



*Permanent Mission of Portugal  
to the United Nations*

ONU/2011/114

The Permanent Mission of Portugal to the United Nations presents its compliments to the Secretariat of the United Nations and has the honour to send herewith Portugal's views on the situation of the rights of older persons, following the General Assembly resolution 65/182 of December 2010 entitled "Follow-up to the Second World Assembly on Ageing".

The Permanent Mission of Portugal to the United Nations avails itself of this opportunity to renew to the Secretariat of the United Nations the assurances of its highest consideration.



New York, 26 April 2011

**Question 1 – Information on the current situation of the human rights of older persons, including particular challenges and treats that may prevent the full realization of their rights**

One of the biggest challenges Portugal is facing today is the ageing of population. Nearly two million people are over 65 years old (approx. 18% of the population), a demographic phenomenon that will intensify in the future.

In recent years, along with the ageing of population there have been profound changes in the epidemiological pattern, socio-familial structure and in the profile of older people.

The current profile of older people is strongly influenced by living conditions, particularly by: economic factors (low-income and limited access to goods and services), cultural factors (low or inexistent levels of formal education), social factors (isolation/loneliness resulting from non-existent or inadequate social networks, difficulty in access to family care or health care and to social support), environmental factors (housing conditions) among others.

These characteristics justify the low levels of social participation and active citizenship among the elderly in Portugal, which is one of the most relevant obstacles regarding the exercise of rights. Moreover, socio-familial and economic transformations that have occurred during last decades may also be seen as barrier to the full realization of older people' rights, with special emphasis on situations of violence and financial abuse.

In this context, it is necessary to develop a legal protection strategy and to improve social policies, more adequate to the needs, desires and expectations of older citizens. This has been a fundamental concern of public policy.

The Portuguese Constitution (article 72<sup>nd</sup>) establishes that “older people have a right to economic security and living conditions and family and community which respect their personal autonomy and avoid and overcome the isolation and social marginalization” and “the policy for elderly includes economic, social and cultural measures, aiming to provide the elderly opportunities for personal achievement through active participation in community life”.

In our perspective, public discussion on political actions and initiatives for older citizens should include the following topics which are of utmost importance at the moment:

- The impact of ageing in socio-familial structure
- The impact of ageing in physical and mental functionality
- Positive image of ageing

- Exercise of rights
- Dignify the conditions of care giving families
- Solidarity between generations
- Social and Health Services (quantity and diversity)
- Quality in care institutions
- Participation of older people in community and social life
- Violence in families and in institutions (public and private)

**Question 2 – Information on existing legislation, policies and programmes to protect and promote the human rights of older persons.**

The right to social security is provided in the Portuguese Constitution - Chapter II, Social Rights and Duties, Article no. 63, Social Security and Solidarity - as well as the Basic Law on Social Security - Law No. 4/2007 of 16 January, which states that everyone is entitled to social security.

The Social Security Institute, whose mission is the management of social security schemes, promotes and develops a set of measures and programmes as well as a wide range of social and family benefits, which aim at recognizing the rights of all people, including older citizens.

Within the scope of benefits, there has been, in recent years, an increasing concern regarding elderly people with low-incomes.

In 2006 was created the **Solidarity Supplement for the Elderly (CSI)**, a monetary supplement monthly added to the lowest pensions. In addition, older people may benefit from health support such as free medicines, eyeglasses and lenses, dental consultations and others.

Within the scope of social intervention, different solutions were set up. During recent years, social equipments have been adapted to increasing needs and demands of the older people: more diversity and more quality in the provision of services. Integrated responses at home, like home support services or more professionals visiting host families, and more residential structures for the elderly.

In 2006, to respond to the challenge of functionality, physical health and social support was created the **National Network of Integrated Continuous Care (RNCCI)**. This network aimed at responding to the long term gap between social support and health care existing for decades.

The RNCCI promotes a new organizational approach incorporating a new paradigm based on the principles of intersectional partnership, integrated planning, multidisciplinary practice and

oriented to the fulfillment of older people's needs depending on the level of dependency. The network establishes different levels of integrated services: convalescence care, rehabilitative, middle and long-term care, home care and palliative care (see question 5).

Another important measure to promote the human rights and social wellbeing of older people is the **Cooperation Programme for the Development of Quality and Safety in Social Equipments**. This measure aimed at implementing a Quality Management System allowing social equipments to manage their activity improving efficiency and effectiveness, ensuring long-term success and meeting the needs and expectations of citizens/customers, employees, suppliers, partners and generally the whole environment of the organization. This Programme integrates Technical Recommendations for Social Amenities (RTES) and Quality Management Manuals of the Social Equipments.

