Ageing cities and active ageing. The elderly: participation and protection

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1. BACKGROUND

Over the last few decades, demographic estimates warn of a steady population ageing process due to the increased life expectancies worldwide. According to WHO projections, 22% of the world's population will be aged 60 years or older by 2050.[236] This gradual ageing phenomenon comes along with an unstoppable urbanization process. According to the UN, the share of world population living in cities will be roughly 70%.[237] This figure (i) draws public authorities' attention to cities, forcing policymakers to address new demographic, economic and social challenges; and (ii) triggers a discussion on the urban-rural gap also regarding ageing, due to the major contextual differences.[238]

Older adults are one of the most dependent groups (see the old-age dependency ratio) and thus extremely vulnerable. They often require specific services catering to their needs.[239] Senior citizens' vulnerability has to do with age-related needs and dependencies related to care, housing, assistance, digitalization and social involvement.[240] Public authorities must therefore lay the foundations for the elderly to fully exercise their rights to the extent possible.

[236] WHO (2015), *World Report on Ageing and Health*, available online, p. 3.

[237] UN (2018), *World Urbanization Prospects*, available online. See also, García Ballesteros, A. and Jiménez Blasco, B. C. (2016), "Envejecimiento y urbanización: implicaciones de dos procesos coincidentes," *Investigaciones Geográficas, Boletín del Instituto de Geografía*, no. 89, available online, p. 58-73.

[238] See, in this regard, Wahl, H.-W. *et alia* (2003), "Aging in Context: Socio-Physical Environments," *Annual Review of Gerontology and Geriatrics*, vol. 23, p. 1-33; Monreal Bosch, P., del Valle Gómez, A. and Serda Ferrer, B. (2009), "Los grandes olvidados: las personas mayores en el entorno rural," *Psychosocial Intervention*, vol. 18, no. 3, available online.

[239] Eurostat (2019), *Ageing Europe. Looking at the Lives of Older People in the EU*, available online at ec.europe.eu, p. 1-157, p. 8.

[240] Mattson, T. (2013), "National Ombudsman for the Elderly: A solution for a more responsive welfare state?," *Retfærd: Nordisk juridisk tidsskrift*, no. 36 (3), p. 9-24, p. 18.

If public authorities are responsive to elderly needs, our society can become more resilient towards the inevitable age-related and situation-based dependencies in later life.[241]

A key challenge faced by governments when dealing with the ageing process is the so-called "diversity in older age." Older adults can have very different levels of both physical and mental capacities, as well as varying degrees of dependency. On top of that, note that the societal stereotypes of ageing are now clearly outdated and thus useless to deal with the current needs of older adults.[242] The "new ageing," meaning a contemporary form of ageing within a context of longevity, insecurity and technology, where social security reforms, generational claims and the empowerment of the elderly are reshaping public authorities views' on the ageing process.[243] Along these lines, the new approaches to ageing seem to push for measures and policies encouraging active ageing.[244]

Within local government, there are many initiatives intended to promote active ageing and meet older people's needs. The WHO Global Network for Age-friendly Cities and Communities is made up of local bodies worldwide committed to creating inclusive and accessible urban environments to benefit their ageing populations. This framework allows to implement a wide array of public policies mostly related to the provision of welfare services for the elderly (including both home care and specialized care centers), accessibility or urban design of public and private areas. These topics are regularly discussed by scholars in fields like medicine, sociology or political science.

The legal studies on ageing have primarily focused on (i) the impact of the ageing process on the sustainability of the pension system; (ii) dependency-related issues; and (iii) matters relating to consent. This perspective needs further analysis, particularly concerning the legal dimension of the many active ageing and elderly care policies implemented mostly at a local level. Legal scholarship should not disregard population ageing. Legal scholars must focus on the rights of the elderly, but also on public decision-making and organizational aspects.

Based on the said premises, this work provides a comparative analysis revolving around two indicators related to active ageing and local government action: older people's political participation and personal security/physical safety−note that the latter encompasses the need for the elderly to feel safe (i.e., able to avoid injury) and secure (i.e., able to avoid harm). First, see an empirical approach to the ageing cities map (section 2). We relied on ageing data from EU Member States, major European capitals and the most heavily populated cities in

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[241] Albertson Fineman, M. (2012), "Elderly" as vulnerable: Rethinking the Nature of Individual and Societal Responsibility," *Elder Law Journal*, no. 20 (1), p. 71-111, p. 110.

[242] OMS (2015: 11 *et seq.*).

[243] The notion and its definition are taken from Torres-Gil, F. (2002), "The New Ageing: Individual and Societal Responses," *Elder Law Journal*, no. 10 (1), p. 91-117, p. 100.

[244] UNECE and European Commission (2018), *Active Ageing Index (AAI) in non-EU countries and at subnational level. Guidelines*, available online.

Spain. Section 3 examines active ageing cases relying on the aforesaid indicators (political participation and physical safety). In particular, we focus on the impact of these indicators on local government organization. In some cases, these ageing-related aspects have given rise to new *ad hoc* local bodies.

2. COMPARATIVE MAP OF AGEING CITIES

Individuals tend to perceive themselves as "old" or "aged" as they turn 70 or older.[245] However, we generally consider that a person has become "old" when he/she exceeds 65 years old−i.e., commonly, the retirement age.[246] Senior citizens aged 80-85 or older make up a sub-group within the elderly: the "super aged" (also known as the "old-old," "super old" or "oldest old"). According to European Union estimates, the number of people over 85 years old will increase from 13.8 million in 2018 to 31.8 million by 2050.[247] In Spain, 40% of adults over 65 will be super aged.[248]

Figure 1 below shows the progressive ageing process undergone by most EU Member States. On average, 18.9% of the population in the European Union (and the UK) is 65 or above. This contrasts with the share of child population (children aged 0-14), amounting to 15.6%. There are upward and downward differences amongst European countries with respect to the aforesaid 18.9% average, ranging from 3 to 5 percentage points. For instance, Italy has the most aged population in Europe (22% are adults over 65), whereas the share of seniors in Ireland only amounts to 13.8%. We can hardly notice a geographical pattern in European ageing. The most aged countries are Italy, Greece and Portugal, Southern countries, but France, Germany, Finland or Sweden are also in the top 10, along with Eastern states such as Bulgaria and Croatia. Accordingly, the country-specific demographic, economic/financial and cultural variables jointly account for an increasingly aged population.

