

Guiding Questions for Defining the Normative Content of the Issues Examined at the Tenth Working Session of the Open-ended Working Group:

Social Protection and Social Security (including social protection floors)

Definition

1. *What is the definition of the right to social security and social protection (including social protection floors) for older persons in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?*

Spanish Constitution states in article 41 the right to social security for all citizens, not only for older persons.

Specific right to public pensions for older persons is guaranteed by article 50.

That right is developed by Law on Social Security (Royal Legislative-Decree 8/2015).

Scope of the right

2. *What are the key normative elements of the right to social protection and social security for older persons? Please provide references to existing standards on such elements as below, as well as any additional elements:*

a) Availability of contributory and non-contributory schemes for older persons

There are a range of pensions and social services like long term care allowances, social tourism programmes or hydrotherapy services available for older persons both contributory and non-contributory depending their personal economic status

b) Adequacy of benefits to guarantee older person's access to an adequate standard of living and adequate access to health care

Older persons have benefits as follows: free health care,- pharmaceutical assistance included-; grants for public transports, housing, etc..

c) Accessibility, including older persons's coverage by social security systems, eligibility criteria, and affordability of contributions

Older persons can access to public pensions in a scheme in which personal contributions will determinate the amount of it; nevertheless, a minimum wage is guaranteed for all older persons, even for those who have no made contributions.

d) Equitable access by older persons to the enjoyment of the right to social security and social protection, paying special attention to groups in vulnerable situation

Public powers shall guarantee different and adequate social protection to older persons in frail situation through: residential care, care at homes, etc...

e) Participation of older persons in the design and administration of the social security system

State Council of Older Persons in which representatives from older persons organizations are represented, is a consultative body within Ministry of Health, Consumers and Social Protection. Older persons have right to vote in the decision-making process

State obligations

3. What are the measures that should be undertaken by the State to respect, protect and fulfill the right of social security and social protection for older persons, regarding the normative elements as provided above?

Social Security system guaranteed by Constitution and Law on Social Security and Law on the Promotion of Personal Autonomy and Support to Dependent Persons are developed through administrative normative by regions and municipalities, taking into account the distribution of competences on health and social services made by articles 148 and 149 of the Spanish Constitution

Special considerations

4. What special measures and specific considerations should be considered in developing the normative content of the right of older persons to social protection and social security?

Regions and municipalities in their normative development, as it mentioned before, take into account personal and different circumstances of older persons like: incomes, existence of relatives, living in rural or urban areas, etc...

5. How should the responsibilities of non-State parties such as private sector be defined in the context of the right of older persons to social protection and social security?

Private sector plays an important role in the access to the right to social protection and social security by older persons.

A big part of total services offered and provided to older persons came from private institutions: foundations, social partners, and many other non-profit organizations