

**HelpAge  
International  
España:  
Response  
to the questionnaire**



## **Response to the questionnaire: "Identification of possible gaps in the protection of the human rights of older persons and how best to address them."**

### PART 1: Identification of gaps

**1. For each of the topics that have been considered by the Open-ended Working Group since its eighth session, please state possible gaps your government/organization has identified in the normative framework and practical implementation for the protection of the human rights of older persons. (500 words each)**

#### a) Equality and non-discrimination<sup>1</sup>

At the eighth session of the United Nations Open-ended Working Group on Ageing, the Spanish government made contributions on the question of equality. It is true that Article 14 is dedicated to the question of equality, but it does not explicitly mention age, and includes it as the Spanish courts have made clear within "any other personal or social condition or circumstance". In addition, Article 50 may be said to be somewhat outdated by speaking of the elderly and not the elderly in general, speaking only of social, economic, and cultural rights, forgetting first-generation rights.

It is important to note that the new Law 15/2022, of July 12, 2002, on equal treatment and non-discrimination, does mention discrimination against older people, but it is true that the implementation of this law is being somewhat slow and is not as well-known as we would like. In the last year it has been observed how discrimination against older people is present in the workplace with judgments such as the annulment of a dismissal of a Huawei worker because of his age, but there is still much work to be done to show this age discrimination.

#### b) Violence, neglect and abuse<sup>2</sup>

In Spain, as in many other countries, elder abuse can occur in different forms, such as physical, psychological, financial and neglect. Often, cases of elder abuse can go unnoticed due to lack of awareness, embarrassment of the victim to report or lack of resources to intervene. The following regulatory frameworks are found:

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<sup>1</sup> Based in the document submitted by the Spanish government regarding equality: <https://social.un.org/ageing-working-group/documents/eighth/Inputs%20Member%20States/Spain.pdf>

<sup>2</sup> Based in the document submitted by the Spanish government regarding violence, neglect and abuse: <https://social.un.org/ageing-working-group/documents/eighth/Inputs%20Member%20States/Spain.pdf>

- Law for the Promotion of Personal Autonomy and Care for Persons in a Situation of Dependency (Dependency Law): This law, passed in 2006, aims to guarantee the attention and care of people in a situation of dependency, including the elderly. It establishes rights and benefits for these people, to improve their quality of life.
- Organic Law 9/1984, of December 26, 1984, on measures for the legal protection of incapacitated persons and reform of the Civil Code: This law regulates the figure of guardianship and conservatorship for the protection of persons with disabilities, including the elderly who may be in a situation of vulnerability.
- Law 27/2007, of October 23, 2007, which recognizes Spanish sign languages and regulates the means of support for oral communication of deaf, hearing impaired and deaf-blind persons: Although not focused exclusively on the elderly, this law is relevant for those elderly persons with hearing impairment who may be more vulnerable to abuse or mistreatment.
- Organic Law 1/2004, of December 28, 2004, on comprehensive protection measures against gender-based violence: Although this law focuses primarily on gender-based violence, it also recognizes the special vulnerability of older women and the importance of addressing violence at all stages of life.
- In addition to these laws, it is essential to keep in mind that the Spanish Penal Code also contemplates sanctions for those who commit crimes related to abuse and mistreatment of the elderly and crimes against physical integrity. Especially with Law 15/2022, it can be seen how age has been introduced as an aggravating factor.

It is important to note that especially financial or psychological violence is still very invisible and there is still a lack of awareness of these issues among the older people.

Looking at the data highlights how various surveys have collected the problems of people especially we find the National Survey on Gender Violence against Women (2019): This survey, conducted by the National Institute of Statistics (INE) in Spain, includes data on gender violence, which also affects older women. It provides information on the prevalence of different forms of violence, including psychological and physical abuse.

But it is true that we often lack sufficiently disaggregated data given that 65 and over is put within the same concept and we do not talk about how it can be disaggregated with different age cohorts.

### c) Long-term care and palliative care<sup>3</sup>

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<sup>3</sup> Based in the document submitted by the Spanish government regarding long term: [https://social.un.org/ageing-working-group/documents/ninth/Inputs%20Member%20States/Spain\\_LTC.pdf](https://social.un.org/ageing-working-group/documents/ninth/Inputs%20Member%20States/Spain_LTC.pdf)

Palliative care in Spain was an area of medical care in constant development and improvement, with significant advances in the care of patients with advanced and terminal illnesses.

