses occur more often.

1 (a) What forms of violence, abuse and neglect (e.g. physical, psychological, sexual, financial, or other) are registered? What is the setting in which they occurs (i.e. residential and non-residential)? Is there information about the type of perpetrators?

The “National Survey about Quality of Life of Elderly Persons” indicated that almost 9% of the population interviewed knew one older person that had been beaten or assaulted by members of their family.

In regard to the treatment dispensed to people older than sixty years compared to younger people, polled people expressed that the areas where worse treatment is noticed are banks or public offices (39%), while in other areas, such as medical clinics, family or closed environment, these situations of abuse are leveled by around 1 of 5 interviewees. In each of these environments, women are always perceived as being at higher risk of situations of abuse in comparison with their male counterparts. With regard to the age groups, the perception of abuse decreases as age increases. For example, 22% of those between 60 and 74 years think that their family members or close people make use of valuables without their permission; while among the people 75 years and over, is only 15%.

1 (b) Does violence, abuse and neglect particularly affect specific groups of older persons? If so, which groups and how?

Violence particularly affects different vulnerable groups (poor people, indigents, LGBTI people, women, older persons, persons with disabilities, etc.), but there are no specific survey or studies that address the issue of violence against older persons.

2) Does your country’s legislation explicitly address issues of violence, abuse and neglect against older persons? If not, what legislation applies to such issues in the context of older persons? Does this legislation sufficiently address the full range of violence against older persons?

The Argentine legislation does not explicitly address the issues of violence, abuse and negligence against elderly persons.

The national legal framework that addresses discrimination is the National Law Against Discrimination (No. 23.592). However, this law does not specifically typify elderly persons as a

vulnerable group.

3) What legislation exists to protect older persons specifically against financial abuse, including inheritance abuse?

There is no legislation that protect older persons specifically against financial abuse.

In 2011, a National Decree (Decree No. 246/11) established ceilings to the interest financial entities can charge to retirees and pensioners for loans, and the modality to discount those interests directly from the pensions. This measure had the objective of avoiding cases of usury and profiteering and to establishing that mutual, cooperatives and other entities which grant loans and credits may not charge more than 5% of the interest rate that the national bank (Banco de la Nación Argentina) applies for the same type of financing. Furthermore, the Decree allows to allocate up to the 20% of the Fondo de Garantía de Sustentabilidad (Guarantee Sustainability Fund, part of SIPA) for loans to retirees and pensioners.

In the same way, the "ARGENTA" program was released in 2012 by the Argentine Integrated Previsional System (SIPA). The ARGENTA program establishes that the beneficiaries of SIPA will have access to credits, transferred one hundred per cent (100%) of the amount awarded in their bank account where their 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.