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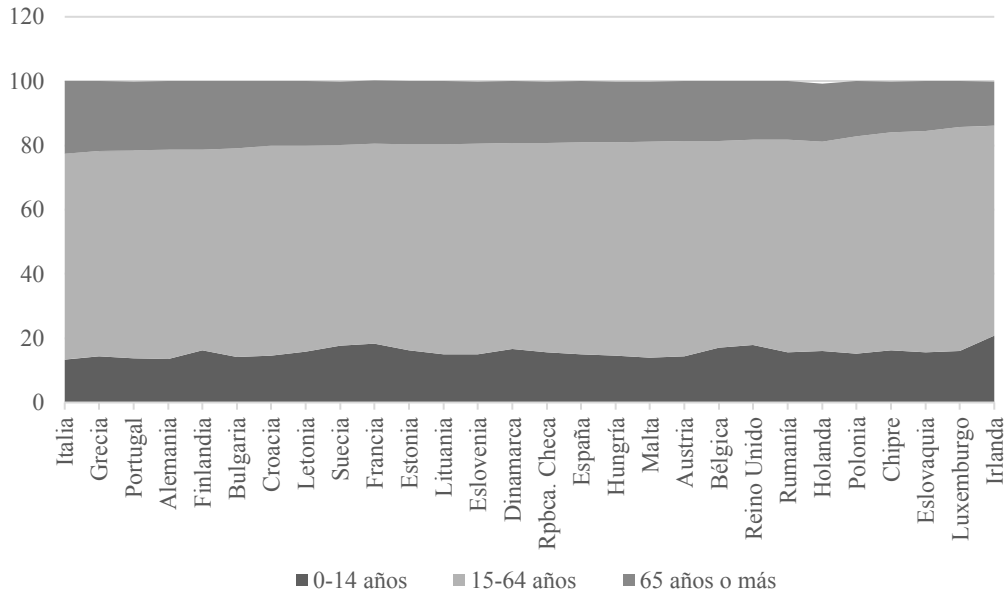
[245] Alemán Bracho, C. (2013), "Políticas sociales para personas mayores," *Gestión y Análisis de Políticas Públicas*, no. 9, p. 1-19, p. 2.

[246] In Spain, some pieces of regional legislation provide that adults over 65 are eligible for elderly welfare. For example, Article 2(1) of Andalusia Act 6/1999, of 7 July, on Care and Protection for the elderly; Art. 23(1) of Madrid Act 11/2003, of 27 March, on Welfare Services; and Art. 2(1) of Act 5/2003, of 3 April, on the Care and Protection for the elderly in Castilla y León. The UN defines the elderly as any adults over 60, and the WHO provides that, in developed countries, citizens qualify as older adults as they turn 65. Eurostat (2019: 8).

[247] Eurostat (2019: 15).

[248] Abellán García, A., Aceituno Nieto, P., Pérez Nieto, J., Ramiro Fariñas, D., Ayala García, A., and Pujol Rodríguez, R. (2019), "Un perfil de las personas mayores en España, 2019. Indicadores estadísticos básicos," *Informes. Envejecimiento en Red*, no. 22, available online, p. 1-36, p. 5.

Figure 1. Population broken down by age groups in EU Member States and the UK (2018) [expressed as a percentage]

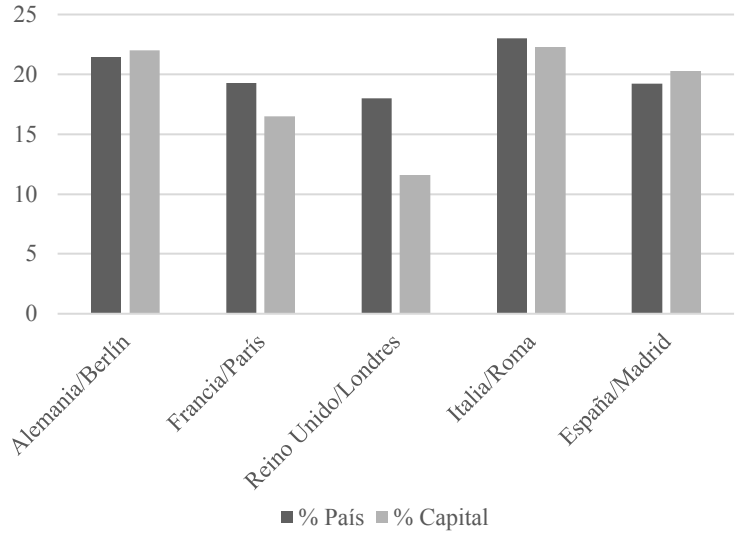


Source: own elaboration based on Eurostat data.[249]

Note, however, that old population is not homogeneously distributed amongst the various European countries. At city level, we found that the ageing patterns of the capital cities of the 5 most populated countries in Europe are in line with the country average. Thus, in the most aged countries, including Italy, Germany and Spain, the capital cities also have a larger share of old population, equal to or greater than the national average. In Rome, 22.3% of adults are 65 and over, which is really close to the Italian average. Berlin and Madrid have similar figures, 22% and 20.26% respectively, out of which over one third are super aged (7.29% overall). Countries with younger populations, like France and the UK, have capital cities with a much lower ageing ratio than the rest of the country. Indeed, Paris' share of old population amounts to 16.47% and London's to 11.6%. Self-evidently, capitals have distinct features depending on the country, in terms of size, financials and demographics (particularly the immigration rates), which can explain these differences between the capital cities' figures and national averages. Nevertheless, we have found a remarkable percentage of older adults in the most aged and populated countries' capital cities.