In Spain it is important to remember the state of autonomies because it is a competence that belongs to the autonomous communities and not to the state as indicated in article 148 of the Constitution. It is important to underline that inequalities between autonomous communities can and usually do occur.

- **Legal and Regulatory Framework:** In Spain, palliative care is supported by a legal and regulatory framework that recognizes the importance of providing comprehensive care to patients with advanced diseases and their families. The General Health Law and the Patient Autonomy Law are some of the regulations that address palliative care.
- **Development of Specific Services:** Specialized palliative care services have been established in hospitals, as well as home palliative care teams to provide care at home. These teams often include health professionals such as physicians, nurses, social workers and psychologists, who work collaboratively to address the physical, emotional and spiritual needs of patients and their families.
- **Training and Awareness:** There has been an ongoing effort to improve the training of healthcare professionals in the management of palliative care patients and to raise public awareness of the importance of palliative care services. There have also been initiatives to encourage discussion of end-of-life care preferences and advance care planning.
- **Palliative Care Research:** Research has been conducted to improve understanding of the needs of palliative care patients and to develop more effective and personalized approaches to end-of-life care.

Other issues such as the new agreement on the System for Autonomy and Care for Dependency that has been reformulated after the pandemic and how it could not be carried out for various reasons of many natures worthy palliative care for many older people. Also, within this framework we have the initiative of the European Union on the care strategy, which has been tried to be replicated in Spain.

The Ministry of Health on its website has no palliative strategies other than those of 2015. And neither can we speak of total health inclusion as we have made clear HelpAge International Spain in our report on health.

We can say that there are 5 factors that influence the palliative care:

- 1) **Awareness and Education:** Awareness of palliative care and the importance of advance care planning can influence older people's willingness to claim these services.

Educational programs and awareness campaigns to inform older people and their families about the benefits of palliative care are crucial.

- 2) **Access to Health Services:** Accessibility to health services and palliative care may vary by region and health care setting. In some places, there may be a well-developed infrastructure that facilitates access to palliative care, while in other areas it may be more limited.
- 3) **Active Patient Involvement:** The situation of older people claiming palliative care is also influenced by the willingness of patients to actively participate in decision making about their end-of-life care. Advance care planning, which involves discussing and documenting the patient's preferences and values, is essential to ensure that palliative care aligns with their wishes.
- 4) **Family and Community Support:** The presence of a family and community support system can be crucial for older persons seeking palliative care. Family and community involvement and understanding are important factors in the emotional and physical well-being of the patient.
- 5) **Health Policy and Financing:** Health policy and financing of palliative care services also influence the ability of older people to claim palliative care services. A sound legal and financial framework can facilitate access to and availability of palliative care.

#### d) Autonomy and independence <sup>4</sup>

The promotion of autonomy and independence of the elderly is supported by a legal framework and various government and community initiatives.

- Law for the Promotion of Personal Autonomy and Care for People in a Situation of Dependency (Dependency Law): passed in 2006, this law's main objective is to guarantee the attention and care of people in a situation of dependency, including the elderly. It provides a framework for the provision of services that promote the autonomy and participation of people in society. It is a pity that it is called the Dependency Law at the societal level because it shows the great work that lies ahead.
- National Strategy for the Older People: The Spanish government has developed specific strategies to address the needs of the elderly, with the aim of promoting their autonomy, well-being, and participation in society. These strategies usually include measures to promote active and healthy aging. But it is true that it has not been renewed since 2021, i.e., the last two years, although there have been changes, they have not been reflected in another national strategy for the older people.

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<sup>4</sup> Based in the document submitted by the Spanish government regarding autonomy: [https://social.un.org/ageing-working-group/documents/ninth/Inputs%20Member%20States/Spain\\_Autonomy.pdf](https://social.un.org/ageing-working-group/documents/ninth/Inputs%20Member%20States/Spain_Autonomy.pdf)

- **Active Aging Programs:** At the regional and local level, specific active aging programs are implemented that seek to encourage the participation of older people in social, cultural, educational and sports activities. These programs are designed to improve the quality of life and promote the autonomy of older people.
- **Universal Accessibility:** Universal accessibility policies also contribute to promoting the autonomy of older people. This includes measures to adapt urban environments and buildings, thus facilitating the mobility and participation of older people in daily life.
- **Social and Health Services:** The network of social and health services in Spain plays a crucial role in promoting the autonomy of older people. These services include home care, day centers, prevention, and health promotion programs, among others.

