

# Guiding questions for the focus area on “accessibility, infrastructure and habitat (transport, housing and access)”

## National legal and policy framework

1. What are the national legal provisions and policy frameworks that recognize older persons’ rights to accessibility, infrastructure, and habitat (transport, housing, and access)? This could include, but is not limited to:
  - National Accessibility Act # 24314, Regulatory Decree 914/97
  - National Act # 27360 (Inter-American Convention on the Protection of the Human Rights of Older Persons)
  - National Housing Act # 24464 and associated programs
  - National Law 26.378 "Rights of Persons with Disabilities Act"
  - Provincial laws and municipal ordinances
- a. the right of older persons to adequate housing, including land, property, and inheritance.
  - Right to housing: Article 24 (Act # 27360)

In terms of accessibility, infrastructure and habitat, the Inter-American Convention on the Protection of the Human Rights of Older Persons establishes two fundamental rights, in its Articles 24 and 26.

Firstly, Article 24 establishes that older people have the right to a decent and suitable housing, and to live in safe, healthy, accessible and adaptable environments to their preferences and needs. To this end, States are committed to adopt policies to promote the right to housing and access to land, recognizing the needs of older people and giving priority to those who are in a vulnerable situation.

In this sense and considering that, according to the information provided by the Permanent Household Survey (INDEC, 2022) 18.2% of older people are not owners of their homes, the INSSJP implements several actions oriented to promote access to housing for those people who are in a situation of socioeconomic vulnerability.

Thus, through Resolution No. 2136/P/86 the Institute approved the “PROGRAMA ASISTENCIAL DE VIVIENDA INTEGRADO”, that includes the construction of housing complexes with its own resources, to be granted to the members of this Institute. This decision intends to provide a solution to the absence or insufficiency of housing alternatives that the affiliated people have, situations that have a negative impact on their physical and mental health. Housing constitutes a basic need and represents a real element of social protection, where the habitat is not only an end in itself, but a vehicle for the improvement of the life conditions. Currently, the INSSJP has a total of 2,416

homes, of which 661 are owned by the INSSJP, representing 27% of the total, and 1,755 are provided by the Provincial Housing Institutes (IPV), representing 73% of the total.

- b. the right of older persons to access and enjoy, on an equal basis with others, the physical environment, transportation, information and communications (including ICTs), and other facilities and services open or provided to the public, both in urban and in rural areas (e.g. buildings, roads, transportation and other indoor and outdoor facilities, schools, housing, green spaces, medical facilities and workplaces; information, communications and other services, including electronic services and emergency services).
- Right to accessibility and personal mobility, Article 26 (Act # 27360)
  - c. policies/programs that enable older persons to live independently and to be included in their communities as they age.

Since 2021, under an agreement concluded between the Ministry of Territorial Development and Habitat and the INSSJP-PAMI (RESOL-2021-858-INSSJP- DE#INSSJP and its amendment RESOL-20221257-INSSJP-DE#INSSJP) there are under constructions 3,200 homes, distributed in various housing complexed s made up of 32 housing units (20 individuals and 12 for two people) and a Day Center. This program aims not only to provide solutions to the housing problem, but also prevent isolation and loneliness of the older people and offer a device where they can carry out cognitive activities, movement, art, therapy, among other activities, developing autonomy from the paradigm of active and healthy aging.

Some of the programs and policies include:

- d. Own Home - Active Home (PAMI) 2021-2023: an initiative by PAMI along with the Ministry of Territorial Development and Habitat to enable affiliates to fulfill the dream of homeownership, preserving the privacy of the home combined with spaces for collective development. This project creates communities within a housing model unprecedented in the country: collaborative housing.
- e. Intergenerational Cohabitation Program (Río Negro) - Bill 3798: Its purpose is to organize and support coexistence between older people who offer accommodation and university students who provide company and collaboration in some expenses and different tasks.
- f. Supervised Housing: Fully equipped complex for older people, with common use rooms, nursing facilities, workshops. Some existing experiences and precedents: Tapalqué, Villarino (Buenos Aires), Salta, Mendoza, Chubut.
- g. Living at Home (Governmental Organization, Local): It is a program implemented by the Welfare Secretary of the City of Buenos Aires (CABA)

that provides financial assistance to older people so they can continue living in their homes.

## Data and research

2. What are the challenges and barriers faced by older persons for the realization of their right to accessibility, infrastructure use and habitat (transport, housing and access) at the national and international levels?

Article 26 of the Inter-American Convention establishes the right to accessibility and personal mobility, in order to guarantee an independent life and ensure that the corresponding actions are taken so that older people have access on equal terms with others, to the physical environment, to transportation, to information and communications.

In this sense, the National Institute of Retiree and Pensioner Services has served since 2016 as articulator and coordinator of the Age-Friendly Cities and Communities Program (Resolution No. 309/DE/17), promoted by the World Health Organization and since 2018, as a Network Affiliate of the Global Network for Age-friendly Cities and Communities (the first of Latin America).

An age-friendly city encourages active ageing by optimizing opportunities for health, participation and security in order to enhance quality of life as people age. In practical terms, an age-friendly city adapts its structures and services to be accessible to and inclusive of older people with varying needs and capacities.

In this sense, the Global Network for Age-friendly Cities and Communities aims to stimulate cities and communities around the world to become increasingly age-friendly, connect cities and communities around the world to facilitate exchange of information, knowledge and experience, and support cities and communities to find appropriate innovative and evidence-based solutions.

