

New Dimensions of the Protection of the Rights and Interests of the Elderly in China: An Extension from Basic to Comprehensive Rights and Interests Protection

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Abstract: *The protection of the rights and interests of the elderly is increasingly becoming a core element in advancing Chinese modernization, actively responding to population aging, and ensuring the living security and rights protection of the elderly. The existing policy and legal system for the elderly is continuously being perfected, with related laws, regulations, rules, and policy measures constantly improving. The standards and regulatory systems for the construction, operation, and development of the elderly care service system are becoming more robust, and the coverage of the protection of the rights and interests of the elderly is expanding rapidly. However, with the high-quality development of the economy and society, the deep transformation of social structure, form, culture, and institutions brings new challenges to the construction of the policy and legal system for the elderly. In the new era, the comprehensive rights and interests of the elderly, such as consumer rights, equal access to age-friendly products, information security protection, and social participation and development rights, need to be strengthened. Starting from the national strategy of actively responding to population aging, it is urgent to focus on the extended space of the protection of the rights and interests of the elderly in the new era, coordinate the development plans and institutional arrangements for the elderly cause, and construct and improve the policy and legal system for the elderly that is adapted to Chinese modernization.*

Keywords: population aging ♦ protection of the rights and interests of the elderly ♦ policy and legal system for the elderly

I. Introduction

The protection of the rights and interests of the elderly is a fundamental aspect of the construction of a country under the rule of law, while population aging has intensified the urgency and complexity of building a system to protect the rights and interests of the elderly through the rule of law. In 2024, the number of people aged 60 and above in China increased to 310.31 million, with an aging level of 22.0%, further consolidating the state of a deeply aging society. Meanwhile, the average life expectancy reached 79.0 years, approaching the average level of developed countries, which marks the fact that China has entered an era of longevity. According to the latest United Nations forecast in 2024, China's elderly population will peak at 512.55 million in 2054, with the aging level rising to 42.2%. China will then join the ranks of countries with the highest levels of aging in the world becoming the country with the largest elderly population. The average life

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expectancy at that time is projected to reach 84.0 years. The overall trend of aging and longevity is set.¹

With the progress of aging and longevity, the elderly population is growing in size and lifespan, which has led to profound changes in the consumption, savings, lifestyle, and work of the elderly. Meanwhile, the pressure and challenges of protecting the rights and interests of the elderly are increasing. The rapid development of a knowledge-based society, led by a new round of technological revolution centered on artificial intelligence and big data, is driving the whole society towards intelligence and reshaping the values and behavior patterns of the elderly. Hence, it is of great significance to deeply explore the status of the protection of the rights and interests of the elderly in the new era and the existing problems and challenges, to timely amend and supplement regulations, to enhance special legislation to improve the operability of legal provisions, and to coordinate separate laws to exert an overall effect. These measures are important for actively coping with population aging, safeguarding the legitimate rights and interests of the elderly, improving the quality of people's lives, and building a harmonious intergenerational society.²

II. Current Status of the Protection of the Rights and Interests of the Elderly

The state respects and protects the legitimate rights and interests of the elderly, and fully utilizes legal and regulatory means as well as moral constraints to strengthen the work of protecting the rights and interests of the elderly. This is an integral part of and a consistent practice in improving the socialist legal system with Chinese characteristics and implementing the national strategy of actively coping with population aging. The legitimate rights and interests of the elderly refer to the various elements that the elderly should enjoy in accordance with the constitution and laws, covering general rights and interests of citizens such as the right to subsistence, the right to development, the right to social security, the right to housing, the right to participation, the right to property ownership, the right to work, the right to freedom of marriage, and the right of inheritance, as well as special rights and interests such as the right to support and assistance and the right to retirement.³ The protection of the legitimate rights and interests of the elderly is a component of the policy and legal system for the elderly, and the continuous increase in the intensity of protection is an inherent requirement of the construction of a socialist country under the rule of law.⁴

A. Performance evolution of the protection of the rights and interests of the elderly

The policy and legal system for the elderly is a necessary means to enhance the protection of the rights and interests of the elderly and is a consistent policy adopted by the Party and the state. Since the founding of the People's Republic of China (PRC), the evolution of this system and the enhancement of the protection of the rights and interests of the elderly have gone through four distinctive stages.⁵

The first stage was the germination period (1949-1981). During this period, China was in a typical youthful society. Although there was no specific concept of an elderly policy, policy documents related to the elderly were successively promulgated. For example, the *"Notice on the Handling Methods for Retired Personnel"* (1950), the *"Labor Insurance Regulations"* (1951), the

¹ United Nations, Department of Economic and Social Affairs, Population Division (2024), "World Population Prospects 2024 (Online Edition)," accessed October 9, 2024, <https://population.un.org/wpp/>.

² Yuan Xin, et al., "Study on the Frame of China's Policy System on Ageing," *Population Journal* 6 (2009): 25-29; Li Xiansen, "The Construction of the Legal System to Address Population Aging," *The Journal of Human Rights* 6 (2023): 79-100.

³ Wu Cangping, *Sociology of Aging* (Beijing: Renmin University of China Press, 1999), 233.

⁴ Wu Cangping, "Enhancing the Scientific Understanding of the Quality of Life for the Elderly," *Population Research* 5 (2002): 1-5; Zhao Shukun and Yin Yuan, "Judicial Protection and Restorative Justice of the Support Rights and Interests for the Elderly Rights — Taking the Sample of Judgement Documents from 2013-2018 as Analysis Object," *The Journal of Human Rights* 4 (2019): 53-70.

⁵ Wu Yushao, "From Aging Not Being a Problem to the National Strategy of Aging: A Review and Enlightenment of the Development of Aging Affairs in New China," *China Social Work* 20 (2021): 13-17.