It is essential to highlight that the promotion of the autonomy of older people is not only addressed through legal measures, but also through practical actions and raising awareness in society about the importance of respecting and supporting the independence of older people. The effective implementation of these laws and policies may vary depending on the region and the availability of resources.

#### e) Protection et sécurité sociales (y compris protection sociale minimale)<sup>5</sup>

The right to social security is regulated in article 41 of the Spanish Constitution and then article 50 of the Constitution which speaks of senior citizens states "The public authorities shall guarantee, by means of adequate and periodically updated pensions, the economic sufficiency of citizens during their old age".

The competence belongs to the central state, but it is established that "without prejudice to the execution of its services by the Autonomous Communities", so the execution is not generic.

This right is developed in the Royal Legislative Decree 8/2015, of October 30, which approves the revised text of the General Law of Social Security, and it is true that recently in pensions has been established the complement of contributory pensions for the reduction of the gender gap. This, as can be seen, only applies to contributory pensions, which excludes women who have worked in a non-formal market.

In Spain there is the so-called Toledo Pact, born in 1995, from which the difference between contributory and non-contributory pensions is based, as well as the retirement age and the need to update pensions according to the CPI.

In theory, all these mechanisms can be found, but it is true that due to the implementation it has had, the main problem is the digital divide and the difficulty of connection with the

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<sup>5</sup> Based in the document submitted by the Spanish government regarding social security: <https://social.un.org/ageing-working-group/documents/eleventh/Inputs%20MS/Spain%20-%20SP.pdf>

services that manage all this issue, being especially complex the information mechanisms for some people, especially those who live in rural areas and do not have such ease of connection.

#### f) Education, training, lifelong learning and capacity-building<sup>6</sup>

The right to education is enshrined in Article 27 of the Spanish Constitution, which is important because it is one of the few rights that have been examined within the Open-ended Working Group on Aging that is specially protected by Article 53. It is especially important to point out that it falls within the competences ceded to the autonomous communities, which are the ones that manage education, thus sometimes differentiating supply according to resources.

Although the government of Spain in its position argues that the right to education is included in Article 50, from the HelpAge International Foundation Spain we do not believe that this is so because the article says the following: "specific health, housing, culture and leisure", within these is not the right to education as it has another nature. It is important not to confuse leisure with education, although it is a form of expression.

There are a number of programs that seek to provide educational opportunities for older people, enabling them to acquire new skills, knowledge and actively participate in society. Some highlights of access to education for the elderly include:

- **Universities for Older Adults:** Many universities and educational centers in Spain offer special programs for older adults. These programs allow older adults to attend classes, participate in conferences and access academic resources. Often, these opportunities are provided through continuing education or senior citizen programs.
- **Continuing Education Programs:** In addition to college education, there are continuing education programs and courses specifically designed for seniors. These programs can cover a variety of topics, from practical skills to areas of general interest.
- **Experience Classrooms:** Some universities and educational centers have implemented "experience classrooms," where seniors can participate in academic and cultural activities for free or at reduced rates.
- **Personalized Study Plans:** In some cases, personalized study plans are allowed to adapt to the individual needs and interests of the elderly.
- **Government Initiatives:** The Spanish government, through educational and social policy initiatives, has promoted the participation of older people in educational programs. These initiatives often seek to promote active aging and social participation.

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<sup>6</sup> Based in the document submitted by the Spanish government regarding education: <https://social.un.org/ageing-working-group/documents/eleveth/Inputs%20MS/Spain%20-%20Edu.pdf>

It is important to note that access to education for older people may vary by region and specific educational institution. The curricula show how older people are very sensitive to further education, especially in the arts and humanities.<sup>7</sup>

### g) Right to Work and Access to the Labour Market<sup>8</sup>

The situation of older people in the labor market can vary significantly depending on the region, specific labor policies and other socioeconomic factors. General information can be provided on some of the challenges and trends that older people often face in the labor market:

- **Employment Discrimination:** Older people often face employment discrimination based on age. Some employers may have misperceptions about the productivity, technological ability, and adaptability of older workers, which can make it difficult for them to participate in the labor market.
- **Retraining Challenges:** In an ever-changing world of work, older people may face challenges as they try to acquire new skills or retrain to adapt to changes in labor market demand.
- **Employment and Retirement Rates:** Some seniors may choose to retire at an earlier age, while others may continue to work beyond the traditional retirement age. Employment rates among seniors may vary depending on health, personal economic circumstances, and labor laws.
- **Self-employment:** Some older people opt for self-employment or entrepreneurship after retiring from their traditional jobs. Entrepreneurship can offer flexibility and the opportunity to apply experience accumulated over decades of work.
- **Retirement Policies:** Government policies and retirement laws can influence the decision of seniors to continue working or retire. In some cases, policies have been implemented that encourage longer working lives.
- **Social Protection and Benefits:** Social security, pensions, and other benefits can be determining factors in older people's decision to remain in the labor market or retire.

