

## RIGHT TO HEALTH AND ACCESS TO HEALTH SERVICES

### National legal and policy framework

1. *What are the legal provisions and policy frameworks in your country that guarantee the right of older persons to the enjoyment of the highest attainable standard of physical and mental health, including access to promotive, preventive, curative, rehabilitative and palliative health facilities, goods and services?*

Article 43 of Spanish Constitution recognizes the right to health protection. Prevention and benefits and services needed are explicitly mentioned. Also article 51 establishes the defending of consumers and users, and declares that public authorities shall protect their safety and health.

2. *What steps have been taken to ensure that every older person has access to affordable and good quality health care and services in older age without discrimination?*

The article 43 has been developed through Law 14/1986 on Health, updated nowadays in Law 33/2011 on Public Health.

Moreover, Law 39/2006 on the Promotion of Personal Autonomy and Care for Dependent Persons foresees long-term care to persons in dependency situation, with a rank of services and benefits being older persons the majority of their beneficiaries (63% from 65 to 80 years old; 51% more than 80 years old ).

3. *What data and research are available regarding older persons' right to health and access to health care and services? Please indicate how national or sub-national data is disaggregated by sex, age and inequality dimensions, and what indicators are used to monitor the full realization of the right to health of older persons*

Imsero (Institute for Older Persons and Social Services)- Ministry for Social Rights and 2030 manages the SISAAD (Information System of System of Autonomy and Attendance to Dependency) in which the Autonomous Communities (regions) deliver their data concerning the

management of Law 39/2006, which is their competence, according to article 148 of the Spanish Constitution. Monthly data on more relevant indicators of System are published (applications, beneficiaries, benefits, etc...)

4. *What steps have been taken to provide appropriate training for legislators, policymakers, health and care personnel on the right to health of older persons?*

Ministry of Health, Ministry for Social Rights and 2030 Agenda, Autonomous Communities (regions) and municipalities offer numerous training and capacity building actions to aforementioned groups in order to awareness raising and training them on the right to health of older persons.

### **Progressive realization and the use of maximum available resources**

5. *What steps have been taken to align macroeconomic policies and measures with international human rights law, to use maximum available resources for the realization of older persons' right to health, such as through expanding fiscal space, adopting targeted measures and international cooperation?*

Public health policies in Spain are displayed according the guiding principles of WHO and in cooperation with the other Member States of the European Union.

And the programming and implementation of macroeconomic policies take into account the approach of guarantee the right of older persons to health.

### **Equality and non-discrimination**

6. *What are the challenges faced by older persons in their enjoyment of the right to health, including the impact of intersectional discrimination and inequality based on age, gender, disability and other grounds?*

Article 14 of Spanish Constitution establishes the equality of all Spaniards and forbids any kind of discrimination based in any personal or social circumstance.

- 7. What measures have been taken to eliminate ageism and discrimination based on age, including discriminatory laws, policies, practices, social norms and stereotypes that perpetuate health inequalities among older persons and prevent older persons from enjoying their right to health?*

Imsero (Institute for Older Persons and Social Services) and Autonomous Communities (regions) promote several campaigns and different awareness raising actions dealt with combating ageism in society, particularly through the promotion of intergenerational solidarity. In this regard, it can be highlighted the work of State Council of Older Persons, advisory body, in relation with the development and follow-up of care, social inclusion and quality of life policies addressed to older people.

- 8. What measures have been taken to ensure that older persons are able to exercise their legal capacity on an equal basis with others, including making an informed consent, decisions and choices about their treatment and care?*

Spanish government, in line with European Union who launched in September 2022 the European Care Strategy, is dealt in the change of care model through the disinstitutionalization of long-term care and directing healthcare towards a person-centered model.

## **Accountability**

- 9. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for the denial of their right to health?*

Older persons have at their disposal judicial protection of their right to health and also they could appeal to Ombudsman in order to obtain non-judicial remedy in case of denial of their right.

*10. What mechanisms are in place to ensure the effective and meaningful participation of older persons living in different geographic areas of the country in the planning, design, implementation and evaluation of health laws, policies, programmes and services that affect them?*

Representatives from associations of older persons are represented, at the same level as the representatives of Administration, in the aforementioned State Council of Older Persons, in which are together representatives from government and those of older persons. Moreover in the Autonomous Communities, there are regional councils with similar functions to those of the State Council.