[249] Available online: https://ec.europa.eu/eurostat/statistics-explained/images/b/bd/Population_age_structure_by_major_age_groups%2C_2008_and_2018_%28%25_of_the_total_population%29.png

Figure 2. Share of older adults in the 5 most populated EU Member States−including the UK−and their capital cities for 2016, 2018 or 2019, depending on the countries' data availability [expressed as a percentage]



Source: own elaboration based on each country's official data.[250]

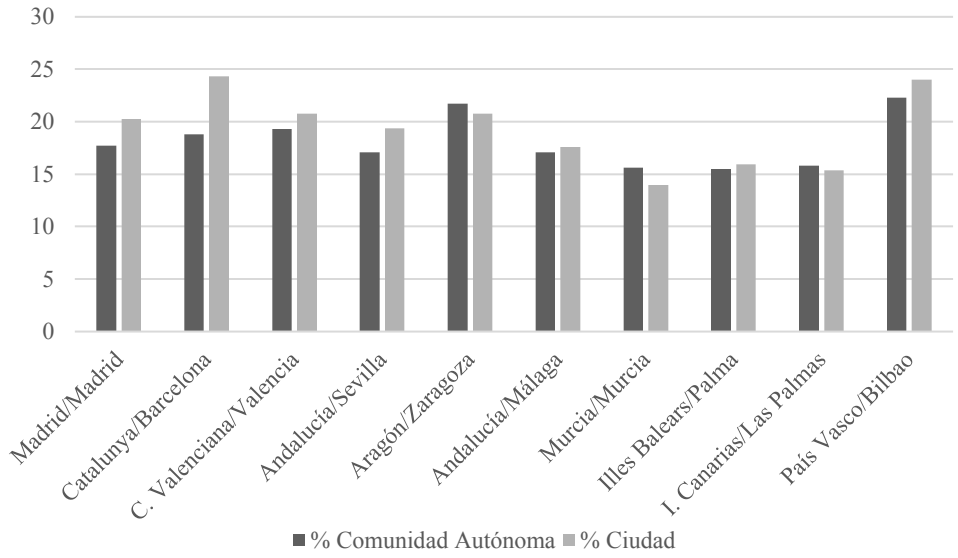
Note: the information from the UK and France are from 2016; Germany's data are from 2018; and Spain's and Italy's information is from 2019.

In order to further examine cities' ageing process we can focus on Spain. Figure 3 below provides ageing data on the country's 10 most populated cities. The bar chart compares each city's ageing ratio to that of its region. Note that the 4 largest cities in Spain have an older population than their relevant region's average−roughly 20% of the cities' populations are made up of older adults. We found this same trend in Bilbao: the city's aged population exceeds the regional average (although the Basque Country is one of Spain's most aged Autonomous Regions). Note that the remaining cities' level of population ageing is in line with the region's average. There are several potential explanations for these demographic trends, including the size of the cities and their stage of development−tied to the impact of baby boomers and the "rural-urban exodus" in the 1950s−[251]and each city's rural or urban surroundings.

[250] These data are provided by each country's offices for national statistics: Destatis in Germany; INE in Spain; AdminStat in France; ISTAT in Italy; and ONS in the UK.

[251] See, in this regard, Velasco Caballero, F. (2018), "Derecho urbanístico y envejecimiento demográfico," *Indret*, no. 4, p. 1-55.

Figure 3. Share of population over 65 years old in the 10 most populated cities in Spain compared to each Autonomous Region's ageing data (2019) [expressed as a percentage]



Source: own elaboration based on data from the Laboratorio Envejecimiento en Red, CSIC, and INE.

Ageing ratios will most likely increase in rural areas, which differ from cities in terms of welfare services and care for the elderly.[252] Various indicators or criteria could be used to categorize settlements as urban or rural. The World Bank provides a broad definition of rural area, using a minimum population size of 10,000 as the threshold for a rural area to be classified as an urban settlement.[253] Spain also uses this statistical standard to define urban areas. Out of the 8,124 municipalities, settlements with less than 2,000 inhabitants qualify as rural; any areas with a population between 2,001 and 10,000 are classified as medium-sized municipalities; and urban areas are designated as such when their population exceeds 10,000.[254] Legally speaking, any settlements located in rural environments with a population size not exceeding 5,000 are categorized as "small-sized urban municipalities."[255] According to this standard, in 2018 there were 6,676 rural towns in Spain, i.e., 82% of all municipalities were categorized as rural. The share of rural population in Spain was 16,2%, although these rural areas covered 84% of the country's territory.

Defining the percentage of rural population allows to examine the area's level of population ageing compared to urban settlements. The data available for Spain in 2019 indicate that rural

[252] See, in this regard, García Sanz, B. (1999), "Mundo rural, envejecimiento y servicios sociales," *Papeles y Memorias de la Real Academia de Ciencias Morales y Políticas*, no. 5, p. 94-109.

[253] As evidenced by the available stats on Spain's population. See datos.bancomundial.org; last accessed on 11 March 2020.

[254] Abellán García, A., Pujol Rodríguez, R, Ramiro Fariñas, D. and Pérez Díaz, J. (2015), "Pirámide rural," on the Blog *Envejecimiento en Red*, 29 April 2015, available online; Abellán García *et alia* (2019: 6).