From HelpAge International Spain we can say that we have an extensive report that addresses this issue insisting on some issues such as the importance of knowledge

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<sup>7</sup> Article regarding the studies of older people: [https://www.65ymas.com/personas-mayores/universidades/asignaturas-universitarias-mas-cursadas-espana-por-mayores-65-anos\\_43363\\_102.html#:~:text=En%20concreto%2C%20en%20el%20a%C3%B1o%20del%201.224.186%20estudiantes](https://www.65ymas.com/personas-mayores/universidades/asignaturas-universitarias-mas-cursadas-espana-por-mayores-65-anos_43363_102.html#:~:text=En%20concreto%2C%20en%20el%20a%C3%B1o%20del%201.224.186%20estudiantes)).

<sup>8</sup> Based in the document submitted by the Spanish government regarding right to work: <https://social.un.org/ageing-working-group/documents/eleventh/Inputs%20MS/Spain%20-%20Right%20to%20Work.pdf>

management, the importance of intergenerational teams, or the social invisibility of older people in the lack of work being much more complex their reintegration into the labor market. It is true that the HelpAge International Foundation Spain has prepared a report that addresses all the issues that can be found [here](#).

It is regulated in article 35 of the Spanish Constitution but it is true that it does not have a special protection and that within article 50 this option is not contemplated, in fact an international document could change this paradigm and not only promote the rights of economic security but also the freedom of decision and this change of paradigm in relation to the older people.

Within the Constitutional Court it is true that it is where there have been the largest number of rulings on the grounds of age discrimination in relation to the older people.<sup>9</sup>

#### h) Access to justice<sup>10</sup>

Older people often face various barriers to accessing justice that can hinder their ability to seek and obtain redress or legal redress. Some of the main barriers include:

- **Lack of Knowledge of Rights:** Many older people may not be fully informed about their legal rights and may be unaware of the resources available to resolve legal problems. This may be due to factors such as lack of access to information or limited education about legal issues.
- **Mobility and Accessibility Issues:** Older people may experience mobility limitations, making it difficult for them to access courts and other legal services. Lack of accessible facilities and adequate transportation can be a significant barrier.
- **Financial Constraints:** The costs associated with seeking justice, such as attorney fees, court fees, and other legal expenses, can be prohibitive for some older people, especially those with limited incomes or reduced pensions.
- **Health Issues:** Impaired health can affect the ability of older people to participate in legal proceedings, especially if they involve lengthy or complicated procedures. Issues related to mental health and cognitive ability may also be factors.
- **Distrust of the Legal System:** Some older people may have a distrust of the legal system, which may be due to previous negative experiences, perceptions of discrimination, or a belief that the system will not effectively address their problems.

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<sup>9</sup> Here is a document with all the ruling regarding older people:

<https://www.observatoriodeedadismo.es/recursos/analisis-jurisprudencial/>

<sup>10</sup> Based in the document submitted by the Spanish government regarding access to justice: <https://social.un.org/ageing-working-group/documents/eleventh/Inputs%20MS/Spain%20-%20Access%20to%20Justice.pdf>

- **Complexity of the Legal System:** The complexity and formality of the legal system can be overwhelming for some older people, especially those who do not have legal training or who are unfamiliar with legal procedures.
- **Lack of Elder-Specific Resources:** The lack of elder-specific legal services that understand their specific needs and challenges can be a barrier. Inadequate training of legal professionals on aging-related issues can also be a problem.
- **Social Isolation:** Social isolation can be a major barrier, as some older people may lack a support network to help them address legal issues and provide information and guidance.

To address these barriers, it is essential to implement measures that improve accessibility, awareness of legal rights, training of legal professionals on aging-related issues, and reduction of costs associated with seeking justice. In addition, encouraging the active participation of older persons in legal proceedings and ensuring respect and sensitivity to their needs are key to improving access to justice.