“Instruction on the Implementation of Free Medical Care and Prevention for National Government Employees at All Levels, Political Parties, Mass Organizations, and Their Affiliated Public Institutions” and the *“Implementation Measures for Free Medical Care and Prevention for National Government Employees”* (1952), the *“Interim Measures for Handling the Retirement of National Government Employees”* and the *“Interim Measures for Handling the Resignation of National Government Employees”* (1955), the *“Model Charter of Advanced Agricultural Production Cooperatives”* (1956), the *“Interim Provisions on Handling the Retirement of Workers and Employees”* (1957), the *“Interim Measures for the Placement of Aged, Weak, Sick, and Disabled Cadres,”* the *“Interim Measures for the Retirement and Resignation of Workers”* and the *“Notice on Several Opinions on Strengthening the Work of Aged Cadres”* (1978), etc. These policies gradually expanded from the management of retirement benefits to multiple aspects such as medical care, living security, and social placement, aiming to ensure the basic living needs of the elderly. Meanwhile, the retirement system for employees and cadres, the social welfare system for the elderly, and the retirement and medical systems were successively implemented, laying the policy foundation for the protection of the rights and interests of the elderly. In 1954, the first *Constitution* of the PRC was promulgated, which fundamentally laid the legal cornerstone for the protection of the rights and interests of the elderly.

The second stage was the formative period (1982-1999). During this period, China gradually entered a mature society, with the awareness of aging gradually forming and the deployment of aging-related work successively carried out. In 1982, the China Committee for the World Assembly on Aging was established with the approval of the State Council, and was renamed the National Committee on Aging Issues of China in the same year. Subsequently, work institutions for aging issues were widely established in various places, marking the beginning of organized, led, and planned aging work. In 1984, the first national aging work conference proposed the five work objectives of “support for the elderly, medical care for the elderly, contributions from the elderly, learning for the elderly, and enjoyment for the elderly” (referred to as the “five elderly-related points”). In 1989, the *Government Work Report* explicitly included the cause of the elderly in the work agenda of the Party and government. In 1994, the *“Seven-Year Development Outline on Work Concerning Elderly People in China (1994-2000)”* was promulgated and implemented, creating a systematic mechanism for responding to population aging. In 1996, the *Law of the People’s Republic of China on Protection of the Rights and Interests of the Elderly* (hereinafter referred to as the *Elderly Law*) was officially promulgated, which clearly defined the basic rights and obligations of the elderly in seven aspects: family support and maintenance, social security, social services, social preferential treatment, livable environment, social participation, and legal liability. The work of protecting the rights and interests of the elderly entered the track of legalization and institutionalization. In 1999, the national and local committees on aging were established, which undertook the responsibilities of comprehensive coordination, supervision and guidance, and organization and promotion of the development of the cause of the elderly at the national and local levels.

The third was the period of comprehensive development (2000-2011). In 2000, the proportion of the population aged 60 and above exceeded 10% nationwide, marking the fact that China had entered an aging society. The Party and government paid more attention to aging issues and successively introduced a series of corresponding laws, regulations, and policy measures. For example, important policy documents such as the *“Decision of the CPC Central Committee and the State Council on Strengthening Work for the Elderly”* (2000) and the *“Outline of the ‘Tenth Five-Year’ Plan for the Development of the Cause of the Elderly in China by the State Council”* (2001) were issued. Various government departments also successively introduced the *“Opinions on Accelerating the Development of the Elderly Care Service Industry”* (2006) and the *“Opinions on Comprehensively Promoting the Work of Home-Based Elderly Care Services”* (2008), which clearly defined the construction of an elderly care service system based on home-based elderly care,

supported by community services, and supplemented by institutional elderly care, striving to meet the growing needs of the elderly group in daily life care, emotional support, end-of-life care, and emergency assistance. Meanwhile, the rural minimum living standard guarantee system was explored and established (2003), the new type of rural social pension insurance system was introduced (2009), the pilot work of basic medical insurance for urban residents was carried out (2007), and the *Social Insurance Law* was promulgated (2010), providing legal and policy guarantees for the basic rights and interests of the elderly.

The fourth stage has been the period of rapid development (from 2012 to the present). In line with the deepening of the aging society and the pace of economic and social development, as the core law of the protection of the rights and interests of the elderly, the *Elderly Law* has undergone revision in 2012 and three amendments, in 2009, 2015, and 2018, further clarifying the protection of the legitimate rights and interests of the elderly, the development of the cause of the elderly, and the promotion of the traditional Chinese virtues of respecting, supporting, and assisting the elderly. It defines the basic rights of the elderly to obtain material assistance from the state and society, enjoy social services and preferential treatment, participate in social development, and share the fruits of development, and prohibits discrimination, insult, abuse, or abandonment of the elderly. At the same time, the construction of the policy and legal system for the elderly has entered a fast track. In 2013, the State Council issued “*Several Opinions on Accelerating the Development of the Elderly Care Service Industry*” and “*Several Opinions on Promoting the Development of the Health Service Industry*,” providing policy support and guidance for the development of the elderly care service industry. Since 2015, General Secretary Xi Jinping has made several important instructions concerning the work on issues related to the elderly. The CPC Central Committee and the State Council have successively issued the “*Medium- and Long-term Plan for Responding Proactively to Population Aging*” (2019), the “*Outline of the 14th Five-Year Plan (2021-2025) for National Economic and Social Development and the Long-Range Objectives Through the Year 2035*,” and the “*Opinions on Strengthening the Work on the Elderly in the New Era*” (2021). The State Council has issued the “*14th Five-Year Plan for the Development of the National Cause for the Elderly and the Elderly Care Service System*” (2022), and the General Office of the CPC Central Committee and the General Office of the State Council have issued the “*Opinions on Advancing the Construction of a Basic Old-age Service System*” (2023). In 2020, the first *Civil Code* was approved by vote, and the continuous maturation and improvement of the civil law system has further consolidated the legal basis for the protection of the rights and interests of the elderly.

