# GUIDING QUESTIONS FOR THE FOCUS AREAS OF THE X SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING:

**Social protection and social security (including social protection floors)**

**National legal framework**

1. **What are the legal provisions in your country that recognizes the right to social security and social protection, including non-contributory and contributory old-age benefits? Do they have a constitutional, legislative or executive foundation?**

In Portugal the right to social security and social protection, including access to non-contributory and contributory old-age benefits, has a constitutional foundation. It is formally recognized, along with other social rights (health, education), in the Portuguese Constitution (article 63) in the chapter of social rights and duties .The Social rights to protection in old-age have as much a legislative recognition within the Social Security Framework Law (Law n.º 4/2007, of 16 January), as an executive foundation in the Statutory Decree 187/2007, of 10 May, which establishes the invalidity and old-age benefits scheme of the general system (regime de proteção nas eventualidades invalidez e velhice do regime geral), as amended on several occasions.

# Availability

1. **What steps have been taken to guarantee universal coverage, ensuring that every older person has access to social security and social protection schemes including non- contributory, contributory and survivor old-age pensions, to ensure an adequate, standard of living in older age?**

The universal coverage of the elderly is ensured through the articulation of contributory and non-contributory schemes. It is the coordination between these schemes that guarantees that social protection is granted to everyone in the traditional branches (sickness, maternity and paternity, occupational diseases, unemployment, invalidity, old age, death and family allowances), a well as in case of poverty and social exclusion.

On the one hand, the main social protection scheme, which grants contributory old-age benefits is a compulsory social insurance scheme (statutory), covering all employees and self-employed workers on a mandatory basis.

On the other hand, those not entitled to any contributory old-age pension (for instance, if they do not fulfill the minimum contributory insurance period) may be entitled to the social old age pension (Pensão social de velhice). To qualify for a social pension, the monthly gross income of the claimant cannot exceed 40% (single person) or 60% (couple) of the reference social support index, IAS (indexante dos apoios sociais). Different from the contributory old-age pension, the social pension is granted by the non-contributory scheme, which is a scheme intended to cover all residents who are in a situation of socio-economic deprivation, tax-funded and organized at national level.

1. **What steps have been taken to ensure that every older person has access to social security and social protection schemes which guarantee them access to adequate and affordable health and care and support services for independent living in older age?**

Access to adequate and affordable health and care and support services for independent living in old age is ensured by a combination of benefits (in kind and/or in cash) and social intervention techniques (social security and social assistance), granted both by contributory and non-contributory schemes and, in some cases, managed jointly by the social security system and the health sector. This includes social benefits (old age pension, social pensions, etc.), social action support in case of poverty and social exclusion, as well as support services in kind for independent living in old age, which can be provided directly at home (home care), on a semi-institutional basis (semi-residential care) or on an institutional basis (residential care).

For example, in addition to social insurance and non-contributory benefits aiming to guarantee sufficient resources to older persons, those old persons in a situation of dependency (i.e., who cannot perform the activities of daily living autonomously and who needs constant care by a third person as well as specialized medical and/or residential care) may be entitled to the long-term care and to the long-term care supplement (complemento por dependência).

Long-term care benefits are mainly provided by professionals who are part of the national network of integrated long-term care. Professional providers (sponsors and management entities of the units and of the national healthcare network teams) encompass very different types of legal persons such as hospitals, health centers, district social security centers, private social solidarity institutions, NGOs, local authorities and for-profit organizations.

# Adequacy

1. **What steps have been taken to ensure the levels of social security and social protection payments are adequate for older persons to have access to an adequate standard of living, including adequate access to health care and social assistance?**

Firstly, as provided for in its legal framework, the amount of the old-age pension cannot be lower than certain minimum values set by law, which are indexed to the reference social support index (IAS). The percentages used to establish minimum pension amounts vary according to the contribution period (with up to 15 contribution years, with 15 to 20 contribution years, with 21 to 30 contribution years and with more than 30 contribution years). As mentioned above, persons who are not entitled to any contributory old-age pension (for instance, if they do not fulfill the minimum contributory insurance period) are entitled to the social pension, a means-tested non-contributory benefit. Additionally, all pensioners aged 66 years and 4 months, residing in the country for the last 6 years before the date of the claim, with low income (less than € 5,175.82 (single person) or € 9,057.68 (couple)) may also be entitled to the Solidarity Supplement for the Elderly (Complemento Solidário para Idosos). The value of the supplement granted corresponds to the difference between the reference value of the CSI and the beneficiary's income, including other social benefits.