It is essential that legal systems implement measures to ensure that older people have effective access to justice. This may include:

- Accessible Information
- Affordable Legal Advice.
- Accessibility Accommodations
- Education Programs
- Simplified Procedures
- Support Network
- Legal Awareness on Aging

Addressing these issues is crucial to ensure that older people can effectively seek justice and protect their rights. In addition, promoting public awareness and destigmatization of aging can contribute to an environment in which older people are treated with dignity and respect in all aspects of life, including access to justice.

Although the constitution establishes the right to effective judicial protection, it is true that some articles of the constitution do not have special protection based on article 53 which differentiates according to the different titles and importance. An international convention could be put in place and focus on the rights of the elderly to promote access to justice and also that all legal operators work with the same purpose.

### i) Contribution of Older Persons to Sustainable Development

The 2030 Agenda and sustainable development are concepts that have been found far from the older people, not being included in almost any objective of sustainable

development, it has been claimed the need to make the elderly present but it is true that it is not enough, but from them has to start the initiative not making them the object of the plan but an integral part of the plan.

The Spanish government's plan on agenda 2030<sup>11</sup> in 170 pages only mentions the word "older people" on three occasions, showing how they are not integrated into sustainable development.

Inclusion of older people in sustainable development involves addressing their specific needs and ensuring that they can actively participate in the decisions that affect their lives. Here are some strategies and approaches to achieve inclusion of older people in the context of sustainable development:

1. **Active Participation:** Involving older people in decision-making processes that affect their lives is critical. This can include consultations, dialogues, and the creation of mechanisms for older people to express their views and contribute to policy formulation.
2. **Economic Empowerment:** Encourage opportunities for older people to participate meaningfully in the economy. This may include employment programs for older people, access to financial services, and support for entrepreneurship.
3. **Health Access:** Ensure that older people have access to adequate and affordable health care services. This involves addressing specific health needs related to aging and promoting healthy aging.
4. **Continuing Education:** Encourage lifelong learning and access to educational opportunities for older people. This includes education and training programs tailored to their needs and interests.
5. **Technology Inclusion:** Ensure that older people have access to and training in technology. This is crucial for their participation in today's digital society and to bridge potential digital divides.
6. **Inclusive Housing and Urban Environment:** Design cities and communities that are accessible and inclusive for all ages. This involves considering the needs of older people in terms of housing, transportation and public spaces.

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<sup>11</sup> You can find the hole document here: <https://transparencia.gob.es/transparencia/dam/jcr:6e0f06b9-a2e0-44c0-955a-dad1f66c11d7/PLAN%20DE%20ACCI%C3%93N%20PARA%20LA%20IMPLEMENTACI%C3%93N%20DE%20LA%20AGENDA%202030.pdf>

7. Social Protection and Pensions: Establish strong social protection systems that provide economic security for older people. This includes adequate pensions and other financial support mechanisms.
8. Prevention of Discrimination and Abuse: Implement measures to prevent age-based discrimination and abuse of older people. Raise society's awareness of the importance of treating older people with respect and dignity.
9. Support Networks and Social Participation: Encourage the creation of social and community support networks for older people. This may include recreational, cultural and sports activities that promote social participation.
10. Data and Research: Collect age-disaggregated data to better understand the realities and needs of older people. This supports evidence-based decision making.

Inclusion of older people in sustainable development implies a holistic approach that addresses economic, social, environmental and cultural aspects. In addition, it is crucial to recognize the diversity within the older population and to tailor strategies to individual needs. Collaboration between governments, civil society organizations, the private sector and the community itself is essential for effective inclusion.

It is important to underline that all these are measures and not realities that are present today and that are present in almost all the reports of the organized civil society.

#### j) Economic security <sup>1213</sup>

It is important when talking about economic security to highlight what the NGO EAPN states, which reads as follows: "It should be noted that the group of older people maintains data and an evolution very different from the rest of the age groups, caused mainly by their income. Different from those of the rest of the age groups, caused mainly by their fixed income and largely independent of the economic situation. In this sense, a large part of the of the older population has a pension as its only income and, therefore, their situation of poverty and/or social their situation of poverty and/or social exclusion depends entirely on political

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<sup>12</sup>Based in the document submitted by the Spanish government regarding economic security: [https://social.un.org/ageing-working-group/documents/thirteenth/INPUTS%20MEMBER%20STATES/Spain\\_Economic%20Security\\_r.pdf](https://social.un.org/ageing-working-group/documents/thirteenth/INPUTS%20MEMBER%20STATES/Spain_Economic%20Security_r.pdf)