**Question 3 – Information on existing legislation, policies and programmes to address discrimination against older persons, including measures to address multiple discriminations.**

The Portuguese Constitution provides in Article 13 - the Principle of Equality, under which all citizens have equal social dignity and are equal before the law, preventing discrimination, also in relation to older people.

Moreover, the Basic Law on Social Security (Law No. 4 / 2007 of January 16), which guides the entire social security legislation provides, under the principle of universality (Art. 6<sup>o</sup> ), the access of all persons to social protection ensured by the system in accordance with the law. It also establishes the principle of equality (Article 7<sup>o</sup>), non-discrimination of beneficiaries, in particular on grounds of sex/gender.

In Portugal, there has been increasing concern to develop positive attitudes towards older people and to implement inter-ministerial and transverse anti-discrimination policies/measures regarding elderly people.

Measures aiming at reporting discrimination against older people have been encouraged as well as information campaigns to promote active ageing and positive images of senior citizens. These measures have been developed in different areas of public sphere.

In addition, within the institutional cooperation between Public Administration and the social partners, technical guidance encouraging practices of non-discrimination has been developed and good institutional practices are starting to reveal these concerns. For example, public

services do not limit access to health and rehabilitation cares to the older people although it is common in some other European countries.

In recent years, projects aiming at promoting freely and without discrimination the participation and the access of older people to social life were widely promoted. Friendly Cities for Elderly People Project encouraged by the Ministry of Health and implemented by municipalities, is another example.

**Question 4 – Information on existing legislation, policies or programmes to address violence and abuse against older persons in the private and public sphere**

In Portugal domestic and institutional abuse are public crimes. Anyone may report an abusive situation and complaints are not subject to special formalities. These may be addressed to authorities in written or orally.

Within the competences of the Social Security Institute, several social services addressed to victims of violence were promoted such as Information Centers and Home Shelters.

The National Social Emergency Line (LNEs - 144) is another important instrument that may respond to situations of violence. This Line works 24 hours a day, 365 days a year and is free of charge. It aims at protecting and safeguarding citizen's security in situations of social emergency. Among the priority groups are victims of domestic violence and abandoned/lonely elderly persons that may receive an immediate response by a specialized team.

The already mentioned Programme for the Development of Quality and Safety in Social Equipments is also a fundamental tool helping to prevent abuse that may occur in social institutions.

Also in the field of preventing abuse against older people national campaigns to promote access and information were launched, especially raising awareness measures addressed to older people and the to society in general.

**Question 5 – Information on existing legislation, policies and programmes addressing old age-sensitive services and facilities, such as those related to mobility, age-adequate design, long-term care, primary health care and adult and continuous education.**

Efforts have been made to reinforce and consolidate the network of services and facilities so as to respond to existing needs, favoring, whenever possible, solutions that allow the elderly to

remain in their habitual living environment, while addressing increasing situations of dependence.

First of all we must refer to the **National Network of Integrated Continuous Care (RNCCI)**, as already mentioned in question 2. The network started at 2006 and was planned to grow over a period of ten years (2006-2016), however the goals were anticipated to 2013. The RNCCI was established to solve an existing long-term gap in social support and healthcare in Portugal. The RNCCI is a new level of care, created in 2006, in response to changing social needs and health resulting from increasing life expectancy and the consequent increase of ageing population, the prevalence of continuing chronic multiple situations of disability, people with chronic disease at an advanced stage and final stage of life and to changes in family organization and dynamics with the isolation of the elderly.

The main objective of the RNCCI is to increase the degree of autonomy of the citizens who, independently of their age, are in a situation of dependency and need of social and health care. The RNCCI was created by Decree-Law No. 101/2006, dated June 6, under the Ministry of Health and the Labour and Social Solidarity. Its aim is to provide continuity of care through complementary levels of integrated care (convalescence care, rehabilitative, middle and long-term care, home care and palliative care), as well as palliative care for the elderly and for those living in situations of dependence.

This network integrates inpatient and ambulatory care to where patients can be referred according to need by primary care or hospital services (NHS). It provides as well Convalescent care (short term units) directed to medical care; Medium and long term care directed at medical and social care with an emphasis in the latter aspect; Palliative care units directed to medical and ambulatory care which comprises domiciliary care and day centres directed at medical and social care.

The Portuguese National Health Service is universal and provides primary and hospital care to the population independently of social condition and age. The family doctor in the primary health centers refers patients to the Integrated Continuous Care Network (RNCCI). The health centers also provide, through a team of clinical and professional professionals, integrated continuous care at home to elderly and dependent people whose degree of dependency or informal care givers allow them to stay at home.

