

# Older people and COVID-19: An opportunity for Latin America

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**Abstract.** A virus that shocked the world, collapsed the health systems of the world's major powers and placed the issue of older people on the agenda (World Health Organization, 2020a), (Sulaiman Rahman, et al., 2020), (Zhang, et al., 2020). By monitoring closely, the southern hemisphere this provided opportunity for countries to prepare in advance, however this pre-approach could not be said for all. Leaving, the human rights of older people dangerously threatened, where ageism and gerontophobic prejudices spread like wild fire. Being placed in obligatory confinement, also provides the opportunity to take advantage, to reflect, empathies and think as aging subjects and interdependent social beings that deserve inclusive health systems, in accordance to the norms dictated by bioethics and adequate care systems. To aspire in being a society that embraces its older persons and continues to fully preserve all the attributes of their personality until moment of death. This paper shall discuss the opportunities and challenges presented by the COVID-19 pandemic regarding the current situation and impending needs of older adults in our societies. To this end, several examples from around the world will be used to illustrate the ways in which societies and public authorities dealt with specific issues related to the wellbeing and health of older adults, analyzing its merits and flaws. Finally, possible solutions are discussed in relation to the persistent issues and also possible alternatives to their attempted solutions.

**Keywords:** pandemic, old age, aging, human rights, opportunity.

## Scenario of a pandemic

The world was moved by the presence of a virus, COVID-19. Highly contagious, unknown, unexpected, with vaccines only recently placed on the market following various vigorous medical trials. To date however there is no cure (World Health Organization, 2020a; Sulaiman Rahman, et al., 2020; Zhang, et al., 2020).

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What had started in China soon spread throughout Europe and North America, and in those countries the first reaction was to try to minimize its effects. It was a flu that attacked the old and the weak, the rest would have no problems, but the speed of infections and deaths within all age ranges shook these first hypotheses (World Health Organization, 2020a; Sulaiman Rahman, et al., 2020; Zhang, et al., 2020).

We attended, undaunted, from the southern hemisphere, to the horrific spectacle of seeing robust health systems collapse which we once looked at as examples to follow. This unexpected challenge to the "first world", confronted us to a very worrying pattern of selective attention that discriminates by age considering that the old are disposable, as manifested by Pope Francis in his Encyclical *Laudato Si* talking about the "throwaway culture" (Francis, 2015). The idea of "a need" to choose young people over the old ones was manufactured on the basis that they have a better chance of surviving intensive care only by taking age as a parameter, an option that is unacceptable from both a human and legal point of view (Buckwalter & Peterson, 2020; Romeo, 2020; Jöbges, Vinay, Luyckx, & Biller-Andorno, 2020; Mounk, 2020; Robert, et al., 2020). There is no "state of need" that can justify the subjugation of the human right to life, since the value of life is not measured by years lived. If acceptance is given to someone lowering the value of human life for reasons of age, then this is implicitly enabling anybody to devalue the life of all for any other reason, opening the possibility of giving a comparative value to the life of our peers.

As the pandemic progressed along with its devastating effects, the world dangerously began naturalizing abnormalities in the field of human rights that reflected back to previously surpassed gerontophobic stages of society, which in many cases, under the guise of taking care of the most vulnerable, actually pursued the neutralization of the power to decide. In Argentina, as in several countries around the world, the Government of the Autonomous City of Buenos Aires tried to legislate in this regard, establishing that people over 70 years of age should request official state authorization to leave their homes, since they were the group with the highest health associated risks and such was the only manner in which they could be "taken care of" (Gobierno de la Ciudad Autónoma de Buenos Aires N.º 16/MJGGC/20, 2020). This has brought a generalized critical reaction throughout the whole community of older persons (self-proclaimed by its participants "*rebelión de las canas*" – "*The Grey Haired Rebellion*") in which people over 70 years from the world of business, science, and many other realms of society rejected the restriction to their personal freedoms and denounced it as a direct and deliberate campaign against them as members of a vulnerable group (Cantillo, 2020; Uprimny Yepes, 2020; Torrado, 2020).

