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Associação de Aposentados Pensionistas e Reformados

Guiding questions for the thirteenth session

Focus area 2: Social Inclusion

The Scope:

Social inclusion is a precondition for the ability of older persons to exercise multiple human rights.

Social inclusion is the process of improving the terms of participation in society for people who are disadvantaged on the basis of age, sex, disability, race, ethnicity, origin, religion, or economic or other status through (1) enhanced opportunities, (2) access to resources (3) voice and (4) respect for rights.¹ From a human rights perspective, achieving social inclusion requires addressing the discriminatory structures that have led to exclusion, deprivation of resources and lack of opportunities identified in multiple international human rights instruments.

On one hand, the full social inclusion of older persons lays upon removing existing barriers and, on the other hand, on the adoption of measures that actively promote their inclusion. As such, the achievement of social inclusion is realized through the exercise of human rights that have already been or will be analyzed by the Working Group. These guiding questions are therefore geared towards addressing exclusively those areas that have not been, nor will be, addressed in other sessions of the Working Work.

The following focus areas and their impact on the social inclusion and/or exclusion of older persons have already been covered by the Working Group:

- Equality and non-discrimination
- Neglect, violence and abuse
- Autonomy and independence
- Long-term care and palliative care
- Social protection and social security
- Education, training, lifelong learning and capacity building
- Access to justice
- Right to work and access to the labour market
- Economic security
- Contribution of older persons to sustainable development

The following focus areas and their impact on the social inclusion and/or exclusion of older persons may be covered by the Working Group in a forthcoming session:

- Participation in the public life and in decision-making processes
- Accessibility, infrastructure and habitat (transport, housing and access)

The guiding questions:

- What are the legal provisions, policy frameworks and/or measures in your country that explicitly focus on older persons who are marginalized on the grounds of their sex, disability, race, ethnicity, origin, religion, economic or other status? (This may include addressing older populations on frameworks dedicated to other marginalized groups such as women, persons with disabilities, migrants, minorities, homeless people etc.; or addressing marginalized groups within frameworks devoted to older persons)

Any kind of discrimination is prohibited by the state constitution, but there are no explicit legal provisions for marginalised older people on the grounds of other prejudices.

Nevertheless, there are some legal frameworks aimed at protecting people in situations of greater vulnerability in situations of serious physical or mental illness.

- Statute of accompanied adult: Law no. 49/2018, of 14 August, which creates the legal regime of accompanied adult, removing the institutes of interdiction and incapacitation, as provided in the Civil Code;

- Decree-Law no. 265/99, of 14 July, which creates a new benefit aimed at complementing the protection granted to disability, old age and survival pensioners of the social security regimes in a situation of dependence.

- Decree-Law no. 58/2016, of 29 August, which establishes the obligation to provide priority service to people with disabilities, elderly people, pregnant women and people carrying infants, for all public and private entities providing face-to-face service to the public.

For older adults in a situation of economic vulnerability:

- Decree-Law No. 126-A/2017, of 6 October, which creates the social benefit for inclusion, extends the solidarity complement to older adults holding disability pensions and promotes the required adjustments on other social benefits.

And for the protection of people in a situation of special vulnerability, which includes older adults, with regard to housing:

- Law No. 13/2019 of 12 February, which introduces some measures aimed at correcting situations of imbalance between tenants and landlords, strengthening the stability of urban leases and protecting tenants in situations of special fragility.

Law nr. 30/2018 , of July 16 - extraordinary and transitory 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.

- What legal age limits exist in your country that prevent the full and equal participation of older persons in societies in areas such as employment, education, healthcare, financial goods and services, or others?

- Employment 70 years in public service (compulsory retirement)
- Education - No
- Healthcare - age limit for several oncological screenings in the NHS
- Financial goods and services – No, but tighter bank credit standards as age increases
- Any other areas - insurance (ex: health and travel) for people over 65 years old

- What measures are in place, if any, to ensure that older persons in institutions segregated from their communities -such as institutional care systems or prisons- can continue participating in their society?

None, except the possibility of voting in some elections

- States have an obligation to use maximum available resources to progressively achieve the full realization of economic, social and cultural rights. What is the share of national public expenditure budget targeted to older persons as a distinct group?