

Economic Security

Definition

1. *How are the key human rights relating to older persons' economic security defined in the national legislation in your country? If definition are not available, how should such rights be defined considering relevant existing national, regional, and international legal frameworks?*

Spanish Constitution establishes in its article 50 that public powers shall guarantee the economic security of older persons through adequate and regularly updated pensions.

There is a public pensions system, both contributory (linked to previous contributions periods) and non-contributory addressed especially to older people, as well as other specific benefits in the framework of different social services systems

Scope of the rights

2. *Please provide references to existing national legal standards relating to older persons' economic security on normative elements such as:*
 - a) *right to social security; including regular adjustment of benefits with changes in living costs;*

Moreover the updating of pensions in the aforementioned article 50 of Spanish Constitution, article 41 declares the right to Social Security public system for all citizens.

- b) *right to adequate standard of living, including housing, clothing, food and water, among others;*

Different articles in Third Chapter of Title I “**guiding principles of social and economic policy**” are dealt with right to adequate standard of living, like article 40 (promotion by public authorities of social and economic progress), article 43 (right to health protection) and article 47 (right to decent and adequate housing).

- c) right to work; and whether a national minimum wage or any alternative mechanism is in place to ensure an adequate standard of living, and whether a system of indexation and regular adjustments exists;*

Article 35 establishes right to work and article 41 guarantees social protection in case of unemployment. Moreover, Law 26/1990 regulates non contributory pensions within the Social Security System and Law 19/2021 introduces a minimum wage as a right for people who are not entitled for any other Social Security benefit. Moreover similar measures are put in place in the social services systems of Autonomous Communities (regions)

- d) prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in all matters related to economic security;*

Article 14 forbids any form of discrimination on the basis of: birth, race, gender, religion, opinion or any other personal or social condition or circumstance. Moreover, article 21 of the European Charter of Fundamental Rights forbids discrimination on the basis, -among other grounds- of age. Article 6 of the Lisbon Treaty (Treaty of European Union) declares that rights of European Charter are mandatory for Member States of the European Union.

- e) the connections between relevant economic, social and cultural rights with the right to freedom of expression, including freedom to seek, receive and impart information, and rights to peaceful assembly and freedom of association;*

In order to exercise their right to economic security, older persons have other rights in Spanish Constitution connected with it: right to freedom of expression (article 20), and rights to peaceful assembly (article 21) and freedom of association (article 22).

f) active, free and meaningful participation of older persons and their representative organizations in all matters related to ensuring their economic security, including in political processes.

Article 9 declares that public authorities will facilitate the participation in political, economic, cultural and social life.

In development of that constitutional provision, Royal Decree 117/2005 establishes the State Council of Older Persons, formed mainly by entities and associations of older people, with advisory functions, in relation with the development and follow-up of attention, social inclusion and quality of life policies addressed to older persons.

g) access to prompt remedies and redress when older persons' above mentioned rights are violated

Article 53 establishes the highest protection of rights consacred in articles 14 to 29 through a special judicial process and also with appeal to the Constitutional Court. Other rights of Title I are protected with judicial protection. Finally, all the rights of Title I are protected by Ombusdman, who according to article 54 will supervise the activity of Administration

State obligations

3. *What measures and special considerations should be undertaken by the State to respect, protect and fulfill the above-mentioned rights to ensure older persons' economic security?*

State and Autonomous Communities (regions) display a range of measures shaping a strong Social Protection System that ensures the older persons' economic security, namely contributory and non contributory pensions and other cash and in-kind benefits,

Implementation

4. *What are the best practices and main challenges faced by your country in the adoption and implementation of the above-mentioned framework to ensure older persons' economic security?*

As good practice could be mentioned the updating of public pensions according the inflation rate, approved in the annual State Budget Law. And the main challenge is to assure the sustainability of the public pensions system in the medium and long term.

Actually, there is a working group within State Council of Older Persons, together with representatives from financial entities, with the aim to improve the attention delivered to older people by banks, analyzing the implementation of measures such the extension of business hours, special training of employees on attendance to older people, as well as capacity building actions delivered to older people in order to enable them in the use of new technologies and to bridge the digital gap.