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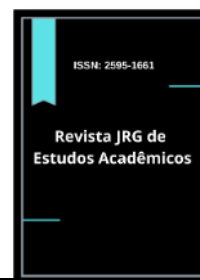
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Older persons, political participation, and the Decade of Healthy Ageing: an international legal analysis*

Pessoas idosas, participação política e a Década do Envelhecimento Saudável: uma análise jurídica internacional

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Abstract

The increase in global population ageing, coupled with advancements in the study of active ageing, underscores the need for deeper discussions centred on older adults. Among various fundamental subjects regarding this population, participation in social and political life stands out, with the act of voting in elections serving as a significant expression of such engagement. This article seeks to explore some key sources of International Law that focus on older people, emphasizing the element of political participation. This study was developed from a qualitative, exploratory research, through a bibliographic and documental review, by gathering pertinent legislation. Initially, it examines international legal frameworks related to the subject, progressing to an analysis of the Decade of Healthy Ageing, and the 2030 Agenda for Sustainable Development. The conclusion drawn from this study is that the lack of a global treaty addressing the rights of older adults reflects the ongoing invisibility experienced by this population. Therefore, it is essential to foster discussions about older people's political participation and to implement measures that ensure they are not only beneficiaries of services but also agents of change.

Keywords: Decade of Healthy Ageing. International Law. Political participation. Older persons. Voting.

Resumo

O aumento mundial do envelhecimento da população, alinhado aos avanços nos estudos sobre envelhecimento ativo, ressaltam a necessidade de discussões mais consistentes que sejam centradas nas pessoas idosas. Dentre vários assuntos fundamentais a respeito dessa população, a participação na vida social e política tem destaque, sendo o exercício do voto nas eleições uma forma simbólica desse

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engajamento. O presente artigo tem como objetivo examinar algumas fontes de Direito Internacional que sejam relevantes na discussão da pessoa idosa, enfatizando o elemento da participação política. O estudo foi desenvolvido a partir de uma pesquisa qualitativa, exploratória, por meio de revisão bibliográfica e documental, pelo levantamento de legislação pertinente. Inicialmente, analisa dispositivos internacionais relacionados à temática, avançando para a análise da Década do Envelhecimento Saudável e da Agenda 2030 para o Desenvolvimento Sustentável. A conclusão observada é que a ausência de tratado global sobre as pessoas idosas é reflexo da presente invisibilidade que as acomete. Assim, é essencial fomentar debates sobre a participação política dessa população, bem como implementar medidas que garantam que elas sejam não apenas beneficiárias dos serviços, mas também agentes de mudança.

Palavras-chave: *Década do Envelhecimento Saudável. Direito Internacional. Participação política. Pessoas idosas. Voto.*

1. Introduction

The ageing process is multidimensional. Analysing the various dimensions and their interactions is essential for a comprehensive understanding of human life. Given that an individual cannot be separated from the social context, the understanding of ageing extends beyond the biological perspective, for long considered the primary determinant of the entire process (Sá; Herédia, 2022). In this regard, Law emerges as a significant sociocultural factor that influences the life course.

At the international level, various sources of International Law, whether binding or non-binding, serve as benchmarks in discussions concerning older population. These sources are of the utmost importance given that, to date, there is no global treaty specifically addressing older people yet. In terms of classification, it is essential to note that the World Health Organization (WHO) designates individuals as older adults if they are over age 65 in developed nations, whereas for developing countries it considers those people over age 60.

According to the United Nations (UN), it is expected that the number of older adults over age 65 worldwide will more than doubled between 2021 and 2050, from 1 in 10 people reaching 1 in 6 respectively. Regions such as Northern and sub-Saharan Africa, as well as Western Asia are projected to have the fastest grown in the number of older populations up to 2060, whilst Europe and Northern America together already experience the highest rates in the world (United Nations, 2023). Thus, demographic shifts like these pressure governments to ensure high-quality health and social systems to older citizens.

Participating in governmental processes, holding public office, or engaging in electoral activities are intrinsic facets of citizenship and political rights. Understanding political affairs and expressing convictions through voting contribute significantly to the older adults' self-perception as a participant in broader national development initiatives. This feeling fosters a sense of belonging within groups, communities, and society at large.

