



ARGENTINA
DEFENSORÍA DEL PUEBLO DE LA NACIÓN
NATIONAL HUMAN RIGHTS INSTITUTION

Economic security

1. Looking thoroughly into our current legislation, albeit the concept is not precisely defined there, economic security could be understood as that which enables older persons to meet their basic needs adequately, even when they become economically inactive and unable to generate their own income.
2.
 - a) as stated in our National Constitution: *“The State shall grant the benefits of social security, which shall be of an integral nature and may not be waived. In particular, the laws shall establish: ... adjustable retirements and pensions...”*. (sec. 14 bis). Moreover, Law No. 27.260 provided for the creation of the *National Programme for the Historic Reparation to Retirees and Pensioners* which allowed to make pension adjustments and cancellation of debts.
 - b) in Argentina, the *Inter-American Convention on Protecting the Human Rights of Older Persons* was approved by Law 27.360¹. As regards to housing, the *“Homeownership – Building the Future” Programme* was set up by Resolution No. 16/21 of the Ministry of Territorial Development and Habitat, the purpose of which is to promote and finance new residential projects, provide adequate facilities for common areas and create primary health-care centres. As a result, people aged over 60 are given houses under loan for use contracts.

Additionally, the so-called *‘social tariff’* was proposed for retired persons. The social tariff is granted by the State to ensure access to different, essential public services. As per Resolution No. 384 of the Ministry of Transport, this group is permitted to buy public transport tickets at a 55% discount on standard fares. Similar benefits are offered on electricity, water and natural gas bills.

- c) the right to work is enshrined in our Constitution (sec. 14 bis). Law No. 24.013 guarantees a *Minimum Salary* for all workers over age 18, with no dependants, no matter what position they hold or activities they do. The amount is determined by considering the socio-economic situation and the objectives sought, as well as the reasonableness of the decision taken. Currently, this salary is set at AR\$ 69,500 per month, but a system of automatic adjustment by indexation is not in place. The *Employment Contract Law* also guarantees the right to work until age 70.
- d) the principles of equality and non-discrimination are laid down in our Constitution (sec. 16). Likewise, albeit ageism is not explicitly mentioned in the *Law against Discrimination* (No. 23.592), one may infer that the rights and punishments established therein are applicable to all cases.
- e) and f) under Argentine domestic law, Argentina recognizes that everyone, including older persons, has the right to freedom of expression. This right is enshrined in the Constitution (sec. 14 and 32) and was complemented by the international human rights treaties incorporated into it (sec. 75 para. 22). It includes the freedom to seek, receive and impart information and ideas of

¹ <http://servicios.infoleg.gob.ar/infolegInternet/anexos/275000-279999/275347/norma.htm>

all kinds. In addition, the effective exercise of the right to request and collect information held by public bodies is guaranteed by the *Law on Access to Public Information* (No. 27.275²).

- g) according to our Constitution any person is entitled to '*file a prompt and summary proceeding... against any act or omission of the public authorities or individuals which currently or imminently may damage, limit, modify or threaten rights and guarantees recognized by this Constitution, treaties or laws, with open arbitrariness or illegality*' (sec.43). Moreover, the National Ombudsman institution was established therein for the defense and protection of human rights (sec. 86).
3. At present, many inequalities still exist in our social security system: "privilege pensions" have been awarded to a very large group of people. Besides, competent authorities must follow a calculation procedure for granting a basic retirement or pension, but usually computational inaccuracies are found there. Then, one should go to Court to seek a prompt and effective remedy, and this entails obstacles to face in getting access to justice, either by lack of financial resources or delays in court proceedings.
4. In order to ensure older persons' economic security, the *Universal Pension for Older People* was implemented nationwide. It is a long-life, non-contributory benefit for all persons aged sixty-five (65) or over, provided that they are not receiving retirements or pensions. The income is equal to 80 percent of the legal minimum old-age pension. Besides, personal lines of credit are offered at lower interest rates, as well as pension fund moratoria for self-employed workers or employees who have neither enough years of service nor fund contributions required by law (No. 24.476). Argentina protects old persons by granting benefits in cash (retirements and pensions) and in kind (health care services) which, together with paid jobs, savings and support networks -mainly close relatives-, constitutes one of the formal sources of economic security for older adults.

² <http://servicios.infoleg.gob.ar/infolegInternet/anexos/265000-269999/265949/norma.htm>