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The Permanent Mission of Portugal to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the UN High Commissioner for Human Rights and, with reference to the call for input by the Independent Expert on the enjoyment of all human rights by older persons, of January 31st, 2022, has the honour to enclose herewith the reply of the Portuguese authorities, and presents its apologies for not responding within the requested deadline.

The Permanent Mission of Portugal avails itself of this opportunity to renew to the Office of the UN High Commissioner for Human Rights the assurances of its highest consideration.



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Office of the United Nations High Commissioner for Human Rights

Report on older persons and the right to adequate housing

Issued by: Independent Expert on the enjoyment of all human rights by older persons

Purpose: To inform the Independent Expert's forthcoming report to the General Assembly in 2022.

- 1. What are the local and national legal, policy and institutional frameworks protecting and promoting the right to adequate housing of older persons? Please identify both existing or planned legal frameworks such as constitutional provisions, laws, regulations, or decrees.**

In a broader perspective, the rights of older persons are established at a constitutional level (article 72) and include their right to housing in conditions that ensure their personal independence and avoid social marginalization.

With regard specifically to the legal framework for the housing sector, there is a program to finance access to housing (Program «1.º Direito», Decree 37/2018 June 4th). This new public support program aims to guarantee access to adequate housing for people who live in undignified conditions and who do not have the financial capacity to access an adequate housing solution. Moreover, it is important to mention that this program assumes a universal character, responding to all situations of housing needs and therefore, also covering older persons.

- 2. What are the existing local and national action plans, development plans and support programmes for advancing the right to adequate housing for older persons? If available, please specify the budget allocated for their implementations.**

There are no specific Action Plans on housing for older persons. In the New Generation of Housing Policies, namely in the Program «1.º Direito» («First Right»), there are special criteria and conditions for the most vulnerable target groups, including persons over 65 years of age whose leases are not renewed or who live in inadequate housing.

- 3. How are older persons involved and participating in the development of action plans, policies or legislation related to housing?**

The Program 1.º Direito («First Right») encourages the municipalities, in the process of identifying situations of housing shortages and housing indignity, as well in defining solutions to be adopted in each case, to carry out participatory diagnoses, involving families and communities and, therefore, including older persons.

- 4. What challenges, barriers and forms of discrimination are faced by older persons in fulfilling their right to adequate housing? Please also include any existing legislation, policy or practice. Please also state how it impact older persons' enjoyment of other human rights.**

The Program «1.º Direito» («First Right») has a universal approach to housing needs. It is a public support program that aims to guarantee conditions of access to adequate housing for people who live in undignified conditions and who do not have the financial capacity to access an adequate housing solution. To implement this program, the Housing and Urban Rehabilitation Institute (IHRU) created a cooperative approach between different levels of government and, by doing so, allows municipalities to identify the housing deficit in their territories, as well as the best solution to overcome it. IHRU then provides funding for resettlement, rehabilitation or new housing construction, both to municipalities and the public. This program contains special criteria and conditions that are more advantageous for old persons in accessing housing.

- 5. How do other factors (i.e., gender, sex, race, ethnicity, indigenous identity, disability, sexual orientation, gender identity, religion, social status, place of origin and immigration status) intersect and impact the enjoyment of older persons' right to adequate housing?**

The main criteria for accessing adequate housing benefits is family income.

- 6. What impact has had the COVID-19 pandemic on older persons' right to adequate housing in your country (e.g., has the pandemic caused any policy shift away from institutions and more emphasis on community supports)? What measures have been taken to minimize its impact?**

The main support for older persons in the context of the pandemic crisis has been provided by the Ministry of Health (MS) and the Ministry of Labour, Solidarity and Social Security (MTSSS), namely in terms of health care and vaccination, as well as in terms of social support. In the field of housing, the government guaranteed residential stability for families and conditions for a safe lockdown, suspending evictions and foreclosures during the «state of emergency», and also forbidding landlords from claiming any compensation for deferring rent payments. Measures taken to benefit all citizens and families, including older persons.

- 7. What alternative housing strategies for older persons, other than care homes and state institutions, exist in your country? What policies/programmes are in place to enable older persons to live independently in their communities as they age? Please provide detailed information.**

N/A

- 8. What are the new and sustainable housing strategies for older persons considering the current concerns of the impacts of climate change?**

The Portuguese government is already promoting measures to significantly increase the supply of affordable social and public housing (also benefiting older persons), combined with the promotion of sustainable and efficient buildings.

- 9. How does the State fulfil its obligations to ensure older persons' access justice, and to obtain remedies and reparations, when their right to adequate housing have been violated?**

N/A

- 10. What are the lessons learned from advocacy, legal, and policy actions undertaken to combat ageism and to access of adequate and affordable housing by older persons?**

The government has established a universal approach to housing needs and affordable housing needs, which consequently benefits older persons.

- 11. Data:**

a) Does your country collect data on older persons' living conditions in your country? If yes, please provide any available and disaggregated figures and statistics (e.g., number of older persons: in institutions, living alone, living with family, or living in urban and rural areas).

N/A

b) Is data on older persons broken-down into groups of different ages over 65 years to plan and address each specific age group's needs in terms of housing?

The age considered is 65 years (or older).

- 12. Please outline any other areas that you would like to bring to the attention of the Independent Expert in the context of the right to adequate housing of older persons. Please feel free to share any document, report, study, publication already available and that might be of interest to the mandate.**

N/A