Belonging is thereby viewed as a manifestation of positive connections within the older person's environment, shaped by behavioural, physical, emotional, and cognitive elements that have been consolidated over time, resulting in a cultural identity (Graeff; Bestetti, 2022). Therefore, considering the importance of older people's political engagement worldwide, it is crucial to acknowledge international legal provisions that support this guarantee.

2. Older people and political participation at the inter-American level: the Pact of San Jose, Costa Rica/1969 and the Inter-American Convention on Protecting the Human Rights of Older Persons/2015

With the establishment of the Inter-American Human Rights System, following the adoption of the American Declaration of the Rights and Duties of Man in 1948, there has been a significant strengthening of human rights protection across the inter-American continent (Piovesan, 2021). Within this framework, the American Convention on Human Rights, also known as the “Pact of San Jose, Costa Rica/1969” (PSJCR/69), plays a prominent role by guaranteeing rights and freedoms to all individuals under the jurisdiction of the signatory states (Herrmann, 2020).

Throughout its text, the PSJCR/69 does not address issues related to the protection, health, assistance, or other concerns of older people. Specifically, regarding political engagement, the pact states that the exercise of rights and opportunities in this area may be restricted based on certain criteria, including age, as indicated in Article 23 below:

- “1. Every citizen shall enjoy the following rights and opportunities:
 - a. to take part in the conduct of public affairs, directly or through freely chosen representatives;
 - b. to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters; and
 - c. to have access, under general conditions of equality, to the public service of his country.
2. The law may regulate the exercise of the rights and opportunities referred to in the preceding paragraph only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings.”

Thus, it would take more than 15 years for an inter-American instrument to address, albeit timidly, references to older persons. In 1988, in this context, the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, better known as “Protocol of San Salvador”, was completed, which preliminarily addressed the protection of this population in Article 17, stating that:

- “Everyone has the right to special protection in old age. With this in view the States Parties agree to take progressively the necessary steps to make this right a reality and, particularly, to:
- a. Provide suitable facilities, as well as food and specialized medical care, for elderly individuals who lack them and are unable to provide them for themselves;
 - b. Undertake work programs specifically designed to give the elderly the opportunity to engage in a productive activity suited to their abilities and consistent with their vocations or desires;
 - c. Foster the establishment of social organizations aimed at improving the quality of life for the elderly.”

This protocol, in turn, established general obligations for States, in addition to guaranteeing social rights such as health, education, social security, and food. Those obligations become then binding for those nations that have ratified it.

It was not until 2015 that the first legally binding and enforceable international treaty, entirely focused on promoting the rights of older persons, was approved (Herrmann, 2020) - namely the Inter-American Convention on Protecting the Human

Rights of Older Persons. In this sense, this document establishes not only the right to equality and non-discrimination, but also encompasses a comprehensive range of rights for inter-American older populations, including economic, social, cultural, civil, and political rights (Piovesan, 2021).

Specifically concerning the political field, the convention explicitly stipulates the right of this population to participate in political life and to exercise their right to vote freely. It also imposes a duty on States to facilitate the means and conditions for such engagement, including the provision of accessible voting materials and facilities, as well as allowing assistance from a third party during the voting process, as articulated in Article 27 below:

“Older persons have the right to participate in political and public life on an equal basis with others and not to be discriminated against for reasons of age. Older persons have the right to vote freely and to be elected. The State shall facilitate the conditions and the means for exercising those rights.

States Parties shall ensure for older persons full and effective enjoyment of their right to vote.

To that end, they shall adopt the following pertinent measures:

- a) Ensure that electoral procedures, facilities, and materials are appropriate, accessible, and easy to understand and use;
- b) Protect the right of older persons to cast their votes in secret and without intimidation in elections and public referendums;
- c) Ensure that older persons are able to freely express their will as voters and, to that end, when necessary and with their consent, to allow a person of their choice to assist them in voting;
- d) Create and strengthen mechanisms for citizen participation with a view to including the opinions, contributions, and demands of older persons and their groups and associations in decision-making processes at all levels of government.”

