

APRe!

Associação de Aposentados Pensionistas e Reformados

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

Focus Area 2: 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 definitions are not available, how should such rights be defined considering relevant existing national, regional, and international legal frameworks?

A Strategy for the Elderly Protection, established by the Resolution of the Council of Ministers no. 63/2015, framed rights of the utmost importance as a reference for institutional practices, stating that "the elderly have the right to economic security, housing conditions and a family and community life that respect their personal autonomy and avoid isolation or social marginalization". Monitoring tools are incipient and protection mechanisms are fragile or even non-existent, both in municipalities and in state bodies.

[https://www.pgdlisboa.pt/docpgd/files/1441188745_estrategia_protecao_idoso_25082015.pdf].

In 2005, the Solidarity Supplement for the Elderly was created (Decree Law n° 232/2005 of 29 December 2005) to support those who have a very low income, covering older people living far below the poverty line <https://www.seg-social.pt/complemento-solidario-para-idosos>. However, many eligible people do not apply because of excessive bureaucracy and the obligation to give information on their children's income.

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;

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

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 adjustment exists;

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;

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;

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;

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

Older people living in poverty face major challenges in accessing other fundamental rights such as the right to health, as they are often unable to afford medicines or adequate nutrition. In addition, there are thousands of older people whose housing lacks minimum living conditions. Portugal is one of the European countries with the highest levels of energetic poverty. (https://ec.europa.eu/eurostat/databrowser/view/ilc_mdes01/default/table?lang=en), which dramatically affects older people (https://www.rtp.pt/noticias/pais/portugal-entre-os-paises-da-europa-com-mais-pobreza-energetica_n1130343).

Many older people living in poverty also face serious situations of loneliness and isolation. Older women are those who experience the greatest and most serious situations.

Despite the existence of some (still very few) legal frameworks aimed at safeguarding the rights of older people, especially regarding housing issues (Law No. 13/2019, of February 12 - protecting renters in situations of special vulnerability; Law No. 30/2018, of July 16 to protect renters in situations of special fragility; Law No. 30/2018, of July 16 - extraordinary and transitional regime for the protection of older or disabled people who are renters and live in the same leased space for more than 15 years, effective until 31-3-2018), the legal protection of people in a situation of great physical and mental vulnerability (Law no. 49/2018, of August 14, which creates the legal regime of the accompanied adult; Decree-Law no. 58/2016, of August 29, which establishes the obligation to provide priority service; Decree-Law no. 265/99, of July 14 - dependency complement)) or in situations of extreme poverty ((Decree-Law No. 126-A/2017, of October 6 - social benefit for inclusion), the reality is that a large part of older

people in Portugal face in their daily lives real difficulties to have decent or comfortable life by current society standards.

State obligations

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

Demands of associations representing older people have raised awareness of the existing problems. Additionally, there is a helpline for older citizens in the Ombudsman's Office, but its powers are limited. Older people have recently gained representation in some national bodies but without the right to vote. At municipal level, participation in local commissions is possible, but not as a represented group for the political management of resources.

Investment in strong social and labour policies, aimed specifically at the younger population, can enable the building of more solid contributory careers, reducing vulnerability to poverty in old age.

Implementation

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

Increases have been occurring in the values of the lowest pensions, but they have been exceptional and of small amounts (10 euros/month). The minimum pension in 2022 is still 259.85€ (PORDATA - Minimum monthly amount for pensions of the Public Administration Retirement Fund: retirement, forces, disability and survivor pensions), and this value is very insufficient to have a minimally dignified life in Portugal.

There are many pious statements of social concern for the elderly which are then forgotten, starting with the budgetary policy under which the Government chooses not to update most pensions, thus worsening the degradation of the standard of living of those who are retired.

This has a tremendous impact on the high poverty levels of thousands of taxpayers who remain below the poverty line. If Law 53B/2006 of 29 December remains unchanged, also pensioners with average pensions will be condemned to continued degradation pensions and living conditions. The repeal of that law is an act of basic social

justice. (<https://ec.europa.eu/eurostat/documents/2995521/9802432/8-21052019-AP-EN.pdf/7f42181d-d795-4ce1-9dde-ba93fe247166>).