[255] Art. 3(c) of Act 45/2007, of 13 December, seeking the Sustainable Development of the Rural Environment.

areas have significantly greater ageing ratios than medium-sized and urban settlements. Indeed, 28.5% of the rural population is over 65. However, as shown in Table 1 below, medium-sized and urban municipalities' percentage of older adults is 20% and 18.5% respectively. Note that, the smaller the town, the older the population. In urban settlements not exceeding 100 inhabitants, older adults amount to 40% of the population. However, the share of adults aged 65 and older in municipalities with a population between 100 and 500 drops to 33%. Additionally, the percentage of "super aged" is larger in rural areas.[256]

Spain has one of the largest shares of rural population in Europe, way above Italy, Germany or the UK. There are various potential reasons for this, the most likely being that young adults tend to prefer urban settlements, thereby depopulating rural areas. An additional reason could be that as we age, we tend to return to small towns.[257]

Table 1. Population ageing in urban and rural areas in Spain (2019) [expressed as a percentage]

Type of area (inhabitants)	Older adults (>65 years old)	Adults (16-64 years old)	Children (<16 years old)
Rural / 0-2.000	28.5%	60.5%	11%
Medium-sized / 2,001-10,000	20%	64%	16%
Urban / 10,001 - …	18.5%	65.5%	16%

Source: own elaboration based on data from Pérez Díaz, J., Abellán García, A., Aceituno Nieto, P., and Ramiro Fariñas, D. (2019), "Un perfil de las personas mayores en España, 2020. Indicadores estadísticos básicos," Informes envejecimiento en red, no. 25, p. 1-29, p. 9.

3. ACTIVE AGEING

The increased life expectancies worldwide resulting from scientific development and enhanced living conditions and lifestyle have given rise to a new understanding of the ageing process and the approach thereto: active ageing. Elderly policies in various fields, including urban development or welfare, seek to achieve active ageing goals. In order to offer guidance to Member States on how best to accomplish active ageing objectives, the UN and the

[256] Abellán García *et alia* (2015).

[257] Eurostat (2019: 25-26). Lebrusán Murillo, I. (2018), "Envejecer en casa. ¿Mejor en el pueblo o en la ciudad?, *Observatorio Social La Caixa* (available online: observatoriosociallacaixa.org).

European Commission have prepared the so-called Active Ageing Index (AAI) capturing various aspects and dimensions of active ageing in order to measure how much of older men and women's potential to contribute to the economy and society is used and the extent to which their living environment enables them. In order words, the AAI measures the extent to which active ageing is achieved. The AAI applies to Member States and non-EU countries, as well as to regional and local governments. The AAI covers 4 dimensions or domains: (i) employment; (ii) participation in society or social involvement; (iii) independent, healthy and secure living; and (iv) capacity and enabling environment for active ageing. As shown in Figure 4 below, the AAI includes 22 indicators grouped into the aforesaid 4 domains.[258] These indicators allow for examining the needs of the elderly at a local level, thereby rendering public policies more useful and effective.[259]

Figure 4. Active Ageing Index: domains and indicators

Source: own elaboration based on UNECE's and the European Commission's AAI.

Below we discuss two specific active ageing indicators at a local level: political participation (within the social involvement domain) and physical safety (within the independent, healthy and secure living domain). These indicators are used to assess certain local government measures intended to encourage active ageing. Sometimes local governments create new *ad hoc* bodies to fulfill these objectives. We will focus on them below. Ultimately, section 3

[258] UNECE and European Commission (2018).

[259] UNECE and European Commission (2019), *Active Ageing Index. Analytical Report*, available online, p. 61 *et seq.*

shows how policies of old age are supplemented by organizational measures implemented by local governments to adapt to population ageing.

3.1. Political participation of the elderly

As illustrated by Figure 4 below, social involvement is one of the main domains in active ageing. It includes volunteer work; care to children and grandchildren; care to other elders and disabled; and political participation.[260] Local government is the most fertile ground to promote social involvement of the elderly. Accordingly, the so-called "grey power," stemming from the ageing of baby boomers, can seek (i) equal treatment; and (ii) its very own place in government decision-making, thus triggering major political changes in Western countries.[261]

As for the involvement of older adults in their local communities, we first discuss their participation (voter turnout) in local elections (see section 3.1.1. below), in order to determine the extent to which they engage in local politics. Then, we examine the arrangement and organizational aspects of local seniors councils. Many towns worldwide have put in place these bodies with the aim of getting the elderly involved in decision-making.

3.1.1. Voter turnout in local elections

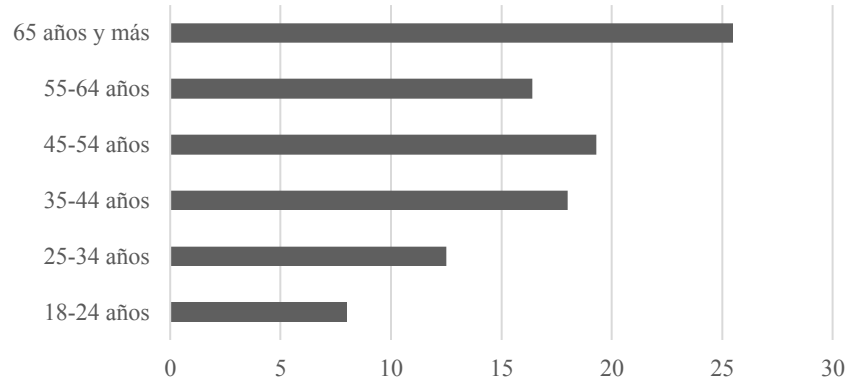
Older voters' turnout is a major field of study, particularly after the generational gap revealed by the Brexit referendum.[262] Indeed, the elderly constitute an increasingly important voting group in Western countries. See, e.g., Spain−with an age structure in line with the Union average−where over 25% of voters in 2019 were aged 65 and older, in contrast with voters aged 18-35, who solely amounted to 20%.

[260] UNECE and European Commission (2018: 6).

[261] This notion, "*poder gris*" in Spanish, is taken from E. Calvo Gil. See, among other works: "El poder gris. Consecuencias culturales y políticas del envejecimiento de la población," *ICE*, no. 815, p. 219-230, p. 228. Concerning the United States and the political changes driven by the ageing of voters, see: Binstock, R. H. (2000), "Older people and voting participation: past and future," *Gerontologist*, no. 40 (1), p. 18-31.

