

APRe!

Associação de Aposentados Pensionistas e Reformados

Guiding questions for defining the normative content of the issues examined at the twelfth session

Focus Area 1: Contribution of older persons to sustainable development

Definition

1. How are the key human rights relating to older persons' participation and, therefore, their contribution to sustainable development defined in the national legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional, and international legal frameworks?

We are not aware of any legal provisions, in the Portuguese political framework, that specifically recognize the right of older people to participate and contribute to "sustainable development", particularly those related to the mentioned human rights. In Portugal, support to civil society organizations representing older people – public or other - is scarce. These organizations are a few in number and are not often called upon to collaborate in current pressing debates, such as those underlying "sustainable development". Nevertheless, older people play a relevant role in their communities taking on, in many cases, several tasks and responsibilities which are aligned with SDG priorities, such as promotion of economic activities (e.g., Rui Nabeiro, founder of Delta Cafés, one of the most recognized Portuguese entrepreneurs with regard to good employment practices and social responsibility, recently celebrated his 90th birthday while remaining active in the management of his business group (<https://www.gruponabeiro.com/historia-grupo-nabeiro>), involvement in environmental activities (e.g. <https://www.jornaldenegocios.pt/economia/ambiente/detalhe/avos-de-varios-paises-criam-bosque-no-marao-com-arvores-baptizadas-com-nomes-dos-netos>), fostering reflection on the quality of life of older people in their municipalities (Ex: the Senior Forum, an initiative of the Municipal Assembly of Santa Maria da Feira, has become a local advisory body for the issues of ageing, having retired people as the main promoters (<https://cm-feira.pt/grupo-de-reflex%C3%A3o-s%C3%A9nior-de-santa-maria-f%C3%B3rums%C3%A9nior->). In addition, the number of older people involved in volunteer activities in various areas and those who assume fundamental tasks for their families and/or communities, such as supporting their grandchildren or other dependent people is also very expressive. In a country like Portugal where the sustainability of a pillar of constitutional rights, such as social security is constantly under discussion, and pensions are still considered by many as a benefit rather than a right of those who have worked all their lives and paid contributions, being

their sustainability a matter of concern, I would be pertinent to reflect on the kind of development we mean when talking about sustainable development.

Scope of the rights

2. Please provide references to existing national legal standards relating to older persons' contribution to sustainable development on normative elements such as;

- a) right to equality and prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in the context of sustainable development;
- b) elimination of all forms of ageism and age discrimination from sustainable development laws, frameworks, programs, policies, and practices;
- c) right to freedom of expression, including freedom to seek, receive and impart information;
- d) right of peaceful assembly;
- e) right to freedom of association;
- f) right to take part in the government of his country, directly or through freely chosen representatives;
- g) right to development, including older persons as active participants and beneficiaries of development;
- h) active, free and meaningful participation of older persons and their representative organizations in all matters related to sustainable development, including in political processes;
- i) access to prompt remedies and redress when older persons' above-mentioned rights are violated.

Article 13 of the Constitution of the Portuguese Republic safeguards the principle of equality, guaranteeing that "All citizens have the same social dignity and are equal before the law" and that "No one may be privileged, favoured, prejudiced, deprived of any right or exempted from any duty on the basis of ancestry, sex, race, language, territory of origin, religion, political or ideological beliefs, education, economic situation, social condition or sexual orientation". Even if it is assumed that age cannot be a factor for discrimination, given point 1 of this article, the fact is that there are no legal provisions that explicitly address the issue of age in respect of the above-mentioned topics.

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' contribution to sustainable development?

One of the main challenges concerns the failure to include in the design of the SDGs, explicitly and systematically, the demands of demographic ageing, the rights of older people and the concrete circumstances that this stage of the life cycle brings to the lives of individuals, their families and communities and society at large. The failure to problematise social protection systems and their 'sustainability' in increasingly ageing societies, challenging the world and governments to find new ways of ensuring that people have a decent level of income after leaving the labour market, is a good example.

Furthermore, older people placed in situations of greater vulnerability (physical, economic, social or others) are at a disadvantage when contributing to the design and development of sustainable development, if conditions that make participation and involvement easier are not assured, such as, for example, physical and/or digital accessibility.

Implementation

4. What are the good practices and main challenges faced by your country in the adoption and implementation of the above-mentioned normative framework to ensure older persons' contribution to sustainable development?

In general terms, we consider that older people are not called upon in an intentional, consistent, and consequent manner to make their contributions in this field, in spite of their life experience and the knowledge they hold in various domains (from agriculture to the reusing materials, to reflecting on the sustainability of social protection systems, among many others). This would be an interesting bet in this domain and with advantages for all.