

## X SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING

Guiding questions for the normative framework of the issues examined at the IX Session of the OEWGA

### *Autonomy and Independence*

#### **National legal framework**

Law 39/2006 on the Promotion of Personal Autonomy and Care for Dependent Persons establishes the human right of citizenship to the promotion of personal autonomy and care of persons in dependency situation.

This fourth pillar of Welfare State in our country (together with health, education and pensions system) arises from Spanish Constitution because articles 49 and 50 declare care for handicapped and older people as well as the promotion by public powers of a social services system in order to achieve the welfare of citizens.

#### **Normative elements**

Law 39/2006 on Dependency is the basic normative element, around which is articulated the System for Autonomy and Care to Dependency (SAAD), although there are many other laws which develop the contents of the Law.

The Law itself establishes the definition of Autonomy, as the ability to control, facing and take, by own initiative, personal decisions about how to live according with own rules and preferences as well as to perform daily basic activities.

## **Implementation**

According to the organization of our State, Autonomous Communities turn out to be the competent administrations for the management of SAAD. This means they have assumed the competencies to, among other extremes, receive applications from people, carry out the valuation, and finally recognize benefits the most appropriate to every person, taking into account its concrete dependency situation.

In this sense, law itself has a range of benefits both in its form of services ( home help services, telecare, residential care....) and financial benefits (linked, personal assistance, family care....)

## **Equality and non-discrimination**

The most determining aspects of SAAD are agreed within Territorial Council of Social Services and of SAAD, where are represented not only General State Administration, but also Autonomous Communities. Moreover, such key matters of SAAD are ruled at normative level by GSA, through laws binding in the State as a whole, regardless of whether Autonomous Communities can carry out their own development within their own competence framework.

## **Participation**

SAAD has collegiate bodies of participation, such the Older Persons State Council, National Council on Disability, or State Council of Social Action's NGO,s. In these organs are represented social organizations, older persons associations, the most representative trade unions, employers associations, etc.. In this way, participation of all stakeholders dealt with SAAD development it is guaranteed.

## **Accountability**

Our rule of law foresees the possibility of people coming to different instances in defense of their rights, through the existence of bodies both jurisdictional, and non-jurisdictional (as for example through the figure of Ombudsman)