B. Remarkable achievements made in the protection of the rights and interests of the elderly

The policy and legal system for the elderly has been gradually improved, and the work related to the elderly has been effectively implemented. As a result, the protection of the rights and interests of the elderly has achieved remarkable results. The intensity of multidimensional rights and interests protection has been continuously increased, and the well-being of the elderly in all aspects of life has been comprehensively improved. In terms of institutional development, reforms in the social elderly care security system, including the basic pension system, basic medical security system, elderly care service system, and long-term care insurance, have entered a new stage of development. These reforms ensure the well-being of the elderly from multiple dimensions, such as elderly care, medical treatment, services, education, culture, employment, housing, and industry. In terms of legislation, actively responding to population aging has been elevated to a national strategy. A number of policies and laws related to the elderly have been promulgated and implemented successively, providing a legal basis for the development of the cause of the elderly and comprehensively promoting the work of protecting the rights and interests of the elderly.

In terms of living security, laws such as the *Constitution*, the *Elderly Law*, and the *Civil Code* have all made clear provisions on the material and spiritual life, property and property rights, health and medical services, and housing rights of the elderly, thereby supporting the dignified life of the elderly. The *14th Five-Year Plan for the Development of the National Cause for the Elderly and the*

Elderly Care Service System (2021-2025) promoted the effective coordination and high-quality development of the cause of the elderly. It also called for accelerating the improvement of an elderly care service system and a health support system integrating home-based, community-based, and institutional care and the combining of medical care with elderly care and health promotion.⁶ The *Opinions on Advancing the Construction of a Basic Old-age Service System*, released in 2023, called for the formulation and implementation of a basic elderly care service list, establishing a precise service active response mechanism, improving the basic elderly care service guarantee mechanism, enhancing the supply capacity of basic elderly care services, and improving the convenience and accessibility of basic elderly care services, with the aim of accelerating the establishment of a sustainable basic elderly care service system that covers all elderly people, clarifies rights and responsibilities, and provides moderate protection.⁷ The protection of the living rights and interests of the elderly is being strengthened, and the provision of elderly care service guarantees has significantly increased.

In terms of economic security, the national overall planning system for basic old-age insurance and a multi-level, multi-pillar old-age insurance system have basically taken shape to effectively safeguard the livelihood of the elderly. The first pillar, namely the public pension, has basically achieved universal coverage. By the end of 2024, the number of people participating in the basic old-age insurance system nationwide reached 1.073 billion, of whom 534 million were participating in the basic old-age insurance for urban employees and 538 million for urban and rural residents.⁸ Since 2005, the standard of basic pensions for retirees across China has been raised for 20 consecutive years.⁹ The second pillar, namely the enterprise or occupational annuity, supplements the pension income level of workers after retirement. Central enterprises began to pilot the enterprise annuity system in 2007. As of 2024, 159,300 enterprises had established enterprise annuities nationwide, with 32.4184 million employees participating and an accumulated fund of 3.64 trillion yuan¹⁰. The third pillar, namely the establishment of individual pension accounts, was piloted in 36 cities in November 2022. By November 2024, after about two years, more than 70 million individual pension accounts had been set up in the pilot areas, with a rapid increase in the number of accounts, providing security for individuals to allocate pension assets.¹¹ Meanwhile, the supply of elderly financial products and services in the market is becoming increasingly abundant and provides choices for personal commercial endowment insurance. In addition, the bottom-line and inclusive work such as elderly subsidies is continuously improving. By the end of 2023, a total of 43.344 million elderly people nationwide enjoyed elderly subsidies, of which 35.478 million elderly people enjoyed high-age allowances, 985,000 elderly people enjoyed nursing subsidies, 6.214 million elderly people enjoyed elderly care service subsidies, and 667,000 elderly people

⁶ Notice by the State Council on Printing the 14th Five-Year Plan for the Development of the National Cause for the Elderly and the Elderly Care Service System, accessed September 19, 2024, https://www.gov.cn/zhengce/content/2022-02/21/content_5674844.htm.

⁷ Opinions on Promoting the Construction of the Basic Elderly Care Service System, accessed September 19, 2024, https://www.gov.cn/zhengce/202305/content_6875435.htm.

⁸ Statistical Bulletin of National Economic and Social Development of the People's Republic of China in 2024, accessed May 22, 2025, https://www.gov.cn/lianbo/bumen/202502/content_7008605.htm.

⁹ Notice from the Ministry of Human Resources and Social Security and the Ministry of Finance on the Adjustment of Basic Pensions for Retirees in 2024, accessed May 22, 2025, https://www.gov.cn/zhengce/zhengceku/202406/content_6957845.htm. Cumulative data obtained by consolidating notifications from previous years.

¹⁰ Summary of National Enterprise Annuity Fund Business Data for 2024, published on the official website of the Ministry of Human Resources and Social Security of the People's Republic of China, accessed May 22, 2025, https://www.mohrss.gov.cn/xxgk2020/fdzdgknr/shbx_4216/shbxjjjg/qynjjd/202503/t20250318_538727.html.

¹¹ Comprehensive Implementation of Personal Pensions: What Are the New Changes? Can Withdrawals Be Made in Advance?, accessed May 22, 2025, https://www.gov.cn/zhengce/202412/content_6992491.htm.

enjoyed comprehensive subsidies.¹² The coverage of the minimum living standard guarantee has been expanded, the policy of assistance and support for the poor has been updated, the minimum living standard for the elderly continues to rise, and the right to livelihood security has been enhanced. The mechanism for the government, employers, and individuals to share the burden of pensions is taking shape.