<sup>13</sup> For more information you have the submission of HelpAge International Spain regarding economic security: <https://social.un.org/ageing-working-group/documents/thirteenth/INPUTS%20NGOs/HelpAge%20International%20Espa%C3%B1a-%20Economic%20Security.pdf>

decisions and in no case on their personal effort practically determined by the amount of the pension they receive." <sup>14</sup>

It is then observed that although Article 50 states that pensions should be kept up to date, in many cases this is not the case, leaving many older people on the threshold of poverty due to increases in market prices but not in their pensions, which is why they cannot access services or a good level of care, given that in many cases this implies an economic dissolubility.

Good financial security can bring many positive issues such as the fact that these people may be those who are not subjected to financial mistreatment or endure abusive situations because the abuser is the breadwinner.

Despite these efforts, challenges exist, and concerns have been raised about the long-term sustainability of certain aspects of the economic security system for the elderly in Spain, especially in relation to pensions. Factors such as population aging, economic fluctuations and changes in the labor market may influence the effectiveness of these measures.

It is important to keep in mind that policies and programs may change over time, and the economic and social situation of older people may vary. Continuous monitoring and adaptation of policies to address the changing needs of the aging population are critical to ensure the long-term economic security of older people in Spain.

#### k) Right to Health and Access to Health Services <sup>1516</sup>

The older persons in Spain have access to health care through the National Health System (SNS). The SNS is a public system that provides health care services to all residents in Spain, including the older people. Some key aspects related to access to healthcare for the older people in Spain include:

- **Universal Coverage:** The National Health System in Spain is designed to guarantee universal coverage, which means that all people, regardless of their age, are entitled to receive medical care.

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<sup>14</sup> You can read the hole report here:

[https://www.eapn.es/estadodepobreza/ARCHIVO/documentos/13\\_Informe\\_AROPE\\_2023\\_completo.pdf](https://www.eapn.es/estadodepobreza/ARCHIVO/documentos/13_Informe_AROPE_2023_completo.pdf)

<sup>15</sup>Based in the document submitted by the Spanish government regarding right to health and access to health services:

<https://social.un.org/ageing-working-group/documents/thirteenth/INPUTS%20MEMBER%20STATES/Spain%20-%20RIGHT%20TO%20HEALTH.pdf>

<sup>16</sup> Here is the document that HelpAge International Spain submitted regarding the right to health:

<https://social.un.org/ageing-working-group/documents/thirteenth/INPUTS%20NGOs/HelpAge%20International%20Espa%C3%B1a-Health.pdf>

- **Primary Care Services:** Seniors can access primary care services through health centers and doctor's offices. These services include medical consultations, preventive care, and chronic disease monitoring, among others.
- **Hospitals and Specialized Care:** In cases requiring more specialized care, seniors have access to hospitals and specialized care centers within the public health system.
- **Prevention and Early Detection Programs:** Disease prevention and early detection programs are implemented, which also benefit the older persons. These programs may include vaccination campaigns, periodic medical check-ups and screening for specific diseases.
- **Medicines:** Access to medicines is regulated by the social security system in Spain. Older people can benefit from prescription drug coverage through Social Security.

It is important to note that, although access to medical care is guaranteed, there may be specific challenges related to care for the older persons, such as the need for specialized health services for diseases associated with aging.

In addition to the public healthcare system, some older people in Spain may also opt for private healthcare services, either complementing public care or as their main source of healthcare, depending on their preferences and economic circumstances.

It is essential to continuously monitor and adapt health services to meet the changing needs of the aging population and to ensure that older people receive comprehensive, quality health care.

It is important to underline that this is the theory as well as the right to health is included in the Spanish Constitution, and also in relation to the older people, but it is true that for example, the older people who are grouped together face health exclusion in some regions because it is an autonomous competence and it is the regions that have to develop this competence and sometimes they put obstacles in the way.

It is important to note that this year we have published a report on the discrimination faced by the elderly in relation to health care.<sup>17</sup> As requested by entities such as CEOMA, it is necessary to harmonize the vaccination schedule in Spain and not depend on the regions, so we find disparities in different regions.

