

# Guiding questions for the focus area on participation in public life and in decision-making processes

## National and local legal and policy framework

1. What are the national and local legal provisions and policy frameworks in your country that guarantee:

a) right to equality and prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in the context of participation in public life and in decision-making processes;

- National Constitution: The Argentine Constitution establishes in Article 16 the principle of equality before the law, without any kind of discrimination, which applies to all individuals regardless of age. Furthermore, in Article 75, section 23, it is mentioned to guarantee real equality of opportunities and treatment, and the full enjoyment and exercise of the rights recognized by this Constitution and by the current international treaties on human rights, particularly regarding children, women, the elderly, and persons with disabilities.
- National Act # 27360 (Inter-American Convention on the Human Rights' Protection of Older Persons): Articles 3, 4, 5, 7, 8, 9, 13, 18, 20, 21, 22.
- National Act # 26378: Approves the Convention on the Rights of Persons with Disabilities. The purpose of this Convention is to promote, protect, and ensure the full enjoyment and in conditions of equality of all human rights and fundamental freedoms for all persons with disabilities, and to promote respect for their inherent dignity.
- National Act # 24901: This act establishes the comprehensive protection regime for persons with disabilities, including provisions to prevent discrimination on grounds of disability, which may include age as a factor.

b) elimination of all forms of ageism and age discrimination from Acts, frameworks, programs, policies, strategies and practices regarding participation in public life and in decision-making processes;

- National Act # 27360 (Inter-American Convention on the Human Rights' Protection of Older Persons): Articles 3, 5, 8, among others.
- National Act # 23592, known as the Anti-Discrimination Act. This law establishes that it is illegal to discriminate against a person on the grounds of age, among other criteria such as race, religion, nationality, gender, sexual orientation, among others.

c) right to freedom of expression, including freedom to seek, receive and impart information;

- National Constitution: The article 14 of the Argentine's Constitution guarantees freedom of expression, which includes the right to seek, receive, and deliver information without prior censorship.
- National Act # 27360 (Inter-American Convention on the Human Rights' Protection of Older Persons): Article 14

d) right of peaceful assembly;

- National Constitution: Article 14 of the Constitution also guarantees the right to peaceful assembly, without the need for prior authorization, as long as public order is not disrupted.
- National Act # 27360 (Inter-American Convention on the Human Rights' Protection of Older Persons): Article 28

e) right to freedom of association;

- National Constitution: Article 14 of the Constitution also guarantees the right to freedom of association, this right applies to older people organizations.
- National Act # 27360 (Inter-American Convention on the Human Rights' Protection of Older Persons): Article 28

The INSSJP works in the strengthening of the Centers for Retirees and Pensioners, which are the main areas of participation for older people in Argentina, considering their needs in terms of management and improvement of their quality of life, through different benefits.

The granting of subventions within the framework of the PROGRAMA NACIONAL DE SUBSIDIOS SOLIDARIOS A CENTROS DE JUBILADOS Y PENSIONADOS (RESOL-2021-737-INSSJP-DE#INSSJP), seeks to strengthen the relationship between the INSSJP and the Retirees and Pensioners Centers or other organizations that bring together older people, and that are registered in the National Registry of Retirees and Pensioners Entities. These entities promote the participation of affiliates in the institutional life and decision-making processes of the organizations to which they belong, in order to make improvements in their spaces, in the organization and in the promotion of a healthy habitat.

The regulatory plexus has provided several topics to be addressed, organized in various ways:

1. Universal Allowance by Center: conceived as a monthly aid with the intention to contribute with entities in maintaining administrative and accounting issues;
2. Maintenance Fund: provided as monthly financial aid to cover expenses to a social headquarters (e.g. payment of services, cleaning, rent and maintenance of the property);
3. Equipment: based on a one-time financial aid for the acquisition of necessary equipment that ensures a suitable space for the affiliates, according to their needs;

4. Events: conceived as financial aid for the organization of social activities that contribute to enhancing of the well-being of the affiliates who participate;

5. Extraordinary Support: established as financial aid intended to provide support in contingency situations or inconveniences that may exceed the capabilities of the organizations.

f) right to take part in the government of one's country, directly or through freely chosen representatives;

- National Constitution: It recognizes the principle of equality before the law and guarantees fundamental rights for all citizens, without discrimination based on age or other grounds. While the Constitution does not specifically mention older persons in relation to participation in government, it establishes democratic principles that allow the participation of all citizens on equal terms in political processes.
- National Act # 27360 (Inter-American Convention on the Human Rights' Protection of Older Persons): Article 27.

g) active, free and meaningful participation of older persons and their representative organizations in all matters related to participation in public life and in decision-making processes;

- Federal Council of Older Persons (modifications introduced by Resolution No. 1216/06): The Federal Council of Older Adults was created by Decree No. 457/97, but was regulated in 2002 by Ministerial Resolution No. 113. At the national, provincial, and local levels, they have been established as spaces for promoting the full integration of older persons into community life, generating conditions for the development of their organization, and defending their rights.
- Act # 27360 (Inter-American Convention on the Human Rights' Protection of Older Persons): This law recognizes that older persons have rights to active, productive, full, and effective participation within the family, community, and society for their integration in them.