In terms of health security, the health support system is being accelerated and improved, while the supply of health service resources for the elderly is increasing. By the end of 2024, the number of people participating in basic medical insurance nationwide reached 1.326 billion, with a stable participation rate of over 95%. In 2024, the total number of people who enjoyed outpatient benefits was 6.689 billion, of which 3.529 billion were employees and 3.16 billion were residents. In the 25 provinces that originally undertook the task of medical insurance poverty alleviation, about 86.228 million people enjoyed participation subsidies, including 71.909 million people subsidized through medical assistance channels and 15.897 million people subsidized through other channels, with about 1.577 million people enjoying subsidies from both the medical assistance channels and other channels.¹³ Since 2016, the pilot of the long-term care insurance system has expanded from 14 cities to 49 cities. By 2024, the long-term care insurance system covered 180 million people, with over 2.6 million disabled insured persons enjoying benefits and fund expenditures exceeding 80 billion yuan,¹⁴ which has to some extent alleviated the care pressure on disabled elderly people and their families. Inter-regional medical treatment and cross-provincial settlement have achieved phased results, with a significant increase in the number of people seeking medical treatment in different places for general outpatient services, chronic and special diseases, and hospitalization across the country, and the scope of direct settlement for inter-provincial medical treatment has been further expanded. The basic medical insurance system is running smoothly overall, the health support system for the elderly is being improved, health needs are better met, health levels and health literacy indicators are continuously improving, and the goal of medical care for the elderly is benefiting an increasing number of people.¹⁵

In terms of social participation and security, the elderly are a valuable asset to society, not a burden. The *Elderly Law* clearly stipulates that the state and society should value and cherish the knowledge, skills, experience, and fine qualities of the elderly, utilize their expertise and roles, and ensure their participation in economic, political, cultural, and social life. The *Law on Promotion of Employment* stipulates that employers should provide equal employment opportunities and fair employment conditions to workers and must not engage in employment discrimination. As a systemic arrangement for the formal social participation of the elderly, the Standing Committee of the National People's Congress' *Decision on the Implementation of a Gradual Delay of the Statutory Retirement Age* will be uniformly implemented nationwide starting from 2025. Over a period of 15 years, the statutory retirement age for male employees will be gradually increased from the original 60 years to 63 years, and for female employees from the original 50 and 55 years to 55 and 58 years, respectively. At the same time, various sectors of society are actively promoting cultural, educational, tourism, and sports volunteer service actions to encourage informal social participation by the elderly. For example, the National Silver Age Teacher Action Plan has been launched, efforts are being made to expand and upgrade elderly universities, cultural theme

¹² *Statistical Bulletin of Civil Affairs Development in 2023*, published on the official website of the Ministry of Civil Affairs of the People's Republic of China, accessed May 22, 2025, <https://www.mca.gov.cn/n156/n2679/c1662004999980001204/attr/355717.pdf>.

¹³ *Quick Statistical Report on the Development of Medical Security in 2024*, accessed May 22, 2025, https://www.gov.cn/lianbo/bumen/202503/content_7014818.htm.

¹⁴ *Press Conference on 'Protecting People's Health and Empowering Economic Development' held by the National Medical Security Administration*, published on the official website of the National Medical Security Administration, accessed May 22, 2025, https://www.nhsa.gov.cn/art/2025/1/17/art_14_15491.html.

¹⁵ *Annual Bulletin on the Development of the Elderly Cause in 2023*, accessed February 20, 2025, <https://www.gov.cn/lianbo/bumen/202410/P020241012307602653540.pdf>.

activities and elderly sports competitions are being organized, and cultural volunteer services are being carried out. These initiatives aim to stimulate the participation vitality of the elderly and shift their social participation from “survival-oriented” to “development-oriented”. The elderly are encouraged to participate in activities such as imparting cultural and scientific knowledge, engaging in business and production activities in accordance with the law, participating in volunteer services, and initiating social public welfare undertakings, all of which are protected by law, provided that they do so voluntarily and within their capabilities.¹⁶

In terms of learning rights protection, efforts are being made to actively build a lifelong education system. For example, the *Education Law* advocates equal educational opportunities for all and the principle of educational equity, encouraging lifelong learning for all citizens, including the learning and educational rights protection of the elderly. The *Vocational Education Law* proposes to build a modern vocational education system that serves lifelong learning for all citizens. The *Elderly Law* clearly stipulates that the elderly have the right to continue their education and includes elderly education as part of the lifelong education system. In addition, local elderly education development is planned according to their respective conditions. For example, the *Anhui Province Elderly Education Regulations (Draft)*, the *Shandong Province Elderly Education Regulations*, and the *Guizhou Province Elderly Education Regulations* define elderly education as a social public welfare cause and an important part of lifelong education and the cause of the elderly. The elderly education system, led by the government, participated in by the society, oriented towards the grassroots, and developed in a standardized manner, is continuously improving. The rights of the elderly to lifelong learning and their educational rights are hence effectively protected.¹⁷

In terms of spiritual needs protection, the elderly are increasingly becoming a mainstream group in society. Along with the modernization process, the “coordinated development of material and spiritual civilization” has become a common pursuit of a better life for all Chinese people, including the elderly. At the same time, the aging society is accompanied by low birth rates, longevity, and urbanization. At the micro level, this is manifested in the increasing number of left-behind, migrant, and separated elderly people, and the diversification of their spiritual needs. The *Constitution*, the *Civil Code*, and the *Criminal Law* clearly stipulate the obligations of citizens to support, assist, and help the elderly, including both economic support and spiritual comfort. These obligations are a combination of material and spiritual aspects. The *Elderly Law* explicitly states that those with responsibility to support elderly should fulfill their obligations to provide economic support, daily care, and spiritual comfort to the elderly. This includes, but is not limited to, providing necessary material support for the spiritual life of the elderly, such as purchasing televisions and other necessary entertainment devices, as well as offering emotional comfort to the elderly and encouraging offspring to “go home and visit frequently.” In addition, the government, through incentives and support for professional service institutions and other organizations and individuals, provides services such as daily care, spiritual comfort, psychological counseling, and caring warmth to the elderly living at home. A variety of measures are taken to ensure the spiritual needs of the elderly, helping to create a supportive social atmosphere of respect and care for the elderly. This achieves a combination of family support and social sharing in caring for the elderly, meeting their spiritual needs and promoting their healthy material and spiritual development.¹⁸

III. Extended Space for the Protection of the Rights and Interests of the Elderly

A. Challenges in Safeguarding the Basic Rights and Interests of the Elderly

¹⁶ Peng Xizhe and Hu Zhan, “China’s Population Aging from the Perspective of Public Policy,” *Social Sciences in China* 3 (2011): 121-138 and 222-223.