We would like also in this context to mention the considerable investments made in social facilities through the creation of the **Social Facility Network Expansion Programme (PARES)**, which was created and regulated by Ministerial Order no. 426/2006 of 2nd May. This

Programme promotes private investment in social infrastructures through financial resources obtained exclusively from the results of social games and private investment in social infrastructures. The objective of this Programme is to increase the capacity of the network of social facilities, supporting families with children by means of investments in childcare; assisting elderly to live in their own homes with the help of Home Services and Day Centers; improving the situation of dependent elderly; expanding the coverage of old age homes; and reinforcing the integration of citizens with disability investments in Residential Homes, Autonomous Residences and Centers for Occupational Activities.

On the other hand, in order to improve the basic conditions of housing and mobility for the elderly **Housing Comfort for the Elderly Programme (PCHPI)** was created to some extent complement the CSI (Orders no. 6716-A/2007 of April 5 and no. 3293/2008 of 11 February). The objectives of which are to improve the basic housing and mobility conditions enjoyed by elderly persons who use home support services; and the additional health benefits for recipients of the CSI. The idea is to reduce the expenses which the neediest elderly persons incur in buying medicines, spectacles, lenses and removable dental prostheses.

Regarding education since 2000, Portugal has been promoting increasing measures in education/life-long training, in particular, by providing continuous training for workers, and existing agreements in 2001 and 2006 between the Government and Social Partners around the following objectives:

- Consolidation of an education system for adults, in extra-school and recurrent education, through the construction of flexible itineraries in education/training for adults with low skills and with insufficient professional qualifications;
- Consolidation of a continuous vocational training system; and
- Articulation between measures promoting attendance in a vocational training course with the national certification system.

One of the main vulnerabilities of the older Portuguese workers regards their low school levels and qualifications. Through the Portuguese Government launched at the end of 2005, as structuring programme, the **New Opportunities Initiative** representing a new boost in the qualification of young people and adults. It is important to achieve the target defined for **Adults** in order to qualify one million persons until 2010 through education and training courses or through recognition, validation and certification of competences. Within this context and since 2005 different forms of vocational training have been carried out to expand lifelong education opportunities, as mentioned below.

**The Courses of Adult Education and Training (EFA)** provide an integrated pack of basic education and vocational training for adults aged 18 or older with low school levels and professional qualification.

For instances by 2010, the goals were to involve over 650.000 young people in courses of double certification at the upper secondary education level and to integrate in occupational paths those at risk of leaving school without qualification, as well as to involve 350.000 adults in vocational education and training courses and to guarantee that more than 650.000 adults have obtained a competences certificate. Achieving these goals implies mainly, among others: (i) Increasing the double certification vocational education and training supply and the after work training paths for adults; (ii) Widening the New Opportunities Centres network and performing them as a 'main entrance' doorway for the active workers qualification; (iii) Developing the National Qualifications Catalogue for the non-higher qualifications management and the double certification vocational education and training regulation. Central management is jointly entrusted to the Ministry of Education and the Ministry of Labour and Social Solidarity, through the National Qualifications Agency coordination (ANQ).

**Question 6 – Information on existing legislation, policies and programmes concerning social protection measures as well as right to work and right to social security with regard to older persons.**

In Portugal, issues related to ageing have had an increasing weight in all political spheres. The measures which have been developed in our country, within the mainstreaming ageing questions refer specifically to the following: i) elderly access to the the labour maket; ii)creation of a lifelong learning system and promotion of active ageing; adjustment of solutions and social protection schemes to demographic and social changes; iii) promotion of intergenerational solidarity; iv) promotion of an autonomous life with better quality; v) active participation of the elderly in society; vi) expand the service and infrastructure network and integration in the communities they live in; vii) promotion of social volunteerism; viii) adequation of health care services specific for old people; creation of a National Network of Continued and Integrated Care.

The inclusion of ageing in different action programmes and measures applied in a coordinated and coherent form has been translated into an increase of situations and risks covered; of



levels of protection awarded, as well as in the alterations of the eligibility criteria thus enabling a greater number of people to access benefits, services and social infrastructures. Within this context, there has been a gradual increase with expenditure on social protection for the elderly as well as a growing involvement from different bodies in Public Administration, social partners and private social solidarity institutions. For instances the most recent data regarding poverty refers to the fact that elderly poverty has decreased in the last years from 25, 5% in 2007 to 20, 2% in 2009.