Secondly, in the last years Portugal has made a number of efforts to improve the situation of the most vulnerable, in order to ensure that the levels of social security and social protection payments are adequate for all persons, including the elderly. The measures implemented include the increase, according to its regulatory legal framework, of several social benefits (contributory and non-contributory pensions), the CSI reference value and the social support index (IAS). Extraordinary increases of old-age pensions also took place. These extraordinary increases aimed to “compensate” pensioners for the purchasing power lost during the crisis. Between 2011 and 2015, only the lowest pensions, both contributory and non-contributory (minimum pensions up to 15 contribution years, social pensions and pensions granted by similar schemes), were exceptionally updated, above the inflation rate, in order to protect the purchasing power of a specially disadvantaged group.

# Accessibility

1. **What steps have been taken to ensure older persons have adequate and accessible information on available social security and social protection schemes and how to claim their entitlements?**

In what respects accessibility, general information on the legal basis of pension entitlements and other forms of social protection is available on the social security website, by telephone (blue number) or local social security services.

As regards personal information, the obligation to provide personal information to beneficiaries is established in the fundamental law of social security and is provided upon request in the social security services or directly accessible by the beneficiaries through the service in Internet “Segurança Social Direta” (Direct Social Security).

Beneficiaries can also simulate the value of their pension on the internet through the new pension simulator, in accordance with their years of contributions or in accordance with other parameters introduced by the beneficiary (early and deferred retirement and additional contributions are the main parameters that beneficiaries can use to affect the value of their future pensions).

In the internet, through the service “Segurança Social Direta”, it is also possible to claim social benefits and download several informative guides.

Beneficiaries who are unable to use new technologies, can alternatively claim their entitlements directly in the local services of social security, as well as find adequate and accessible information on available social security and social protection schemes.

1. **The design and implementation of normative and political framework related to social security and social protection benefits included an effective and meaningful participation of older persons?**

Although not legally binding, reforms and major adjustments in the design of normative and political framework related to social security and social protection benefits may take in consideration the social partners’ positions and organizations of civil society, including older people's associations.

# Equality and non-discrimination

1. **Which are the measures adopted to ensure equitable access by older persons to social security and social protection, paying special attention to groups in vulnerable situation?**

In order to tackle the non-take up of the CSI, the Portuguese government launched an information campaign aimed at raising awareness of social protection entitlements among the worst-off, including the use of TV spots.

(see: <https://www.youtube.com/watch?v=kAWg3IMyQI8>).

# Accountability

1. **What mechanisms are in place to ensure social security and social protection schemes are effective and accountable?**

In what respects social effectiveness, namely the impact on the reduction of poverty and economic inequality, it is evaluated annually in result of data collected by the *Inquérito às Condições de Vida e Rendimento das Famílias* (EU-SILC). This survey has been held in Portugal since 2004, within the framework of specific EU legislation (Regulation (EC) No 1177/2003), establishing a common EU program for the systematic production of statistics on poverty, deprivation, and social exclusion. Along with other relevant social indicators, the at-risk-of-poverty rate is calculated before social transfers, after social transfers except for old age and survivors´ pensions and after all social transfers, clarifying the impact of social transfers on poverty reduction in a comparative perspective.

The effectiveness of social security schemes is also evaluated in terms of management. The general management of social security schemes and benefits (contributory or not) and of social benefits delivered in the area of social action/assistance is guaranteed by the Social Security Institute (ISS, I. P.). The responsibility for the financial management of the resources of the system, including the collection of social contributions, is allocated to the Institute for Financial Management of the Social Security (IGFSS, I. P.). Both services have control procedures, including internal auditing, to determine whether results achieved are affective and in compliance with the requirements.

Regular audits are also carried out by external auditors, as well as by the Portuguese Court of Auditors (Tribunal de Contas), which is the institution in charge for the legal supervision of all public expenditure.

1. **What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for denial of their right to social security and social protection?**

Mechanisms include administrative procedures of appeal (it is always possible to appeal against decisions of the public administration including those taken by social security institutions), the right to use judicial procedures and/or to complain to the ombudsman (*Provedor de Justiça*).