[262] See Alabrese, A., Becker, S. O., Fetzer, T. and Novy, D. (2019), ¿"Who voted for Brexit? Individual and regional data combined," *European Journal of Political Economy*, vol. 56, p. 132-150.

Figure 5. Share of eligible voters by age in Spain (2019) [expressed as a percentage]



Source: own elaboration based on data from INE.

Studies across European countries evidence that, on a general basis, electoral turnout tends to be high amongst older adults, without prejudice to certain significant differences arising from socioeconomic, educational and cultural aspects, as well as from distinct turnout and political participation experiences, and from the relevant town's or city's population.[263] For instance, in Spain, these aspects have a twofold projection: older adults (i) are significantly dissatisfied with politics; but (ii) turn out to vote in large numbers.[264] In spite of the aforesaid differences, the homogeneous political behavior amongst the elderly can be due to various reasons tied to behavioral and contextual aspects. Thus, the way older adults participate in politics will most likely remain unchanged.[265]

Apparently, the elderly feel more compelled to vote than other age groups.[266] Also, having voted in the past seems to facilitate turning out to vote again, and one could argue that the impact of political decision-making is greater on older adults. Keep in mind that, the older you get, the more you depend on welfare benefits and the wealthier you become.[267]

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[263] See, in this regard, Abad Liñán, J. Mª. (2019), "Cuanto más pequeño es un lugar, más vota la gente," *El País*, 26 May 2019.

[264] In the 2019 local elections, 23.3% of voters were over 65 years old. This is a remarkable figure considering that 25.5% of the eligible voters belonged to that age group: CIS, "Postelectoral elecciones autonómicas y locales 2019," available online. Regarding political dissatisfaction, see IMSERSO, *Informe 2016. Las personas mayores en España*, available online, p. 401 *et seq.*

[265] Goerres, A. (2007), "Why are Older People More Likely to Vote? The Impact of Ageing on Electoral Turnout in Europe," British Journal of Politics & International Relations, no. 9 (1), p. 90-121.

[266] Riesco Vázquez, E. (2014), *La vejez y la política. Participación y potencial político de las personas mayores en España. Del voto cautivo al poder gris*, Doctoral dissertation, Universidad de Salamanca, available online, p. 469 *et seq.*; Zubero Beaskoetxea, I. (2018), "Envejecimiento activo y participación política," *Aula Abierta*, vol. 47, no. 1, p. 21-28, p. 23.

[267] Goerres, A. (2009), *Political Participation of Older People in Europe. The Greying of our Democracies*, Palgrave Macmillan, e-book, p. 40 *et seq.*

If we consider running for local government positions, note that there are few studies on the age profile of local elected officials and on the local policies implemented by older adults in public office.[268] In Spain, a study prepared in 2015 covering cities with more than 10,000 inhabitants evidenced that mayors were, on average, 46 years old (note that the EU average is 52), and 14.6% of them were aged 60 or over.[269] In particular, the average age of mayors seems correlated with the voting system, i.e., it seems to depend on whether there is direct or indirect election of local representatives and mayors. In other words, the average age of local officials has to do with the degree of political professionalization; it will be easier for amateur older candidates (not professional politicians) to run for local office in direct election systems not requiring any political affiliation or running under a specific party's banner.

The relevant scholarly works assume that older adults turn out in large numbers, so that the ways of encouraging electoral turnout are often deprived of a political essence.[270] Admittedly, the elderly are an age group that votes in any kind of election. However, older adults' political participation seems limited to voting. In other words: as a general rule, senior citizens do not commonly engage in politics other than to turn out in elections.[271] Consequently, public authorities foster tools allowing to get older adults involved in local decision-making. See below an analysis of one of these tools: local seniors councils or, in Spanish, *consejos municipales de personas mayores*.

3.1.2. Local seniors councils

A significant indicator of social responsiveness towards ageing is the establishment of political participation mechanisms specifically targeting the elderly. Over the last decades, participation has been encouraged alongside with an enhanced quality of life for older adults, supporting and fostering active ageing. Public authorities can promote involvement in a twofold manner:

a) *Active participation*: the elderly actively engage in decision-making through working groups, task forces or *ad hoc* bodies.

[268] See, in this regard, a recent work on local elected officials in Italy by Alesina, A., Cassidy, T. and Troiano, U. (2019), "Old and Young Politicians," *Economica*, vol. 86, no. 344, p. 689-727.

[269] Navarro Gómez, C., Medir Tejado, L. and Martínez Rivas, R. (2017), "El perfil de los Alcaldes y las Alcaldesas en España. Rasgos y percepciones de los líderes políticos locales en municipios de más de 10.000 habitantes," *Anuario de Derecho Municipal 2016*, no. 10, p. 142-165, p. 144 *et seq.*

[270] Zubero Beaskoetxea (2018: 21).

[271] Dabbagh Rollán, V. O. (2018), "Participación política de las personas mayores. Más allá de ir a votar," *Aposta. Revista de Ciencias Sociales*, no. 79, p. 164-180, p. 170 *et seq.*

b) *Passive participation*: public authorities seek to get the elderly involved by means of anonymous surveys, consultations and similar tools. Note that passive participation does not entail planning and implementing the relevant decisions.[272]

Amongst the existing active participation initiatives, it is worth highlighting the *ad hoc* bodies called seniors councils or *consejos municipales de mayores*. At an EU level, these *consejos* have been in place since the 1970s. In some countries, like Poland, these bodies have increased since 2000. The Polish Local Government Act, amended in 2013, requires public governments to create a seniors council if there is a "local demand" for it, since it is considered helpful for the proper functioning of local governments. These *consejos* have been found effective for a better allocation of public resources to elderly and age-related policies, as well as to encourage participation by older adults in local government.[273]

Many regional provisions in Spain have required local governments to establish active participation bodies, commonly designated as *consejos municipales de personas mayores*.[274] The purpose of these councils is to represent the elderly, advising local authorities and submitting drafts and proposals to local governments.[275] Based on their legal autonomy, local governments are free to choose how to arrange these bodies. In the absence of regional provisions in this regard, seniors councils are created at the request of the relevant local government. The *consejo municipal de personas mayores* has become widespread in Spain, and particularly so in the cities.[276] However, these *consejos* are not as common in smaller towns.[277]

Seniors councils are thus defined in their own deeds of incorporation and provisions as "advisory and counseling bodies." They have a wide array of duties: defining strategic lines

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[272] See, in this regard, Ernste, P. and Koeppe, A. (2006), "Schwerpunkte in den Kommunen," in Bertelmann Stiftung (Ed.), *Demographie konkret – Seniorenpolitik in den Kommunen. Mit zwölf vorbildlichen Beispielen aus der Praxis,* Bielefeld, p. 36-48, p. 41.