Policies regarding older persons are mostly integrated in the Social Protection and Social Inclusion Strategy 2008-2010 ([http://www.mtss.gov.pt/docs/ENPSIS2008\\_2010.pdf](http://www.mtss.gov.pt/docs/ENPSIS2008_2010.pdf))<sup>2</sup>, which one of the axis is 'facing the impact of the demographic changes, mainly by promoting quality active ageing and preventing and supporting situations of dependency'. On the other hand the national action plan for social inclusion (integrated in the national strategy for social protection and social inclusion 2008-2010), points out as one of the main priorities: 'Fight child and elderly poverty, through measures that ensure their basic rights of citizenship'.

On a parallel basis and within the **health** sector, more actions closer to the elderly have been developed enabling them to be more autonomous and independent, accessible and sensitive to the more frequent needs felt by them and their families; and allowing to minimize costs, prevent dependent situations, humanize care and adapt to the diversity characterizing individual and population ageing.

Furthermore, and in what concerns **Social Protection**, we must refer that The Social Security Law was published in January 2007 (Law No. 4/2007, dated 16 January) thus giving legal fulfilment to The Agreement on Social Security Reforms signed in October 2006 by the government and by most social partners who have a seat on the Economic and Social Council. The process of social security reforms that is being implemented since 2007 seeks, on the one hand, to reinforce the structural coherence of the system. It also aims, on the other hand, to strengthen the triple sustainability of the system, in its social, economic and financial dimensions.

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<sup>1</sup> It can also be found the english version in the European Union site (Social Protection Committee) : <http://ec.europa.eu/social/main.jsp?catId=758&langId=en>

Thus, the framework of the Basic Law for Social Security reinforced a strategy for modernising the system of Social Protection based on a system of three levels:

- a) **A first level of basic protection for citizenship**, comprising means-tested benefits to combat poverty, financed by national solidarity via taxation;
- b) A second level based on the principles of professional and **intergenerational solidarity**, incorporating structured elements **for redistribution** through a contributory regime, which works on the principle of sharing and is financed via contributions from employers and workers; and
- c) A third level regarding the complementary savings of each citizen, operating on an optional basis and aimed at **improving the old age protection guaranteed by the public system**.

One of the main objectives of this reform seeks to ensure that **everybody has an adequate income after retirement** and access to pensions that allow individuals to maintain their living standards after retirement in a reasonable manner. In this context, pensions began to be updated from 1 January 2007 onwards according to a Social Support Index (IAS). This index is based on the evolution of prices and economic growth. This measure thus seeks to restore or even improve the purchasing power of the lowest pensions, as well guarantee sustainable revisions for other pensions. Current legislation now introduces a distinction in terms of the regime of social protection for Invalidity, between relative invalidity and absolute invalidity (a situation that, for the first time, has warranted special attention and treatment).

**In situations of relative incapacity pensioners** can accumulate benefits with income from work derived from remaining capabilities. Pensioners suffering from absolute incapacity are guaranteed a minimum value of a pension that is equivalent to the minimum value of a relative incapacity pension and an old age pension corresponding to a contributing career of 40 years, in a gradual manner, to be achieved by 2012.

**In the field of social protection for the most underprivileged sections of society**, a monetary benefit has been created (which came into effect from the beginning of 2006) for low-income senior citizens. The Solidarity Supplement for the Elderly (CSI), already mentioned in question 2, is integrated into the 'solidarity sub-system of the social protection system and it seeks to reduce the levels and the severity of poverty for this section of society'<sup>3</sup>.

There is also a supplement for addiction, which is given to pensioners who are in a situation of dependence for any acts of everyday life - the Decree-Law no. 265/99, 14 of July and the

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<sup>3</sup> Decree-Law no. 232/2005 of 29 December (creates CSI), Decree no. 3/2006 of 6 February (which regulates), Decree Law no. 236/2006, of 11 December, Regulatory Decree no. 14/2007 20 of March, Regulatory Decree no. 17/2008 of 26 August, the Decree Law no. 151/2009 of 30 June (carrying to change the creation and regulation of CSI), and Decree no. 1457/2009 of 30 December (which stipulates the annual reference value and the amount of CSI).

Decree-Law no. 309-A/2000, of 30 November; and the extraordinary supplementary pension paid to pensioners social varying the amount depending on the pensioner has less than 70 years or 70 years and over (the Decree-Law no. 208 / 2001, 27 of July - Set rules to be followed in the allocation of extraordinary supplementary).