¹⁷ Chen Gong, “Developing and Utilizing China’s Elderly Human Capital with Time Bank,” *Frontiers* 24 (2021): 61-67 and 135.

¹⁸ Zhao Haohua, “Dilemmas and Countermeasures for Home Care for the Aged in the Community from the Perspective of Needs Theory,” *Study & Exploration* 8 (2021): 50-55.

The intensification of population aging will accompany the entire process of Chinese modernization. As the aging society and the knowledge-based society develop rapidly, and the needs of the elderly shift from “survival-oriented” to “development-oriented,” the scope of the protection of the rights and interests of the elderly is expanding. In the new era, further enhancing the standards of the policy and legal system for the elderly and improving the effectiveness of protecting their legitimate rights and interests still face many challenges.

At the institutional level, the development of the pension insurance system is unbalanced. The first pillar, the public pension, dominates, while the second pillar, the enterprise annuity, lags behind, and the third pillar, the individual pension account, is still in its infancy. The unbalanced development of the three pillars poses sustainability risks.¹⁹ Meanwhile, the pilot cities for long-term care insurance have expanded, but there are common issues such as unstable financing mechanisms in pilot cities, significant regional policy differences, diverse operation models, and the absence of rural areas.²⁰ There are also large disparities between urban and rural social security systems, with low rural protection levels and prominent shortcomings, which remain a key challenge in actively responding to population aging. At the same time, although the social elderly care security system is relatively comprehensive, the division of responsibilities among different departments leads to a need for improved coordination and policy implementation.²¹

At the legislative level, first, the subjects of policies and regulations concerning the elderly are still limited to the elderly population, with a large proportion of “remedial” policies that are relatively narrow in content.²² Second, there are few national-level laws on the elderly, with the vast majority of elderly policies existing in the form of normative documents such as “notices,” “opinions,” and “guidelines,” which generally have low efficacy. Third, some laws, such as the *Elderly Law*, have broad wording and overly general provisions for safeguarding the legitimate rights and interests of the elderly, resulting in practical difficulties for law enforcement departments in implementing the law. Fourth, different laws remain fragmented and lack sufficient integration. For example, the *Elderly Law* stipulates the rights of the elderly to marital freedom, property rights, inheritance rights, and social participation, which overlap with the *Civil Code*. However, the latter has more specific and operable provisions. Fifth, there is no organic and coordinated cluster of laws. For example, the *Elderly Law* devotes a special chapter to the participation of the elderly in social development and creates conditions for it. However, this conflicts with Article 44(2) of the *Labor Contract Law*, which states that “a labor contract shall terminate when the employee begins to enjoy the benefits of the basic old-age insurance pension in accordance with the law,” Article 21 of the *Implementing Regulations of the Labor Contract Law*, which states that “a labor contract shall terminate when the employee reaches the statutory retirement age,” and Article 7 of the Supreme People’s Court’s *Interpretation (III) on Several Issues Concerning the Application of Law in the Trial of Labor Dispute Cases*, which states that “where a dispute arises between an employer and a person who has already enjoyed endowment insurance benefits or received a pension and who is employed by the employer, and the case is brought before a people’s court, the court shall handle it as a service relationship.” These provisions increase the barriers to social participation for the elderly, exclude the labor rights of those over the retirement age, and restrict their development rights in old age. Sixth, there are regional differences in policies and regulations concerning the elderly, with significant “fragmentation.” The development of policies and regulations concerning

¹⁹ Mou Lingling, et al., “Strategic Thinking and Path Selection for Deepening the Reform of the Financial System,” *Journal of Hebei University (Philosophy and Social Science)* 3 (2025): 23.

²⁰ Lu Sulan, et al., “How Long-term Care Insurance Can Alleviate the Plight of ‘One Person’s Incapacity, the Whole Family’s Imbalance’: From the Perspective of Rural Adult Children’s Labor Supply,” *Chinese Rural Economy* 1 (2025): 155-174.

²¹ Zhou Aimin, “The Current Situation, Challenges and Countermeasures of the Reform of China’s Old-age Security System,” *Social Sciences in Hunan* 6 (2019): 133-140.

²² Li Zhihong, “The Innovation Strategy of China’s Aging Policy in the New Era,” *Scientific Research on Ageing* 3 (2018): 3-13.

the elderly is unbalanced between urban and rural areas and among different regions, failing to ensure the equal enjoyment of elderly care resources by the elderly. Seventh, the policy focus is biased toward the short term. The rapid transformation of the economy and society poses challenges to the legislation related to the protection of the rights and interests of the elderly. The existing policies and regulations concerning the elderly lag behind the development of the economy, society, and culture in the new era, and further improvement of special legislation on the protection of the rights and interests of the elderly is still needed.