Within this framework, the INSSJP seeks to promote age-friendly communities in Argentina and inspire more cities to become change agents. To this end, it provides technical assistance to local governments and cities that want to be part of the initiative; guiding the technical teams so that they acquire the necessary tools for the correct implementation of the Program and elaboration of their Action Plan.

Argentina currently has 19 cities that are part of the Network: Monte Cristo, Camilo Aldao (province of Córdoba); General Roca (province of Río Negro); Mar del Plata, Azul, General La Madrid, General Viamonte, San Isidro, Saladillo, San Martín, Vicente López and La Plata (province of Buenos Aires); City of Mendoza, Godoy Cruz, Guaymallén, Luján de Cuyo, Maipú, Las Heras (province of Mendoza) and the Autonomous City of Buenos Aires.

- Lack of adapted infrastructure
- Inaccessible transportation

- Inadequate housing
  - Limited access to essential services
  - Discrimination and ageism
  - Lack of specific policies and programs
3. What data, statistics and research are available at the national level regarding older persons' rights to accessibility, infrastructure and habitat (public transport, housing and access)?
- INDEC (National Institute of Statistics and Censuses): INDEC gathers demographic and socioeconomic data through censuses and periodic surveys, which can provide information about the older population, their geographic distribution, living conditions, access to services, and more. For example, the Permanent Household Survey (EPH) includes questions about housing and transportation access.
  - Former National Ministry of Social Development, currently National Ministry of Human Capital: This ministry can provide data on programs and policies addressed to older people, as well as research and studies conducted in the field of social inclusion and protection of the rights of this group.
  - National Ministry of Transport: This ministry may have information on the accessibility of public transportation for older people, as well as data on transportation infrastructure and policies related to accessibility.
  - National Ministry of Infrastructure: This ministry can provide information on infrastructure and housing projects that include accessibility considerations for older people.
  - NGOs and civil society organizations: Various organizations dedicated to defending the rights of older people in Argentina may conduct research, surveys, and studies on topics related to accessibility, infrastructure, and habitat.
  - Universities and research centers: Academic and research institutions can conduct studies about older adults in terms of accessibility, infrastructure, and habitat, as well as the barriers and challenges they face regarding this aspect.

There is research conducted in 2016 by the Central Society of Architects (SCA) and the Argentine Society of Gerontology and Geriatrics (SAGG) on a comparative analysis of costs of accessible and non-accessible housing plans of social interest and the costs of home care for older people in Argentina. This research is available. These are just some examples of data sources and studies that may be available at national level in Argentina.

### **Equality and non-discrimination**

4. What measures are being taken to eliminate ageism, ageist stereotypes, prejudices and behaviors that hinder older persons' rights to accessibility, infrastructure and habitat (transport, housing and access)?
- Enactment of National Act # 27360 (Inter-American Convention on the Human Rights' Protection of Older Persons): (Articles 3, 4, 5, 24, 26)

- Public Education Sensitization and Awareness Campaigns: Awareness campaigns aimed at society in general to promote greater understanding and respect towards older people, challenging negative stereotypes and promoting a more positive image of aging.
- Training: Training programs for professionals from various sectors (such as transportation, construction, healthcare, etc.) to raise awareness about the specific needs of older adults and promote the adoption of inclusive practices.
- National Office of Policies for Older Adults (Program for Promoting Good Treatment towards Older Adults): Training programs for professionals, technicians, formal and informal caregivers working in the assistance and support of older people.
- Comprehensive Welfare Secretary of the City of Buenos Aires (Protect Program): Created in 1999. Over the years and in line with new paradigms and realities of older people, the program has been growing, achieving greater visibility not only among the population but also among the different organizations involved in violence, abuse, and mistreatment issues. In 2015, Act # 5.420/CABA emerged, "Prevention and Comprehensive Protection Against Abuse and Mistreatment of Older Adults." It constitutes a pioneering law in giving relevance to the particularities related to older people in situations of violence and/or extreme vulnerability. Giving Recognition to the Program as a cross-cutting area for the protection of the rights of older people.

## Remedies and Redress

5. What mechanisms are necessary, or already in place, for older persons to submit complaints and seek redress for denial of their rights to accessibility, infrastructure and habitat (transport, housing and access)?
  - National Acts: The National Constitution, the Inter-American Convention on the Human Rights' Protection of Older Persons, and other laws and regulations, protect and guarantee the fundamental rights and freedoms of the elderly population. It is worth mentioning that older people can resort to national courts to enforce these rights and seek compensation for violations.
  - Ombudsman's Office: The National Ombudsman's Office and provincial Ombudsman's Offices can act as intermediaries between citizens and the State in cases of rights violations, including the rights of older people.
  - Elderly Ombudsman's Office: This is an organization specialized in the protection and promotion of the rights of older people. Its main function is to ensure respect for the rights of this sector of the population and to act as an intermediary between older adults and the State in cases of discrimination, abuse, neglect, or other rights violations.
  - Writs of Constitutional Remedies: Older people can file writs of constitutional remedies before the courts to request the protection of their rights when they are affected by lack of accessibility or inadequate habitat conditions. These actions can expedite the judicial process and ensure a prompt response to rights violations.

- Civil Society Organizations: Various human rights organizations and organizations for the elderly in Argentina provide legal assistance and support older adults facing discrimination or rights violations. These organizations can help older people file lawsuits and seek compensation.
- Complaint and Claim Procedures: Some jurisdictions have formal complaint and claim mechanisms that allow citizens to file complaints before government authorities or regulatory entities when they are affected by lack of accessibility or inadequate infrastructure. These mechanisms can provide a means to resolve disputes without necessarily resorting to courts.