[273] Fraczkiewicz-Wronka, A. *et alia* (2019), "The growing role of seniors councils in health policy-making for older people in Poland," *Health Policy*, no. 123, p. 906-911, p. 910.

[274] Other designations in Spain include, *inter alia*: *consejo sectorial del mayor*, *consejo de personas mayores*, *consejo asesor de las personas mayores*, *consejo municipal de la gente mayor* and *senado municipal del mayor*.

[275] See, among others, Chapter II of Andalusia Act 6/1999, of 7 July, on Care and Protection for the elderly;

[276] See, for example, the following towns and cities: Albacete, Alicante, Ávila, Avilés, Barberá del Vallés, Barcelona, Burgos, Castellón, Chiclana de la Frontera, Córdoba, Cuenca, Elche, El Ejido, Gijón, Granada, La Laguna, Las Palmas, León, Logroño, Madrid, Málaga, Mieres, Mislata, Molina de Segura, Motril, Oviedo, Paeria, Palencia, Pamplona, Plasencia, Ponferrada, Roquetas de Mar, Rubí, Sagunto, Salamanca, San Vicente del Raspeig, Segovia, Sevilla, Talavera de la Reina, Terrassa, Torrelavega, Torrelodones, Torrent, Tres Cantos, Tudela, Valencia, Valladolid, Zamora and Zaragoza.

[277] Nonetheless, there are some examples, including: Alcázar de San Juan (Castilla-La Mancha), Baza (Andalusia), Benavente (Castilla y León), Ejea de los Caballeros (Aragón), Maó (*Illes Balears*), Moncada (Comunidad Valenciana), Loja (Andalusia), Navarrés (Comunidad Valenciana), Pájara (Las Palmas), Puerto Lumbreras (Murcia), Quart de Poblet (Comunidad Valenciana) and Teguise (Canary Islands).

and setting priorities for local elderly-related policies; preparing reports on draft regulations and provisions related to the elderly; being aware of, and advising on, calls for subsidies targeting nonprofits; fostering the creation of older adults' associations and promoting participation of the elderly; encouraging cooperation between public authorities and social organizations; advancing studies and research on the elderly; and representing older adults in local bodies and institutions. Note that the reports drafted by seniors councils will always qualify as non-binding.

As for their structure, it is remarkable that seniors councils often do not include a majority of representatives from major elderly associations and organizations. Rather, these bodies are often made up of local government officials. This must be taken into account when assessing whether the council actually fulfills its purpose.

Usually, the mayor chairs these seniors councils or *consejos municipales de personas mayores*, and the official or local councilor in charge of welfare services will often be the deputy chairman. Sometimes, the council appoints an honorary chair from the elderly representatives. The council's general assembly (i.e., the plenary body) shall include one representative from each local political group. It may also include officials responsible for local elderly-related policies. Seniors councils can also be made up of national and regional government representatives−namely welfare officials−local district representatives, trade union members, neighborhood association representatives, as well as members of local nursing homes, Alzheimer's associations and volunteer organizations. The following may also be included in a seniors council: representatives of external welfare providers and universities under regional authority, along with members of the most representative elderly associations and organizations or of those registered in the *Registro de Participación Ciudadana*.

Certain provisions allow these councils to include elderly associations right away upon fulfillment of certain requirements regarding the council's scope of action, prior registration in the Local Associations Registry and minimum number of members. In other cases, seniors councils can request local governments to include within the council any associations complying with these pre-requirements.

Figure 6. Sketch of a seniors council at EU level

Source: own elaboration.

However, certain local authorities seek seniors' direct participation and involvement. To this end, seniors councils would (i) be arranged with a clear, stable organizational structure; (ii) have well-defined opening hours to receive any comments or consultations submitted to the council by senior citizens;[278] or (iii) allow for any citizen or social organization members based in the city to request participation in council meetings.[279] Some local councils or *consejos municipales de personas mayores* appoint their members directly (without relying on the existing associations), randomly amongst the requesting parties, seeking equal representation of the municipality's areas or districts.

Note that Berlin is both a city and a region or state (*Stadt-Staat*). In 2006, the Berlin legislature passed an Act to promote participation of older adults.[280] This Act requires to establish local councils to enable older adults' participation in local districts (*bezirkliche Seniorenvertretungen*), whose members make up a single seniors council or body for the whole city-region (*Landesseniorenvertretung*). These members are voted in by older adults. Also, district councils' chairpersons meet with the city's elderly associations' representatives in the *Landesseniorenbeirat Berlin* or City's Senior Board, which qualifies as the local-regional government advisory body. There is a major difference between this and the Spanish

[278] For instance, Granada (Spain).

[279] The city of Valencia, for example.

[280] *Gesetz zur Stärkung der Mitwirkungsrechte der Seniorinnen und Senioren am gesellschaftlichen Leben im Land Berlin (Berliner Seniorenmitwirkungsgesetz -BerlSenG) vom 22. Mai 2006*. Available online.

system: the aforesaid German bodies are solely made up of older adults representing the elderly, not including any other members.