Therefore, this treaty plays a significant role in the inter-American system, as a tool for promoting the Decade of Healthy Ageing (2021-2030), which will be later discussed in detail.

3. Older people and political participation at the global level: the Vienna International Plan of Action on Ageing/1982 and the Madrid International Plan of Action on Ageing/2002

The Vienna International Plan of Action on Ageing (1982) and the Madrid International Plan of Action on Ageing (2002) can be considered two international milestones in discussions about older people.

Through Resolution 33/52 of 1978, the United Nations General Assembly called world-wide attention to the need of a World Assembly on Ageing, that was then held in 1982 in Vienna, Austria, resulting in the establishment of the Vienna International Plan of Action on Ageing (Vienna Plan).

Supported by the United Nations General Assembly Resolution 37/51 of 1982, the Vienna Plan was the first international document that contributed to the development of programs and policies concerning the ageing process. In addition to encompassing 62 recommendations across various domains such as health, family, and social welfare, the Plan gained recognition as the international document that articulated the Law field into Gerontology studies (Dabove, 2016).

Although the Vienna Plan did not explicitly delineate the right of older populations to politically engage, its resolutions emphasize the importance of including them in social and community life, both in urban and rural contexts. Furthermore, it

recommends policies aimed at enhancing their quality of life, taking cultural and social needs into account, thereby fostering greater interaction with society.

Twenty years later, in 2002, the Second World Assembly on Ageing took place in Madrid (Spain), reviewing the outcomes of the First Assembly (1982) and proposing policies that would assist States in ensuring the contribution of older persons to social life. On this occasion, the Madrid International Plan of Action on Ageing (Madrid Plan) was adopted.

Taking the social, cultural, economic, and demographic challenges of the new 21st century into account, the Madrid Plan proposed 117 recommendations, grounded in three priority areas: (i) older persons and development; (ii) advancing health and well-being into old age; (iii) ensuring enabling and supportive environments (UN, 2002).

Regarding the first prioritized direction, it urges States to implement measures that encourage the engagement of older persons in society's development, as well as to benefit from the resulting advantages. Additionally, it aims to dispel the notion that the increase in the number of older populations is solely a matter of cost and investment analyses. Instead, it emphasises that it signifies an enhancement in social well-being for all. In this sense, older adults assume an active role in improving social conditions, rather than merely serving as recipients of implemented policies (Herrmann, 2020).

The second priority addresses, among other factors, inequalities in access to health care, the significance of preventive health measures, and the epidemiological transition. It recognizes health as a comprehensive state of physical, mental, and social well-being, rather than merely the absence of disease or suffering, as defined by the WHO.

As for the third priority guideline, it aims to establish favourable environments for social development, supported by national and international resource contributions, promoting housing and dignified living conditions. The plan also addresses issues related to assistance and support for caregivers, the elimination of violence against older adults, and the promotion of positive perceptions regarding the ageing process.

Specifically concerning participation in political life, this subject is more emphasized in the section related to the first priority (older persons and development). In this context, it recognizes the political contributions of older individuals, urging States to provide opportunities and programs for their continued engagement. Moreover, it underscores the significance of older persons' participation in decision-making processes at all levels¹. Thus, both the Vienna and the Madrid Plan of Action are regarded as international benchmarks in discussions on older persons and the ageing process at a global level.

4. Amplifying the voices of older populations: the Decade of Healthy Ageing (2021-2030) and the 2030 Agenda for Sustainable Development

When discussing population ageing, it is common to notice the growing influence of older adults in society, commonly referred to as "Grey Power²." This term means the impact of this population on a country's social, economic, and political dimensions.

The focus on improving the social participation and living conditions of older

¹ The Objective 1 of Recommendation 21st reads: "Recognition of the social, cultural, economic and political contribution of older persons" whilst the Objective 2 of Recommendation 22nd presents measures to improve "Participation of older persons in decision-making processes at all levels."