A judicial injunction brought an end to this absurd decision (Clarín, 2020), which, although issued with the best possible intention, did not warn that it was generalizing and infantilizing whole group of society composed mainly of full autonomy and absolute decision-making capacity, that could clearly understand that in order to combat the virus and preserve their health, they had to respect the decreed social isolation as much as possible. Those in power did not (care to) understand that such a decision was curtailing the human right to freedom of movement and was establishing a new legal "*capiti diminutio*" for older persons. The judicial

decision which decided in favor of the injunction and the collective action initiated by a citizen of the city who felt his rights trampled, quickly gained many adherents throughout the city and country, which made it possible for a class action to be formed. It expresses really important concepts that it is necessary to transcribe

Regarding the issue debated in the case, (...), without ignoring the existence of the established health emergency that justifies the issuance of exceptional measures, at all times the measures adopted must be reasonable, proportionate and subject to judicial scrutiny; pass the reasonableness test and at the same time, any discrimination based on age should be avoided ... (Lanzieri, Silvano contra gcba sobre amparo - otros, 2020, Sec. IV)<sup>2</sup>

The inter-American convention on protecting the human rights of older persons introduces the definition of discrimination and age discrimination that is described in the following sentence of the Article 2°:

... "Discrimination": Any distinction, exclusion, or restriction with the purpose or effect of hindering, annulling, or restricting the recognition, enjoyment, or exercise, on an equal basis, of human rights and fundamental freedoms in the political, cultural, economic, social, or any other sphere of public and private life." (Organization of American States, Forty-fifth regular session of the OAS General Assembly, 2015)

The judicial decision continues:

... The imposition on all adults over 70 years of age, of the need to contact the citizen service at number 147, before making use of the possibility of making minimum and essential trips to stock up on items cleaning, medicines and food, as provided by DNU 297/2020, is a more burdensome requirement for this group of people, than for the rest of the population, which exceeds the contours of the isolation measures for all the inhabitants." (LANZIERI, SILVANO CONTRA GCBA SOBRE AMPARO - OTROS, 2020, Sec. IV)<sup>3</sup>

Later the sentence introduces the concept of "*suspicious classification*" fundamental for the defense of the human rights of this group by requiring a strict scrutiny over any government measure, stating that "As such, it must be analyzed under what doctrine and jurisprudence have well characterized as "suspicious categories". Maximum, when that notice will only have a temporary validity of 48 hours." (LANZIERI, SILVANO CONTRA GCBA SOBRE AMPARO - OTROS, 2020, Sec. IV)<sup>4</sup>

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<sup>2</sup> Translated from the original in Spanish.

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## **Post-pandemic opportunities**

Today in a world with more than 84million cases reported and 1.840.878 dead the challenges of the older adults are put into question for the first time at a global level (John Hopkins University, 2020). Life expectancy has grown and the birth rate has declined; this is a reality that gerontologists and specialists alike have been repeating for more than 20 years. Older people are an increasing percentage of society and governments will have to rethink what they will do with health, pension, care and public communication systems (Harper, 2019; Christensen, Doblhammer, Rau, & Vaupel, 2009; Eurostat, 2020; Manton, 1991; Arai, y otros, 2011; Lunenfeld & Stratton, 2013).

The intention to regulate the circulation of adults over 70 in the City of Buenos Aires generated a legal precedent that sets better standards of protection for a very vulnerable and numerous group (LANZIERI, SILVANO CONTRA GCBA SOBRE AMPARO - OTROS, 2020), given that Argentina is one of the aged countries in Latin America with almost 7.000.000 people over 60 years of age (CEPA - Centro de Economía Política Argentina, 2020), approximately 16% of the total population, a figure that amounts to values close to 20% in Buenos Aires total population (de Leonardis). Given these figures, it is crucial to realize that older people are to be part of our society, avoid stigmatization and discrimination and treated as active members, and should no longer be made to feel invisible under slogans like “our elders”, “our grandparents”, “we have to take care of them”, or “they are weak and dependent”<sup>1</sup> (Walsh, Scharf, & Keating, 2017; Rychtaříková, 2019; Jackson, Hackett, & Steptoe, 2019). In Argentina, older people exercise their civil rights through voting, dreaming, working, caring for their families and falling in love; in short, they are alive and are part of our society.

