

Thematic Session
Older Persons

Elder Rights in a State of Disaster:
“Social Solidarity for the Rights of the
Elderly”

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Currently in 2021, with the COVID-19 pandemic that began in 2019 still raging across the world, it is time to think about the meaning of “disaster” as well as solidarity and publicness of relationships, health and life, public health and medical care, and public health and welfare, with the elder rights at the center of all those issues.

With the outbreak of COVID-19, we have become aware of the severity and gravity of disasters caused by an infectious disease that we had long forgotten. Compared to SARS, swine flu, and MERS outbreaks that we have experienced, COVID-19 has been continuing for a much longer period since the first cases were reported. What is particularly notable is that deaths from COVID-19 are concentrated in the elderly population aged 60 or older. As of September 7, 2021, the 60-to-69 age group accounted for 13.78% of South Korea’s COVID-19 fatalities; the 70-to-79 age group, 27.47%; and the 80-or-older age group, 51.16%.

As the epidemic is prolonged with a higher fatality rate for the elderly over 60 years of age compared to younger age groups, ethical issues that had not been discussed in the past have begun to emerge.

According to the Constitution of the Republic of Korea, “The freedoms and rights of citizens may be restricted by law only when necessary for national security, the maintenance of law and order, or public welfare. Even when such restriction is imposed, no essential aspect of the freedom or right shall be violated.” Traditionally, the isolation of patients with infectious diseases has been considered an issue, in which the entire society’s right to health competes with individual freedom, to prevent harm to public health. Individuals’ freedom is at times restricted in the form of quarantine under the “harm principle”, but the essential aspects of their freedoms and rights must not be violated.

Therefore, it is necessary to examine whether our society is losing solidarity and public interest in the elderly in this disaster caused by COVID-19, whether the elderly’s basic rights, such as rights to healthcare and welfare, health and guaranteed income, and access to medical care, are being violated, and whether the elderly have been subjected to any physical or mental harm or received any damage to economic activities due to diminishing social life. Discrimination against a specific group for reasons of the majority’s safety or society’s economic

revitalization or growth cannot be justified, as there are rights that belong to us simply for being human and should not be infringed on by anyone. That is what human rights are.

Like the members of other age groups, the elderly are individuals who exercise and enjoy the human rights guaranteed by the Constitution, law, and international human rights treaties. In addition, the elderly's human rights encompass all the rights included in the natural rights and the fundamental rights to freedom, livelihood, and health.

In this disaster caused by COVID-19, it is necessary to conceptualize "Social Solidarity for the Rights of the Elderly," led by public health, medical care, and welfare experts.