B. Comprehensive rights and interests protection for the elderly needs to be improved

The silver economy is developing rapidly, and the consumer rights protection mechanism for the elderly needs to be upgraded. Building on the existing *Consumer Rights and Interests Protection Law*, the *Implementation Regulations of the Consumer Rights and Interests Protection Law* have comprehensively strengthened the protection of consumer rights and interests, making special provisions for prepayment consumption, live-streaming sales, and other areas, and proposing special protection for the rights and interests of financial consumers and elderly consumers. Some localities have introduced special measures to protect the rights and interests of elderly consumers. For example, the *Measures for the Implementation of the Law of the People's Republic of China on the Protection of the Rights and Interests of the Elderly in Jiangxi Province* stipulate that it is forbidden to induce the elderly to consume by means of deception, and that the elderly can enjoy preferential treatment in the province with an elderly preferential certificate or other valid documents such as a resident identity card. However, population aging has given rise to huge market potential, with a significant increase in diverse consumer demands for elderly health management, medical and health care, long-term care, elderly care services, cultural tourism, and intelligent technology. The diversified supply of consumer products, the empowerment of the silver economy by digital technology, and the continuous expansion of the “digital divide” pose new challenges to the protection of the rights and interests of elderly consumers, increasing the risk factors for silver consumption.²³ At the same time, the development speed of the elderly consumer rights protection mechanism lags behind that of the silver economy, potentially increasing consumer rights protection risks. The *Beijing 2023 Elderly Rights Protection Situation Analysis Report* shows that consumer fraud is the most frequent type of infringement encountered by the elderly. Among the elderly who have suffered consumer fraud, nearly 40% of cases involve e-commerce shopping platforms, and 68% of the elderly do not seek legal redress when their rights and interests are violated.²⁴ Updating the policy and legal system for the elderly, establishing special legislation for the protection of elderly consumer rights and interests, and increasing the protection of elderly consumer rights and interests are related to personal and property safety, the lives of the elderly, and social stability.

Age-friendly transformations are being accelerated, but the balance of development across groups and regions needs to be improved. To meet the needs of the elderly for home-based care, mobility, and rehabilitation nursing, and to improve home care conditions and the quality of home-based elderly care services, the *Elderly Law* and the *Opinions on Developing the Silver Economy and Improving the Well-being of Older Person* issued by the General Office of the State Council (2024) have deployed high-standard leading actions, research and design, and specific action plans for age-friendly transformations.²⁵ Thirteen departments, including the China Disabled Persons' Federation, jointly issued the *Implementation Plan for the Construction of a Barrier-free*

²³ Li Lei, Wang Zhen and Li Lianyou, “The Triple Logic of High-Quality Development of Silver Economy under the New Development Pattern of ‘Dual Circulation’,” *Journal of Hohai University (Philosophy and Social Sciences)* 5 (2024): 49-61.

²⁴ *Beijing Municipal People's Government's 2023 Report on the Situation of Elderly Rights Protection*, published on the official website of the Beijing Municipal People's Government, accessed September 19, 2024, https://www.beijing.gov.cn/ywdt/gzdt/202304/t20230419_3059045.html.

²⁵ Yuan Xin and Fan Wenqing, “Advancing Comprehensive Age-Friendly Governance in the Context of an Aging Society,” *Governance Studies* 4 (2024): 52.

Environment during the 13th Five-Year Plan Period (2016-2021),” the Ministry of Industry and Information Technology and the China Disabled Persons’ Federation issued the *Guidelines on Promoting Information Accessibility* in 2020, and the Ministry of Industry and Information Technology issued the *Special Action Plan for Aging and Barrier Free Transformation of Internet Applications* in 2020. These policies have made important deployments for comprehensively improving the quality of life of key beneficiaries of information accessibility, including the elderly, people with disabilities, residents in remote areas, and people with cultural differences, and for promoting the standardized and systematic construction of barrier-free facilities. However, the increasing size of the elderly population with special difficulties, such as those who are very old, disabled, semi-disabled, living alone, or “suspended in the air” (living in buildings without elevators), has increased the difficulty of age-friendly transformations. The level of age-friendly transformations in rural and remote areas is relatively low, with an insufficient supply of home-based community elderly care and high-quality inclusive services, a shortage of professional personnel, especially nursing staff, a growing demand for strengthened technological innovation and product support, and the need for further coordinated development of public welfare and industry. The existing legal provisions lack specific regulations on age-friendly actions, making it difficult to ensure that the elderly have equal access to livable resources. To enhance the well-being of the elderly and enable them to share in the fruits of development and enjoy a happy and fulfilling later life, it is necessary to focus on the supply of age-friendly products and ensure that the elderly have equal access to these products.²⁶

Digital technology has developed in depth, increasing the difficulty of ensuring the information security of the elderly. To safeguard citizens’ information security, the *Personal Information Protection Law* has included personal information protection in the statutory field of public interest litigation by the procuratorate. The *Implementation Plan to Effectively Help the Elderly Solve Problems in Using Smart Technologies*, issued by the General Office of the State Council in 2020, emphasizes the need to address the difficulties that the elderly face in using smart technologies and to help them better adapt to and integrate into the smart society. The *Notice on Further Implementing the Special Action for Age-friendly and Accessibility Transformation of Internet Applications*, issued by the Office of the Ministry of Industry and Information Technology in 2021, requires the accelerated implementation of the special action for age-friendly and accessibility transformation of internet applications, assisting key beneficiary groups such as the elderly and people with disabilities in obtaining and using internet application information in an equal and convenient manner. The *Special Action Plan for Aging and Barrier Free Transformation of Internet Applications* regulates against deceptive behaviors in age-friendly service web pages and websites and establishes guidelines for mobile applications when processing personal information, thereby reducing the information security risks faced by the elderly. However, the development of digital technology has “empowered” organizations and individuals. The elderly, constrained by economic conditions and digital learning abilities, are at a disadvantage in information acquisition and technology application and become a vulnerable group in the digital age. At the same time, the elderly have weak awareness of information security prevention, and cases of identity theft and telecommunications fraud continue to occur. In 2024, procuratorial organs approved the arrest of more than 200 cases involving more than 310 people in pension-related fraud crimes and prosecuted more than 630 cases involving more than 1,700 people.²⁷ In the new era, smart services based on advanced technologies such as the internet of things, big data, and artificial intelligence have

²⁶ Lu Jiehua and Wei Xiaodan, “Analysis Framework, Concept, and Pathways of Digital Divide Governance for Older Adults: From the Perspective of Digital Divide and Knowledge Gap Theory,” *Population Research* 3 (2021): 17-30.

