



"Las Malvinas son argentinas"

*Ministerio de Desarrollo Social de la Nación
Secretaría Nacional de Niñez, Adolescencia y Familia*

INFORME

**12° sesión del Grupo de composición
abierta a todos los Estados Miembros de las
Naciones Unidas sobre envejecimiento**

ARGENTINA

**Dirección Nacional de Políticas
para Adultos Mayores
-Ministerio de Desarrollo Social-
Lic. Tomás Julio Clemente
Pessacq**



"Las Malvinas son argentinas"

*Ministerio de Desarrollo Social de la Nación
Secretaría Nacional de Niñez, Adolescencia y Familia*

Access to Justice:

Argentina in 2017 through the Law No. 27,360, ratified the Inter-American Convention on the Protection of the Human Rights of Older Persons (hereinafter referred to as the CIPDHPM) - invested with a supra-legal nature - adopted by the Organization of American States during the 45th General Assembly, on June 15, 2015, thus recognizing older people as subjects of law and assets within society.

In particular the art. 31 of the Convention establishes the requirements, guarantees and obligations of the state for adequate access to justice for older persons.

The National Constitution of the Argentine Republic, through article 75 inc. 22 grants constitutional hierarchy to a series of Human Rights treaties, which oblige the different powers of the State to adopt measures that make effective the provisions of the inter-American regulations, as well as the jurisdictional acts of the Argentine courts must be in accordance with the provisions of the international legislation imposed in the treaties ratified by our country.

Policies adopted by the Argentine State regarding to justice's access:

- In recent years, public institutions aimed at older persons have been consolidated in order to provide the mechanisms, instruments and resources to ensure the effectiveness of rights.
- Institutions were created at the provincial and municipal levels to provide responses at the local level to the elderly.
- Agencies dedicated to old age and aging were strengthened at the national level, with 92% of provincial public institutions having their own agencies aimed at the elderly.
- In 2008, the Office for the Promotion and Protection of the Human Rights of Older Adults was created within the scope of the Ministry of Justice, Security and Human Rights of the Nation, which promotes policies, disseminates information, trains and seeks to raise awareness about the human rights of older persons.
- Within this framework, the Office attends queries from the beneficiary population related to situations of psychological and economic abuse and mistreatment, or to advise on the resolution of access to economic, social and cultural rights.

Main conflicts for adequate access to justice

According to a report from the National Public Prosecutor's Office (2021), the main factors preventing access to justice for older adults in Argentina are the following:

- The digital divide and the COVID-19 pandemic, as a consequence of the lack of competence in the use of technologies by the older adult population;
- Abuse: when the victim is an elderly person, who suffers from a mental illness or when the complaint is due to abuse within the family.
- Legal language.



"Las Malvinas son argentinas"

Ministerio de Desarrollo Social de la Nación
Secretaría Nacional de Niñez, Adolescencia y Familia

Equality and non-discrimination for reasons of age.

- In Argentina there is no national legislation that specifically guarantees equality for the elderly, just as there is no legislation that explicitly prohibits discrimination based on age. However, the State has approved the CIPDHPM, which recognizes these principles in Article 5. Likewise, in the National Constitution in its art. 16 guarantees the right to equality.
- Likewise, within the framework of the National Institute against Discrimination, Xenophobia and Racism (INADI), there is a Helpline for Victims of Discrimination, Racism and Xenophobia to make complaints and queries.
- On the other hand, within the framework of the National Directorate of Policies for Older Adults, of the Ministry of Social Development, the National Program for Good Treatment of the Elderly is being worked on, with national campaigns aimed at making the community aware of this issue and disarming the myths and prejudices socially constructed about old age. The "National Campaign for the Promotion of Good Treatment of the Elderly" is held once a year and seeks to generate -through various graphic and audiovisual pieces- awareness and sensitization through actions that promote good treatment of the elderly throughout the country, that foster a positive and empowering view of older people in the community.
- Within the framework of the INSSJP-PAMI, the Gender, Sexual Diversity and Dissent Policies Division was created: this area has the objective of formulating, designing and executing policies and programs that combat discrimination based on gender, sexual diversity or sexual identity, and implement projects, benefits and pertinent services for promotion, prevention and assistance with a Human Rights approach and a gender perspective.