**I. Substantive contributions on the two focus areas of the tenth session, namely, "Social protection and social security, including social protection floors" and "Education, training, lifelong learning and capacity-building" in the context of old people. See the "guide questions" in each of the focus areas. Entries must be in English and must not have more than 800 words per area of focus.**

**a) GUIDANCE QUESTIONS FOR THE FOCUS AREAS OF THE X SESSION OF THE OPEN-ENDED WORKING GROUP ON AGING: Social protection and social security (including social protection floors)**

**Questions:**

1. What are the legal provisions in your country that recognize the right? To social security and social protection, including non-contributory and contributory old-age benefits? Do they have a constitutional, legislative or executive foundation?

2. What measures have been taken to guarantee universal coverage, ensuring that all older people have access to social security and social protection plans, including non-contributory, contributory and survivor old-age pensions, to guarantee a level of Adequate life in old age?

3. What measures have been taken to ensure that all older people have access to social security and social protection plans that guarantee access to adequate and affordable health, care and support services for independent life in old age?

4. What measures have been taken to ensure that levels of social security and social protection payments are adequate for older people to have access to an adequate standard of living, including adequate access to medical care and social assistance? ?

5. What measures have been taken to ensure that older people have adequate and accessible information about the available systems of social security and social protection and how to claim their rights?

6. Did the design and implementation of the normative and political framework related to social security and social protection benefits include effective and meaningful participation of the elderly?

7. What are the measures adopted to guarantee equitable access for the elderly to social security and social protection, paying special attention to groups in vulnerable situations?

8. What mechanisms exist to ensure that social security and social protection systems are effective and accountable?

9. What judicial and non-judicial mechanisms exist for older people to complain and seek redress for the denial of their right to social security and social protection?

The Argentine Social Security System is made up of different systems and subsystems regulated by laws, decrees and other regulations in order to maintain the standard of living of the population and to assist those sectors affected by eventualities and risks considered socially protectable, such as illness, disability, work injury and occupational diseases, maternity, old age and death, unemployment and family burdens, through monetary benefits and services.

The National Social Security System provides benefits (contributory and non-contributory) in order to cover its population of different contingencies:

• Retirements and pensions (pension subsystem)

• Family allowances (subsystem of family allowances)

• Unemployment insurance (unemployment subsystem)

• Occupational hazards (work risk subsystem)

• Health coverage (National Health Insurance System)

The benefits of the social security subsystems, family allowances, unemployment and labor risks are managed by the National Social Security Administration (ANSES), a decentralized entity under the Ministry of Health and Social Development.

**National legal framework**

1. Article 14 bis of the National Constitution establishes social rights among which stand out the benefits of social security, compulsory social insurance, pensions and mobile pensions and comprehensive protection of the family, among other social issues.

Law 26,678 (2011) of ratification of the Convention on the Minimum Standard of Social Security - Convention 102 - adopted by the General Conference of the ILO. There, the countries are urged to adopt medical assistance measures and benefits, such as sickness, unemployment, old age, work accidents and occupational diseases, family benefits, maternity, disability and survivors, among other topics.

Law 24241 of the Integrated System of Retirement and Pensions in its article 19 establishes that men 65 years and older are entitled to a universal basic benefit; women over 60 years of age (with the option to continue until age 65). In both cases, they must complete 30 years of contributions.

Law 26,425 creates the Integrated Argentine Pension System. It establishes the elimination of the private capitalization regime and restores the distribution system.

Law 27,260 of Historical Reparation for Retirees and Pensioners establishes in article 13 the Universal Pension of the Elderly for over 65s, of a life and non-contributory nature, as well as the requirements to access it

Finally, Law 27,360 approves the Inter-American Convention on the Protection of the Human Rights of Older Persons, which establishes in article 17 the recognition of the right to social security for all the elderly.

**Availability**

2. The most important measures were the creation of pension moratoria that allowed a broad pension inclusion through laws 25,994, early retirement, and law 26,970 of regularization regime of monotributistas. Likewise, Law 27,260 establishes a universal pension for all persons over 65 years of age.