It is hard to evaluate these local bodies' performance, since we are not always sure about their level of activity. Most official websites do not include any records of their reports and opinions. Additionally, not having their own separate budget or a specific budget allocation often makes it difficult for their proposals to succeed.[281]

As for these bodies' composition, the applicable provisions should take into account diversity requirements in order to avoid underrepresentation of women or immigrants. The applicable legislation must also provide for cooperation mechanisms between local councils and any similar regional bodies in order to advance proposals with a supra-local scope.

3.2. Protection of the elderly

Along with participation, protecting older people's personal security is another indicator of the Active Ageing Index (AAI) within the independent and secure living domain. It is also central for healthy ageing.[282] Elder abuse, injury and crime, affecting both the older adults' personal and institutional sphere, challenge an older person's security and call for initiatives aimed at guaranteeing it. According to a WHO study based on the best available evidence from 52 studies in 28 countries from diverse regions, in 2017, 15.7% of people aged 60 years and older were subjected to some form of abuse (whether physical, psychological/emotional, sexual, financial or simply intentional or unintentional neglect[283]). On top of that, note that only 1 in 24 cases of elder abuse is reported.[284] Also, keep in mind that, in case of conflicts, the elderly do not always exercise their rights on an equal footing with anyone else due to their greater vulnerability.[285]

Local governments have put in place several initiatives (even modifying the local government structure) to mitigate this abuse and to prevent the elderly from being unprotected. See below two of these initiatives: first, the Ombudsman for the Elderly implemented in many local governments; second, law enforcement officers informing and protecting seniors.

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[281] Fraczkiewicz-Wronka (2019: 909).

[282] WHO (2015: 183 *et seq.*); see also UNECE and European Commission (2018: 6).

[283] See the definition of "abuse" of the 2002 WHO Toronto Declaration on the Global Prevention of Elder Abuse.

[284] WHO (2020), "Maltrato a las personas mayores," available online.

[285] See, in this regard, Sánchez Martos, J. (2001), "En defensa de la figura del defensor del mayor," *Enfermería Científica*, no. 234-235, p. 3-4; Torres Castillo, P. and Claver Turiégano, E. (2018), "El defensor del adulto mayor: los derechos humanos no envejecen," *Familia. Revista de Ciencias y Orientación Familiar*, no. 56, p. 37-43; see also, Mattson (2013: 16).

3.2.1. Ombudsman for the Elderly

Over the last few decades, various countries have created specialized bodies to protect the elderly, based on the Ombudsman or *Defensor del Pueblo*. The scope of the Ombudsman can be national, regional or local. Below we will focus on local ombudsmen for the elderly or, better said, on ombudsmen for the elderly exercising public authority specifically at a local level.

The timing and ultimate purpose of ombudsmen for the elderly has been debated. Some call into question their suitability and use, arguing that senior citizens are such a heterogeneous group that they do not conform to a "standard." In other words, older adults are extremely diverse, and they do not fit into a pattern or stereotypical definition, thus not having common needs. The traditional image of vulnerability, dependency and need turns the elderly into a group subordinated to the ideal liberal individual (portrayed as autonomous and independent), which seems contrary to fact, since it is seniors over 80 who mostly need care.[286] In addition, some claim that creating an *ad hoc* body for the elderly can give rise to generational clashes and gaps. Older adults can even "compete" with other groups (children, for instance) for a share of welfare benefits.[287]

Despite the objections discussed above, many local authorities worldwide have created these *ad hoc* bodies. Local ombudsmen are sometimes under, and report to, supra-local authorities, although exercising their authority at a local level or monitoring local authorities. The point is to make up for the shortcomings of specialized care for the elderly in case of abuse or neglect. See below a summarized comparative law analysis.

In Spain, Valencia created the Ombudsman for the Elderly in 2003, replicating the national and regional Ombudsman or *Defensor del Pueblo*.[288] Ombudsmen for the elderly have the following distinct features: institutional autonomy, free provision of streamlined services and the lack of formal requirements in citizens' applications. The main purpose of local ombudsmen for the elderly is to protect the rights of older adults within municipalities, acting as a liaison between citizens and public authorities, offering advice and care for the elderly. These bodies are also responsible for monitoring and externally assessing older adults' living conditions in the relevant town or city, processing any proposals or comments as they see fit.

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[286] As for Spain, see Díez Sastre, S. (2020), "Los servicios municipales para mayores en el entorno rural y urbano," *Istituzioni del Federalismo* (press).

[287] Albertson Fineman (2012: 87); see also, Mattson (2013: 17).

[288] See its regulations here: https://www.inforesidencias.com/resources/public/biblioteca/documentos/envejecimiento/estatutodefensordelmayor.pdf. The municipality of Alcorcón subsequently created a similar figure.

Switzerland has ombudsmen for the elderly in five cantons and two cities:[289] Basel and Bern. There is an Ombudsman for Elderly Affairs in each of them.[290] These ombudsmen are primarily tasked with (i) addressing older adults' concerns or complaints on the local provision of services, particularly regarding payment of the relevant fees and quality standards; and (ii) settling any conflicts involving the elderly seeking to avoid potential judicial proceedings. The ombudsmen thus somehow mediate between the parties to a dispute as long as at least one of the parties be an older adult. This model can also be found in some Swedish municipalities. including Stockholm, Uppsala, Nybro and Linköping.[291] Around May 2020, there was a debate in Milano regarding the creation of a Health Ombudsman for the Elderly. This initiative stemmed from the severe impact of COVID-19 on seniors.[292]

In English-speaking countries, ombudsmen for the elderly do not usually have a local scope. See the Local Government & Social Care Ombudsman (LG&SCO) in the United Kingdom, i.e., a national independent body under the Commission for Local Administration. The LG&SCO's scope of action is beyond the elderly. However, it is primarily tasked with settling complaints filed by older adults involving local authorities or service providers. The LG&SCO is a free service, it processes and decides on complaints in a fair and independent way, and its decisions are posted online.[293]

In the US, every state has its Long-Term Care Ombudsman (LTCO)[294] since the 1970s to address the needs of older adults living in nursing homes, assisted living facilities and other residential care communities. LTCOs fall within the framework of the 2016 Older Americans Act. The Federal Government requires states to create LTCOs, but they are both run and funded by states.[295] LTCOs process complaints filed by the elderly, their relatives, nursing home staff or, for that matter, any citizen having some connection with the provision of services for out-of-home older adults. LTCOs also decide on complaints regarding the exercise of seniors' rights. In several Italian regions there is currently a debate revolving around a similar body: the so-called *garante degli anziani*.