The social security system seeks to provide solutions to guarantee the sustainability of public and private pension regimes. This is achieved by supporting prolonged professional lives and active ageing; guaranteeing a fair balance between contributions and benefits; promoting financial accessibility and guaranteeing the safety of capitalization and private regimes. Amongst other measures, the system now takes the total contributory career into consideration under the new formula to calculate pensions. It also introduced a sustainability factor that enables **the pension system to evolve according to the evolution of life expectancy**, while promoting active ageing and making the retirement age flexible. It has likewise created a new and innovative public regime for individual and voluntary capitalization. In terms of the old age pension, and as a fundamental element of adapting the pension system to demographic and economic changes, a sustainability factor has been introduced in determining pension values. This sustainability factor is derived from the relationship between the average life expectancy in 2006 and that of the year prior to the year in which the pension is requested.

**Furthermore certain measures have also been implemented given the need to guarantee that pension regimes are transparent and well adapted to the needs and aspirations of men and women and the requirements of modern societies**, demographic ageing and structural changes. These measures also seek to ensure that individuals receive the information (we refer now to the right of information) they require to plan their retirement and that reforms are implemented based on the broadest possible consensus. In this context, the reinforcement of the sustainability of the Social Security System was conceived within a framework of improving the information system. This measure ensures that beneficiaries have access to data about their contributory careers. An integrated programme has also been prepared to improve service in Social Security offices. To this end, a new information service was created, available via the Internet, which allows citizens to obtain information on-line about the evolution of their contributory career and simulate the pensions they will receive.

<p><b>Question 7 – Information on existing legislation, policies and programmes to systematically collect, update and analyse information disaggregated by age.</b></p>
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There are several instruments that collect data and information disaggregated by age, where for instances, the demographic situation of the country is analyzed (CENSUS – information that is collected every ten years; Demographic Statistics – Information, Statistics on income and Living conditions, Employment Survey, Health statistics and Statistics on Social Protection). These statistics instruments are carried out by the National Statistic Institute ([www.ine.pt](http://www.ine.pt)).

Besides, there is also administrative data which are available by age, in the different ministries. We would like to point out the following: Administrative data on Unemployment (disaggregate also by age); Data firm panel (maps of personnel) which provide information regarding employed people; Wages Survey; Administrative data on social protection schemes and pensions.

The National Strategy for Social Protection and Social Inclusion developed itself a process of monitoring and evaluating the strategy based on a Monitoring System supported by: (i) structural indicators for social cohesion and (primary and secondary) Laken indicators, which enable comparisons with other Member-States. These indicators monitor three areas: a) Social Inclusion; b) Pensions; c) Health and long term-care, and provide information by sex and age (ii) result indicators with regard to each of the priorities and goals established in the Plan and (iii) indicators to monitor the implementation of policy measures, used to measure progress towards meeting the objectives of these policy measures.

<b>Question 8 – Information on existing legislation, policies and programmes to enhance participation and active engagement of older men and women in community, political and cultural life</b>
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One of the biggest challenges related to elderly people today is the promotion of participation and active citizenship.

The Social Network Programme promotes the liaising of local authorities, public or private entities addressing social development. This Network includes platforms of planning and coordination of social intervention which, based on social diagnosis, design strategies for action. Each territory defines a set of activities for different target groups including to older people.

The Portuguese Government has committed itself to promoting volunteer work in the social field, and Law no. 71/98 of the 3 November acknowledged the value of such work as the exercise of a form of free and responsible citizenship. Where this promotion effort is

concerned, it is important to highlight the role which volunteer work in the social proximity field plays in the social action system. In articulation with the public and private bodies with responsibility for this field, it has helped to ensure regular, direct contact with the population – particularly elderly persons.

In Portugal, the initiatives of volunteering are of particular importance, because a large number of volunteers are elderly, and a lot of elderly are beneficiaries of volunteering. In this context, the National Committee for Volunteering promotes the existence of local volunteer banks.

In general, their actions are aimed at: (1) facilitating access to basic infrastructure, social, health, leisure; (2) facilitating relations in the community and with reference persons; (3) providing moments of activity.

The European Year of Volunteering 2011 promotes programmes which enhance participation and active engagement of older men and women in community and in political and cultural life.

The Portuguese Constitution stipulates in its article 72<sup>o</sup> - Seniors, a senior policy that includes measures of culture, which tends to provide opportunities for personal achievement through active participation in community life.

Beyond this provision, it is noted that is established by mid-2011, the Senior Tourism Program (approved by Decree No. 645/2010 of 13 August), which promotes activities in tourism sector for senior people, to promote their participation in economic and cultural life of the country.