² According to Collins Dictionary at <https://www.collinsdictionary.com/dictionary/english/grey-power> .

adults, their communities, and families constitutes the cornerstone of the Decade of Healthy Ageing (2021-2030). Established by the United Nations General Assembly in 2020, this initiative conforms global efforts involving multiple sectors, such as governments, civil society, academia, and the private sector to promote and facilitate inclusive measures that empower older persons across different spheres of influence (Vega; Morsch, 2021).

Besides considering previous frameworks, such as the World Health Organization's *Global Strategy and Action Plan on Ageing and Health* (2016-2020), the United Nations' *Madrid International Plan of Action on Ageing*, the *Political Declaration*, and the *Sustainable Development Goals* outlined in the *2030 Agenda for Sustainable Development*, the Decade of Healthy Ageing is centred around four areas for action: (1) *change how we think, feel and act towards age and ageing*; (2) *ensure that communities foster the abilities of older people*; (3) *deliver person-centred integrated care and primary health services responsive to older people*; and (4) *provide access to long-term care for older people who need it* (Vega; Morsch, 2023).

To effectively harness the benefits outlined in each area of action within the Decade of Healthy Ageing, four enablers have been developed: (1) *listening to diverse voices and enabling meaningful engagement of older people, family members, caregivers, young people and communities* (Voice and meaningful engagement); (2) *nurturing leadership and building capacity to take appropriate action integrated across sectors* (Leadership and capacity building); (3) *connecting various stakeholders around the world to share and learn from the experience of others* (Connecting stakeholders); and (4) *strengthening data, research and innovation to accelerate implementation*. In this sense, effective coordination and multilateral collaboration are crucial for formulating strategies and plans that improve or introduce measures benefiting older populations (WHO, 2020).

As mentioned earlier, amplifying the voices of this group and allowing meaningful involvement is one of the pillars of the Decade. Thus, the participation of older persons in decision-making is crucial for the effectiveness of this initiative, ensuring that they are not only beneficiaries of services but also agents of change (PAHO, 2020).

Regarding the 2030 Agenda for Sustainable Development, which also serves as a foundation for the Decade, it comprises a set of programs, actions, and guidelines that will guide the work of the United Nations toward sustainable development by 2030. Adopted in 2015 through the document titled "*Transforming Our World: The 2030 Agenda for Sustainable Development*" (A/RES/70/1), the 2030 Agenda includes 169 targets and means of implementation, as well as 17 ambitious and interconnected Sustainable Development Goals (SDGs) that address the main development challenges faced by people worldwide.

Therefore, the actions proposed by the Decade support the achievement of the SDGs, particularly focusing on SDG 1 (No Poverty), SDG 2 (Zero Hunger), SDG 3 (Good Health and Well-being), SDG 4 (Quality Education), SDG 5 (Gender Equality), SDG 8 (Decent Work and Economic Growth), SDG 9 (Industry, Innovation, and Infrastructure), SDG 10 (Reduced Inequalities), SDG 11 (Sustainable Cities and Communities), SDG 16 (Peace, Justice, and Strong Institutions), and SDG 17 (Partnerships for the Goals) (PAHO, 2020).

In this context, promoting the political engagement of older adults is crucial to enable them to articulate their perspectives on the importance of electing representatives, as envisioned in the Decade. This participation also facilitates the assessment of their satisfaction or dissatisfaction with the socio-economic and political

environment in which they reside, aligning with the aforementioned Sustainable Development Goals (SDGs).

5. Conclusion

This article aimed to underscore the importance of implementing measures that enhance the political engagement of older individuals within society, thereby fostering representation of diverse voices experiencing ageing. Internationally, inter-American treaties, global action plans, and conventions discussing the rights of older persons play a crucial role in promoting enhancements in quality of life.

Within the framework of the Decade of Healthy Ageing (2021-2030), political participation emerges as a factor contributing to more dynamic ageing. Linked to the Sustainable Development Goals (SDGs), this aspect is viewed as a mechanism stimulating discussions on the health and well-being of older individuals, thereby influencing broader societal development.

Although the world is witnessing a demographic shift towards an increasing number of older adults, currently, there is no universal treaty addressing the rights of older persons, underscoring the social invisibility that notably impacts this population. Therefore, despite ongoing global efforts to establish a new international treaty on this matter, there remains considerable progress to be made within the international community.

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