²⁷ *The Supreme People’s Procuratorate: “Firmly Grasp the Key of Supervision and Case Handling to Protect People’s Livelihood and Well-being with the Power of Law*, published on the official website of the Supreme People’s Procuratorate of the People’s Republic of China, accessed May 20, 2025, https://www.spp.gov.cn/spp/zd gz/202502/t20250221_684746.shtml.

increased the information security risks for the elderly. As key targets of inclusive digital financial services, the elderly face new types of asset allocation, such as pension savings, digital assets, and digital inheritances. The unclear definition of the inheritability and ownership of digital assets and inheritances further exacerbates the challenges in protecting their rights and interests, negatively affecting their rights to subsistence, development, and health. To safeguard their rights and interests in the digital age, enhance their digital literacy, and improve their awareness and ability to prevent information security risks, a concerted effort from all sectors of society is needed.

Employment discrimination has long existed, and the rights of the elderly to social participation and development need to be enhanced. The population of younger elderly people is large; with relatively high capabilities and a strong willingness to participate in society, they possess the potential to become labor force. However, age discrimination in employment stands as a major barrier to the social participation of the elderly. To safeguard the rights of workers to participate in society and to stimulate their vitality in social participation, the *Labor Law* and the *Employment Promotion Law* explicitly stipulate that workers should not be discriminated against in employment based on differences in ethnicity, race, gender, religious belief, etc. However, these legislative efforts to eliminate age discrimination in employment and promote the social participation of the elderly are still relatively ambiguous. They have lower legal effect levels, lack national-level legislation, are too principled, and have lower feasibility. There is also a shortage of special legal protection for the wages, working environment, and contract protection of the elderly. Anti-age discrimination legal practices play an important role in eliminating discrimination, promoting equality, developing the human resources and human capital of the elderly, promoting intergenerational harmony, and responding to population aging. These practices need to be refined, adjusted, and updated in a timely manner to effectively safeguard the rights of the elderly to social participation and development.²⁸

The protection of the rights to life, liberty, and dignity of the elderly needs to be further enhanced. Natural persons have the right to life, and their life safety and dignity are protected by law. The *Constitution* stipulates that “the state respects and safeguards human rights,” ensuring their right to material assistance and prohibiting elder abuse. The *Elderly Law* encourages medical and health institutions to provide the elderly with health care, nursing, and end-of-life care services. The *Civil Code* establishes the system of designated guardianship at the basic legal level. The revised *Medical Regulations of Shenzhen Special Economic Zone* first included advance directives in local legislation, granting terminally ill patients the right to choose not to undergo aggressive resuscitation and to die naturally. The “*Notice on Carrying out the Third Batch of Pilot Work for Palliative Care*” promotes palliative care at the practical level, providing terminally ill patients with physical, psychological, and spiritual care and humanistic concern to help them pass away comfortably, peacefully, and with dignity. Designated guardianship, advance directives, and palliative care are essential for ensuring the rights to life, liberty, and dignity of the elderly.²⁹ However, the system of designated guardianship has several issues, including an unreasonable scope of applicable subjects for the guardianship relationship, unclear guardianship responsibilities of the guardian, an imperfect rights protection mechanism for the guardian, a relatively lagging guardianship supervision mechanism, and a shortage of professional guardianship forces to meet real needs. Advance directives and palliative care have not yet been legislated at the national level, and local regulations are only sporadically seen in a few regions.³⁰ Moreover, euthanasia, a product of social development to a certain extent, has not yet been legalized.

²⁸ Zhou Lulu, “Legal Guarantee of the Elderly’s Right to Work — A Comparative Analysis Based on Age Discrimination in Employment Act,” *The Journal of Human Rights* 3 (2022): 82-101.

²⁹ Huang Chenxi, “Cultural and Policy Considerations for the Comprehensive Promotion of Palliative Care,” *People’s Tribune* 6 (2024): 56-61.

³⁰ Wu Guoping, “Exploration and Improvement Strategies of the Practice of Voluntary Guardianship System: Research and Analysis Based on the Experience of Beijing and Shanghai,” *Journal of Chongqing Technology and Business University (Social Science Edition)* 3 (2024): 10-21.

IV. Protection of the Rights and Interests of the Elderly: Foreign Experiences and Inspirations

Population aging is a global trend that is transforming the economic and social development patterns around the world. According to data from the U.S. Census Bureau, as of 2024, 124 countries and regions have entered an aging society (where the population aged 65 and above exceeds 7%). Among them, developed countries such as Japan, Germany, France, and the United Kingdom have higher levels of population aging than China.³¹ Compared with China, these countries started aging earlier, have a higher degree of aging, and have relatively more comprehensive policy and legal systems for the elderly. Their experiences can serve as valuable references for China to improve its work on protecting the rights and interests of the elderly.