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<sup>17</sup> You can see the hole report here: [https://www.helpage.es/wp-content/uploads/2023/10/OT-133651-INFORME-ACCESO-SALUD-2023\\_FINAL-1.pdf](https://www.helpage.es/wp-content/uploads/2023/10/OT-133651-INFORME-ACCESO-SALUD-2023_FINAL-1.pdf)

## I) Social Inclusion

The inclusion of the older persons in Spain is an objective that is addressed through various social policies and programs. Here we highlight some aspects related to the inclusion of the older persons in different areas:

- **Pension System:** The pension system in Spain seeks to provide adequate income to the older persons after retirement, thus contributing to their economic inclusion.
- **Health Services:** Access to health services through the National Health System contributes to the inclusion of the older persons by guaranteeing medical attention and care services.
- **Social Assistance Programs:** There are social assistance programs that seek to support economically vulnerable older people by providing financial assistance and social services.
- **Adapted Housing:** The promotion of adapted housing and accessible environments contributes to the inclusion of the older persons by facilitating their active participation in society.
- **Social Participation:** Active aging and social participation programs are encouraged so that seniors can maintain an active life and connect with the community.
- **Access to Employment:** Through measures such as the promotion of senior employment, we seek to promote the inclusion of the older population in the labor market and combat possible discrimination in the workplace.
- **Culture and Recreation:** Specific cultural, recreational, and educational activities are promoted for the older population, offering opportunities for continuous learning and participation in social activities.

Although there are efforts to promote the inclusion of older people in Spain, they also face challenges, such as economic vulnerability, age discrimination and the need to adapt to sociodemographic changes. Raising awareness and the active participation of older people in decision making are key aspects in moving towards a more inclusive society.

It is essential to recognize the diversity within the older population and to adapt policies and programs to address the specific needs of different groups. Continuous

monitoring and adaptation of these measures are essential to ensure that older people are effectively included in Spanish society.

It can be seen how the older people are not specially protected in the field of social inclusion because there are no specific regulations on this issue which always leaves the older people unprotected because they are left totally under the protection of what the political will decides without further protection.

#### m) Accessibility, infrastructure and habitat (transport, housing and access)

In Spain, although the IMSERSO is doing a great job in relation to friendly cities, there are still many efforts in relation to architectural barriers, it is especially complex the implementation of the project because it requires economic efforts not only from the public sector but also for the people individually speaking.

The implementation of Age-Friendly Cities in Spain follows a process that involves the official adhesion of cities to the initiative, the completion of a comprehensive assessment, the development of an action plan and the implementation of specific measures. The key steps for the implementation of Age-Friendly Cities in Spain are described below:

- **Official Commitment:** the first stage involves the city expressing its official commitment to become an Age-Friendly City.
- **Comprehensive Assessment:** Once the city has officially committed, a comprehensive assessment of the urban environment in relation to the needs of older people is carried out.
- **Action Plan:** Based on the results of the assessment, the city develops a specific action plan to address the areas identified as priorities.
- **Community Involvement:** The active participation of older people and other community members is essential throughout the process.
- **Implementation of Measures:** The city implements the actions detailed in the plan, which may address issues such as urban accessibility, promotion of recreational activities, improvement of health services, safety in public spaces, among others.
- **Continuous Monitoring and Evaluation:** The implementation of Friendly Cities is a continuous process. The city regularly monitors the progress of implemented measures, evaluates their impact, and adjusts the action plan as needed.

- **Communication and Dissemination:** Friendly cities often promote their actions and achievements through communication and dissemination campaigns.

It is important to note that the implementation of Age-Friendly Cities is tailored to the specific characteristics and needs of each community. Flexibility in the approach allows cities to effectively address the challenges of their environment and population.

It is also important to talk about the rurality factor because this initiative takes into account that some services are less accessible and also the Spanish orography which implies that cities like Toledo have had to install escalators for accessibility.

Although there is an initiative, it is true that it depends on political will and not so much on whether it is mandatory, and a convention could change this issue.

#### n) Participation in the public life and in decision-making processes

In Spain, as in many other countries, various measures and programs have been implemented to encourage the active participation of older people in the public sphere. Some ways in which older people participate in public life and decision making include:

- **Organizations and Associations of Older Persons:** there are numerous organizations and associations in Spain that represent the interests and concerns of older persons. These organizations play an important role in advocating for policies that improve the quality of life of older people and promote their participation in society.
- **Participation Councils and Committees:** Some cities and communities have established citizen participation councils or committees, which include representatives of different groups, including older people. These spaces provide opportunities for older people to express their opinions and contribute to local decision-making. In Spain there are councils for the older adults, existing one at state level and others at regional level where they try to ensure the participation of older people in the Spanish public policies, although it is true that the state council for the elderly has been very discontinuous in its functions and has taken a long time to be set up and put into operation.
- **Volunteer Programs:** Many older people actively participate in volunteer programs, volunteering their time and skills to contribute to various causes in the community. This direct involvement contributes to the well-being of society as a whole.