Abraham Swaan affirmed that people, situated in a social context, are not independent but rather interdependent (de Swaan, 1988). If we take independence as the self-sufficient exercise of freedom to make decisions, we have to affirm that it does not exist and in the words of Xabier Etxberria Mauleon, “it is foreign to the human condition”, (Etxeberria Mauleon, 2017, The Constitutive Interdependence of People section, para. 1)<sup>5</sup> given that as social beings we are always interdependent, it is then a matter of rights, justice and intelligence to arbitrate the conditions that improve equality and life quality of all people. When John Rawls brilliantly approaches the theory of justice and states “Justice as fairness starts from the idea that society is to be conceived as a fair system of cooperation and so it adopts a conception of the person to go with this idea” (Rawls, 1985, 232-233) also speaks of interdependence. When speaking about older people one must also add the concept of dignity, given that in a society that privileges the model of eternal youth, it tries to erase aspects of ‘ageing’, as if dependency generated a kind of amortization of their lives and they were no longer a social problem.

If we see ourselves as aging beings from the day we are born, we can foster a society that allows older people to age at home with adequate proximity health services and organized care systems, which does not mean transforming residences or homes into hospitals, but

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<sup>5</sup> Translated quotation that appeared in the online article: “Elderly people: Independence and interdependence”.

rather that the older person does not become the annex to the social contract, but protagonists of their lives until the end. Age alone is not a valid parameter to assess the level of risk and vulnerability to the coronavirus or any disease that we must face in the future. More important is to look at it from perspective of the general state of health of people and the presence or not of comorbidities (ANIS - Informadores de Salud, n.d.; Kluge, 2020). When analyzing the infected and deceased cases of COVID-19 in relation to older persons, data shows that more than 50% came from geriatric institutions (Doyle, 2020; World Health Organization, 2020b). What is interesting to note is that only 1,9% of the total number of older persons in Argentina are institutionalized (Martínez, 2020) and those who contracted the disease mostly got infected by the staff working in these homes (Reif, 2020). The vast majority of older people manage to lead an active and healthy life until very old age, as they maintain a leading role in their family, work (CEPAL - OIT, 2018), socio-cultural and political spheres (World Health Organization, 2015). This experience should make us think of a new model of an inclusive health system that allows us to rethink and debate criteria based on triages that, when transferred from the medical field to the social imaginary, can provide a different picture, where one's life can be prioritized over another in terms of access to health (Monzón & Couceiro, 2020).

If we all consider ourselves interdependent, we can build an inclusive society that supports universal accessibility and the distribution of resources aimed at equal opportunities and the provision of support for those who need them most.

## **Conclusion**

We have seen our neighbors die alone and their relatives pay their last respects through the screen of a cellphone, and after death, they have not been able to send them away according to their wishes and corresponding rites to the faith of each one of them. We have seen health workers with lacerated faces with the mark of the mask that in many cases could not avoid the contagion and death. We have suffered a lot and it is not over yet. The vaccine looks promising but yet many remain unconvinced. We must prepare ourselves to become better after so much loss and pain, and rethink a fairer and more supportive society. We can only achieve this with an active militancy that should have older persons as their protagonists, who must join with their voices and participate - as they did in the face of the attempts to subjugate their rights during the pandemic - and say to their communities "we are here, we have rights and we are going to assert them from an active and committed old age".

Hundreds of times we have heard that crises are opportunities and Latin America has the historical opportunity to evolve as a society (Kaizer, 2020) (Mayores UDP, 2020). To achieve this the States of the region, have a valuable tool, the inter-American convention on protecting the human rights of older persons. In this sense, two types of actions must be undertaken. In the States that ratified the Convention, it's text and contents must be publicized and made readily available to the population in order to empower older persons since the only way to assert their rights is to know them while on the other hand, in countries which have not

adhered to this instrument, advocacy actions must be organized and put into action in order to attain its ratification in order to grant elderly access to their human rights and personal autonomy to their full extent. Only on this basis can public policies be implemented that builds an interdependent society that proclaims collective and permanent care at all stages of life, assuming that we are aging subjects and old age is not an individual challenge but a stage of life that happens to people with the passage of time, that is, life, which always deserves to be celebrated.

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