3. Access to security and social protection plans is mainly carried out through the aforementioned laws 25,994 of 2004; Law 26,970 of 2014 and Law 27,260 of 2016. Access to social security includes the provision of adequate health, care and support services mainly through the National Institute of Social Services for Retired Persons and Pensioners (PAMI), an institution created in 1971 through Law 19,032.

**Adequacy**

4. In addition to the pension inclusion laws of question 3, Law 26,417 of 2008, which established the mobility of benefits twice a year, stands out in addition; Law 27,260 of 2016, which created the National Historical Reparation Program for Retirees and Pensioners that readjusts salaries and cancels pension debts with respect to beneficiaries with lawsuits or with the possibility of carrying them out. In 2017, Law 27,426 was passed, modifying the salary adjustment formula and the quarterly application thereof.

**Accessibility**

5. Law 27275, on the Right to Access Public Information, extends the application of the Right of Access to Public Information to all State powers, and aims to guarantee the effective exercise of the right of access to public information, promote citizen participation and transparency of public management.

ANSES has offices and points of service in different parts of the country. It also has a free phone number and Facebook queries. As for complaints and claims can be made in writing, personally, by phone and by email.

6. In ANSES, there is a Consultative Body for Retirees and Pensioners that has among its priorities the institutionalization of concrete forms of participation and consultation of the beneficiaries through their representatives. It is made up of representatives of Retired Federations and Pensioners from all over the country. It has 124 regular members and 124 alternate members from all over the country, elected annually by their entities. The activity carried out is *ad honorem*. The representatives meet three times a year in National Plenary Meetings with the highest authorities of ANSES to discuss issues related to the sector as amounts of pension assets and family allowances, their mobility, the scope of some benefits, successes, difficulties and / or delays in the management of all the procedures that are done in the agency.

In the INSSJP-PAMI, citizen participation is promoted through local and regional participatory councils, through which a direct and permanent communication is articulated between the INSSJP-PAMI authorities and the affiliates, represented by the authorities of the retirement centers. These are meetings in Retirement Centers that function as consultation and dialogue mechanisms. There are 152 local participatory councils (4 per Local Management Unit); 7 Regional participatory councils (1 per region); and a national participatory council held annually.

Within the scope of the National Directorate of Policies for Older Adults, the Federal Council for Older Adults operates, an organization that groups and articulates the implementation of all policies aimed at the elderly. It is a joint work space, made up of all the sectors committed to gerontological issues, with a majority participation of the organizations of older persons belonging to all the provinces of the country where gerontological policies are worked on from a federal perspective.

**Equality and non-discrimination**

7. In 2009, through the agreement N°05 of the Supreme Court of Justice of the Nation, the highest judicial body adhered to the "Brasilia Rules on Access to Justice for Persons in Vulnerability," which are aimed at guarantee the conditions of effective access to justice for people in vulnerable conditions, without any discrimination, encompassing the set of policies, measures, facilities and supports that allow these people the full enjoyment of the services of the judicial systems. There it is recognized that "Aging can also constitute a cause of vulnerability when the elderly person finds special difficulties, attending to their functional capacities, to exercise their rights before the justice system."

Since then, these rules are a guide in the matters referred to by the Courts of the country.

**Responsibility**

8. Article 7 of Law 24,245 establishes that the resources of the individual capitalization accounts of the capitalization regime should be transferred to the FGS to be used only for payments of SIPA benefits (Article 8). It also establishes that the assets of said Fund "will be invested according to appropriate safety and profitability criteria, contributing to the sustainable development of the real economy in order to guarantee the virtuous circle between economic growth and the increase of social security resources. "Article 12 establishes the creation of the FGS Council in order to monitor the uses of these resources.

9. In addition to the agreed upon mentioned in question 7, the people who demand a reparation initiate an administrative procedure that has a formal procedure. Once this instance has been completed, a local lawsuit is filed in a contentious-administrative court, for the provinces that have it in their formal constitutions, or in federal courts for which they do not have them. In case of refusal in the first instance, it can be appealed in the second instance to the appellate chamber in administrative litigation or the federal appeals chamber (depending on the existence of provincial administrative litigation courts). In case of rejection, the Supreme Judicial Court can be appealed. If the denial continues, the Inter-American Court of Human Rights may be appealed.