- **Forums and Meetings:** Forums and meetings are organized where older people can discuss relevant topics and express their opinions. These events provide a space for the exchange of ideas and participation in constructive dialogues.
- **Participation in Intergenerational Projects:** Participation in projects involving people of different ages, such as intergenerational initiatives, fosters integration and the exchange of knowledge and experiences between generations.
- **Active Aging Programs:** Programs that promote active aging include cultural, recreational and educational activities designed to keep seniors socially active and engaged in community life.
- **Nominations and Elections:** Some older people actively participate in electoral processes, either as voters or as candidates for public office. Participation in elections is essential to ensure representation of diverse voices in decision-making.

It is important to emphasize that the effective participation of older people involves not only having the opportunity to express their opinions, but also ensuring that these opinions are considered in the formulation of policies and decisions. Creating inclusive and accessible environments, as well as promoting education and awareness of citizenship rights and responsibilities, are key to strengthening the participation of older people in public life.

The problem is that in general they are invisible or seen as an object to make programs in their relationship, but it is necessary a paradigm shift to show everything they contribute to society and how it is necessary to treat them as subjects with rights and not in a paternalistic way.

*PART 2: Options on how best to address the gaps.*

**1. Please state how your government/organization has engaged with international and regional human rights mechanisms (for example: universal periodic review (UPR) treaty bodies, special procedures, regional mechanisms), specifically with regard to older persons. (500 words)**

HelpAge International Spain has sent documentation to the following mechanisms:

- Independent Expert on the enjoyment of all human rights by older persons.
- Open-ended Working Group on Ageing; and
- questions to the European Parliament

**2. Have those engagements resulted in positive impact in strengthening the protection of the human rights of older persons? Please elaborate. (500 words)**

The participation of HelpAge International Spain has been positive in the relationship with different actors and show sensitivity to this issue, it is true that at the Spanish level have been approved motions to urge the need for a convention within the Senate, but it is true that they have not had more travel than these motions and has not led to anything at the international level.<sup>18</sup>

At the national level, the II Human Rights Plan of the Government of Spain includes the older persons as well as the promulgation of the Law 15/2022 of equal treatment which is the first national legislation that speaks explicitly of ageism, it can be observed then as we are before a previous step and that still has not been materialized in many legal protections to the older persons.

### **3. What other options can be considered to strengthen the protection of older persons? Please elaborate. (500 words)**

Currently, the framework we find ourselves in is well known and it is important to underline how it has only the importance of policies without there being anything behind forcing the actors to carry out this promotion of rights, without a legally binding framework it is very complex that we can do anything and that the rights of the older persons are really respected throughout the world.

It is especially relevant to observe the Inter-American framework that points out how important it is to take into account the older persons and how little by little more and more things are entering into the courts.

In the European framework there is currently no legally binding instrument and without a convention we have no specific legal framework to promote the rights of the elderly, this convention is important as other conventions were important and we have a video that promotes it.<sup>19</sup>

### **4. If applicable, what is your assessment on the protection of the human rights of older persons according to regional and international instruments? (500 words)**

HelpAge International Spain has nothing to do with the instruments because there is no specific regional instrument at European level on the rights of the older people, although now the possibility of a European strategy in this regard is being considered and has been strongly incorporated into the European strategy for care.

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<sup>18</sup> <https://www.helpage.es/el-senado-apoya-la-creacion-de-una-convencion-internacional-sobre-los-derechos-de-las-personas-mayores/>

<sup>19</sup> <https://www.change.org/p/envejecer-con-derechos-apoyen-la-convenci%C3%B3n-internacional-de-las-personas-mayores>

Response from HelpAge International Spain to the questionnaire: "Identification of possible gaps in the protection of human rights of older persons and how best to address them."

At the international level there are only non-legally binding instruments because the rest of the conventions do not speak specifically of the older people.

Response from HelpAge International Spain to the questionnaire: "Identification of possible gaps in the protection of human rights of older persons and how best to address them."

### **For more information**

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