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[289] See further information in (last accessed on 18 June 2020): https://www.reklamationszentrale.ch/2018/02/21/adressen-und-kontakte-von-ombudsstellen-für-patientenschutz-gesundheit-alter-spitex-und-heime/

[290] In Basel: http://ombudsstelle-alter.ch/bs/; in Bern: https://www.ombudsstellebern.ch/dienstleistungen.html

[291] Mattson (2013: 16).

[292] Last accessed on 18 June 2020: https://www.agenzianova.com/a/5ec6c3f17f8458.87473328/2948554/2020-05-21/coronavirus-consiglio-comunale-di-milano-approva-odg-per-istituzione-garante-salute-anziani

[293] https://www.lgo.org.uk

[294] For instance, in New York (https://ageing.ny.gov/long-term-care-ombudsman-program), Pennsylvania (https://www.ageing.pa.gov/organization/advocacy-and-protection/Pages/Ombudsman.aspx) and Washington (https://www.waombudsman.org).

[295] Mattson (2013: 15).

Some of these bodies seem to be running successfully, like in English-speaking countries, where these bodies' main purpose is to protect older residents in public or private facilities. However, there is a lack of transparency regarding some of these bodies' performance, with no reports accounting for their activities. Also, there are not enough studies on their performance allowing to assess their efficiency when it comes to actually protecting older adults. It would be necessary to examine matters such as (i) the available knowledge about their elderly-related activities and services; (ii) the number of complaints they process; (iii) the actual persons appointed as ombudsmen and the safeguards applicable thereto; and (iv) their available resources to perform their duties. Hopefully, there will be further comparative analyses examining successful examples. This could help to set up bodies truly able to meet older adults' needs.

3.2.2. Law enforcement and the elderly

Along with ombudsmen, tasked with preventing conflicts and mediating in disputes, it is worth discussing crime against the elderly. Statistically speaking, the elderly are less likely to be victims of crime due to various reasons. First and foremost, older adults tend to have more fears about crime than younger members of a community, thereby adopting precautionary measures such as spending more time at home.[296]

There are several measures that could be implemented at a local level in order to increase older people's personal safety and the security of their property, e.g., (i) throwing safety into the equation when making urban planning decisions; (ii) designing safe, well-lit and accessible structures and landscapes; or (iii) providing older adults with stronger locks and alarms in order to protect their homes. In this connection, see the SAFE (Security and Advice For the Elderly) project in Nottinghamshire (UK), put in place in 1995. The SAFE project achieved a 93% decrease in residential burglaries among low-income older people who had been provided with stronger locks and other precautionary measures.[297]

There is another strategy focusing on law enforcement. In 1989, US authorities implemented the so-called "Triad program." The Triad program is a partnership between senior citizens and law enforcement aimed at keeping seniors from being victimized by criminals. The term "triad" refers to its three founding organizations: the American Association of Retired Persons; the International Association of Chiefs of Police; and the National Sheriffs'

[296] For further detail, from a psychological standpoint, see Ziegler, R. and Mitchell, D. B. (2003), "Ageing and Fear of Crime: An Experimental Approach to an Apparent Paradox," *Exp Ageing Res*., no. 29 (2), p. 173-187; see also, Kappes, C., Greve, W. and Hellmers, S. (2013), "Fear of Crime in Old Age: Precautious Behaviour and Its Relation to Situational Fear," *Eur J Ageing*, no. 10 (2), p. 111-125.

[297] Fondation Doctor Philippe-Pinel (2004), *The Key to Safer Municipalities*. Quebec, available online, p. 116; OMS (2015: 184).

Association. In particular, the Triad program is based on a partnership agreement between the county's law enforcement (police departments, sheriff offices, etc.) and the community's older adults, with the aim of cooperating to prevent the elderly from being victims of crime and abuse. From an organizational standpoint, many Triads include a Seniors and Law Enforcement Together Council to meet each community's specific needs.

Since 1989, 775 counties have joined the partnership agreement governing the existing Triads. Additionally, 34 states have adhered to these network agreements, allowing for the state Triads to meet periodically to discuss supra-local matters.[298] Triads seem to be working out really well. They have not only increased security, but they have also united the communities by sponsoring crime prevention and engaging the older population.

There is a similar initiative in India praised by the WHO. In 2015, Indian authorities launched a program to facilitate contact between older adults and community police officers in six wards in Sangam Vihar−one of the largest unauthorized settlements in India−covering around 1,800 older adults. Senior citizens met their local police officers and received cards with the phone numbers of all street-patrol police officers. To encourage older adults to use the phone numbers as necessary, they practiced calling their local police officer. Also, police stations prepared a record of older adults living in the area to recognize them if they called, duly registering those living alone to visit their homes periodically.[299] Although there has not been a careful assessment, the program has apparently been successful.

In 2014, Spain implemented a nationwide program called "*Plan Mayor de Seguridad*" (in English, "Elderly Security Program") seeking to prevent older adults from being victimized and to increase their personal safety. Nevertheless, this program lacks a local dimension allowing law enforcement officers to have a closer contact with residents.

Comparative analyses suggest that these law enforcement-older population partnerships are successful. In fact, we could strengthen elderly protection by including police officers in seniors councils to submit proposals in order to meet the community's needs.

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[298] For further detail, see (last accessed on 19 June 2020): https://www.sheriffs.org/programs/national-triad
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