2. What steps have been taken to ensure participation in public life and in decision-making processes without discrimination?

The participation of older people has been considered from the moment of the creation of the INSSJP, not only regarding the possibility of their participation in the different instances of public policy management, but also as a constitutive part in the management of the Institution.

In this sense, the Law 19.032, modified by the Law 25.615, provided the participation of the affiliates in the National Executive Director, through representatives chosen by the Federal Councilors that were members of the Federal Council of Social Services for Retirees and Pensioners.

Throughout the institutional life, the Federal Councilors have maintained their commitment with the preparation of a participatory diagnosis that shows the real situation of the benefits provided by each Local Management Units, communicating and transmitting the concerns of the affiliated population to the representatives of the INSSJP.

Since the issuance of the specific regulations on the matter, the Institute has underlined the fundamental role of the Federal and National Councilors, guaranteeing their participation in working groups as well as in Local, Regional and National Participatory Councils. Following the implementation of the “RÉGIMEN INTEGRADO DE CONSEJOS PARTICIPATIVOS” (RESOL-2019-212-INSSJP-DE#INSSJP), the National Participatory Councilors were entrusted with the monitoring and assessment of medical and social benefits, in order to provide proposals for the planification of policies and programs of the INSSJP.

In this way, and in compliance with the precepts established in the Heads of States by the Inter-American Convention on the Rights of Older Persons, the Institute has implemented, in a constant and progressive manner, regulations aimed in prioritizing the active participation of organizations representing older adults in institutional decision making process.

- Senior Councils’ Creation: Specific councils and commissions integrated by older people have been established with the aim of promoting their participation in public life and in the drafting of policies that affect them. These bodies often have advisory and proactive functions before the authorities.
- Promotion of Active Participation: Campaigns and promotion programs are carried out to encourage the active participation of older people in society. These programs include cultural, educational, leisure, and volunteer activities aimed at empowering older people and fostering their inclusion in public life.
- Training and Education: Training and education programs are developed for older persons to strengthen their skills and abilities in areas relevant to their participation in public life, such as the use of new technologies, access to information, effective communication, among others.
- Legislation and Public Policies: Laws and public policies have been enacted to guarantee the rights of older people, including their right to participate in public life and decision-making processes without discrimination. These laws often establish mechanisms for the protection, promotion, and empowerment of older people in various areas of society.
- Promotion of Active and Healthy Aging: Active and healthy aging is fostered through health promotion programs, well-being, and social participation of older people. These programs seek to create friendly and accessible environments that enable older people to continue actively participating in public life.

### **Data and research**

3. What data and research are available regarding older persons’ participation in public life and in decision-making processes? Please indicate how national or sub-national data is disaggregated by sex, age and inequality dimensions, and what indicators are used to monitor older persons’ participation in public life and in decision-making processes.

In Argentina, there are different sources of data and research available regarding the participation of older people in public life and decision-making processes. These data are often collected by governmental institutions, non-governmental organizations, academic institutions, and other agencies dedicated to the study of aging and the elderly. Information is typically disaggregated by gender, age, and inequality to better understand the disparities and specific needs of different groups of older persons. Some indicators used to monitor the participation of the older population in public life and decision-making processes include:

- Participation in Organizations: The affiliation and participation of older adults in social, political, community, and other types of organizations are analyzed. This may include membership in unions, volunteer groups, retirees' associations, social clubs, among others.
- Participation in Elections: The electoral participation of older adults in national, provincial, and municipal elections is studied. This includes voter registration, voter turnout, and participation in activities related to politics and government.
- Access to Information and Technology: The access of older people to information and technology is assessed, including internet access, technology training, and the use of electronic devices to participate in public life and decision-making processes.
- Participation in Consultation Spaces: The participation of older people in consultation and deliberation spaces, such as public hearings, debate forums, discussion tables, advisory councils, and other mechanisms of citizen participation is analyzed.
- Access to Education and Training: The access of older people to education and continuous training is studied, including civic and political training programs that promote participation in public life and decision-making processes.

## **Equality and non-discrimination**

4. What are the challenges and barriers that older persons face regarding participation in public life and in decision-making processes, including the impact of intersectional discrimination and inequality based on age, gender, disability, race, ethnicity, migratory status and other grounds?

- Age Discrimination (Ageism)
- Lack of Access to Education and Information
- Architectural Barriers: Physical barriers, such as lack of accessibility in public spaces and transportation can hinder the participation of older people in community activities, public meetings, and political events.
- Abuse and Mistreatment
- Digital Gap
- Gender Inequalities
- Stigma based on Immigration Status

## **Accountability**

5. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress when their right to participate in public life and in decision-making processes is violated?

- Judicial Actions
- Ombudsman's Office
- Human Rights Protection Mechanisms
- Alternative Dispute Resolution Methods
- Complaints to Control and Supervision Bodies

These are some of the judicial and non-judicial mechanisms available to older people in Argentina to seek redress when their rights to public life and decision-making processes are violated. It is important for older people to know their rights and the available mechanisms to protect them and demand their fulfillment in case of infringement.