Japan is the most “experienced” Asian country in addressing aging issues and has established a comprehensive legal system for the protection of the rights and interests of the elderly as well as a complete welfare system for the elderly. The *National Pension Law*, enacted in 1959, provides basic economic security for the elderly and lays the foundation for their welfare. The 1963 *Act on Social Welfare for the Elderly* further clarifies the rights and benefits of the elderly in social welfare. Between 1963 and 1971, Japan successively promulgated the *Amendment of the Act on Stabilization of Employment of Elderly Persons* (1963), the *Employment Measures Act* (1966), and the *Special Measures Act for the Promotion of Employment of Middle-aged and Elderly Persons* (1971, renamed the *Act on Stabilization of Employment of Elderly Persons* in 1986). These laws provide subsidies for the job-seeking activities of middle-aged and elderly people and safeguard their rights to social participation. The *Act on Assurance of Medical Care for Elderly People*, formulated in 1982, serves as the basis for the elderly to obtain medical and health care services. The *Act on the Promotion of Research, Development and Dissemination of Social Welfare Equipment*, enacted in 1993, promotes the development and application of assistive devices for the elderly. The *Basic Act on Measures for an Aging Society*, introduced in 1995, systematically addresses the challenges of an aging society at the national level. The *Long-term Care Insurance Act*, implemented in 2000, provides long-term care insurance for the elderly, effectively protecting the rights of disabled and semi-disabled elderly people to receive necessary care services. The *Social Welfare Act* and the *Act on the Living Environment of the Elderly*, promulgated in 2001, focus on the living environment and quality of life of the elderly and further improve the social welfare system. The *Health Promotion Act*, enacted in 2003, emphasizes the importance of health promotion for the elderly and encourages their active participation in health management. The *Barrier-free Act*, promulgated in 2006, further improves the living environment for the elderly and other vulnerable groups, ensuring their convenience and safety in public places.³² In recent years, relevant laws have been continuously revised and updated to form a comprehensive welfare system for the elderly that covers multiple aspects, including economic security, medical and health care, nursing services, livable environments, and barrier-free facilities. This system legally ensures the quality of life, physical and mental health, social participation, employment promotion, and other rights and interests of the elderly.

Germany entered an aging society in the 1930s and became a super-aged society in 2008. The German government has established a multi-level and multi-faceted legal system for the protection of the rights and interests of the elderly, from international conventions to domestic legislation and from basic laws to sectoral laws. It was one of the first countries in the world to establish a policy and legal system for the elderly. As early as 1889, the German government enacted the world’s first

³¹ Population Reference Bureau: *World Population Data Sheet 2024*, accessed February 21, 2025, <https://2024-wpds.prb.org/>.

³² Li Qing, “On the Development Process of Japan’s Pension System — From National Welfare to Social Welfare,” *Administration Reform* 7 (2019): 93-99.

pension law, the *Law on Invalidity and Old-Age Insurance*, which established the framework for the country's public pension system. It constructed a multi-level pension security system comprising statutory pension insurance, corporate supplementary pension insurance, and individual voluntary pension insurance. It also established a social insurance system that includes pension insurance, unemployment insurance, and workers' compensation insurance, achieving multi-level supervision, mandatory participation, and comprehensive coverage of pension insurance to provide basic social security for the elderly and people with disabilities. Germany has successively enacted the *Act on Old Age Benefits for Farmers* (GAL) in 1957 that includes the farming community in the social security system and expand the coverage of social security. The *Labor Promotion Act* (1969) provides support for the employment and training of the elderly. The *Protection Against Dismissal Act* (1969) ensures that the elderly are not discriminated against on the basis of age during the dismissal process. The *Social Long-Term Care Insurance Act* (1994) offers economic and service support for the elderly in need of care. The *General Act on Equal Treatment* (2006) eliminates discrimination against the elderly and ensures their equal rights in employment, education, and social participation. The *Act to Strengthen Health Promotion and Prevention* (2015) emphasizes the importance of health promotion and disease prevention for the elderly and encourages their active participation in health management.³³ Furthermore, Germany enacted the world's first *Long-Term Care Insurance Act* to alleviate the financial pressure on the social assistance system. It promotes mutual aid across society to reduce the burden on individuals and families and effectively safeguards the right to care services for people with disabilities and those who are semi-disabled. In addition, to encourage the elderly to fully participate in social life, Germany has established a civil protection system, including adult guardianship, and has been implementing age-friendly transformation actions. It actively provides subsidies for age-friendly home renovations and offers care training courses to ensure that the elderly can live with dignity.

France was the first country in the world to enter an aging society. In 1910, it established a law on pension payments for workers and farmers, providing basic economic security for elderly workers and farmers. In 1930, the *Act on Social Insurance* was enacted, and in 1945, the basic social insurance bill was promulgated, marking the formal establishment of France's modern social insurance system, which covers pensions and medical insurance, aiming to offer comprehensive economic and medical security for the elderly. In 1975, the *Family and Social Action Act* (Code de l'action sociale et des familles) was passed to improve social services and medical care for the elderly. In 2000, the *Law on Urban Solidarity and Renewal* (SRU) was enacted to enhance the living conditions of the elderly through the construction of a barrier-free environment and age-friendly home renovations, thereby improving their quality of life. In 2004, the *Health Insurance Act* was promulgated to reform the medical insurance system and ensure that the elderly receive high-quality medical services. In 2008, the *Law on Anti-Discrimination* was passed to prohibit age-based discrimination and protect the equal rights of the elderly in employment and social participation. In 2010, the retirement reform bill was implemented to ensure the sustainability of pensions and safeguard the economic rights and interests of the elderly. In recent years, France has prioritized the development of elderly care services, formulating national elderly care plans such as *Aging Well* (2007-2009) and *Solidarity for the Elderly* (2007-2012) to encourage the healthy development of the elderly care service industry and ensure the continuity of home-based and community-based elderly care. The state has established the *Autonomous Personal Allowance* (Allocation Personnalisée d'Autonomie, APA) and the *Solidarity Allowance for the Elderly* (Allocation de solidarité aux personnes âgées, ASPA) to help cover part of the expenses for the elderly to maintain home-based living or to move into nursing homes, ensuring that the elderly enjoy a minimum income level and other benefits, thus providing a basic guarantee for their quality

³³ Yuan Xin and Fan Wenqing, "Advancing Comprehensive Age-Friendly Governance in the Context of an Aging Society," *Governance Studies* 4 (2024): 55.

of life.³⁴ Moreover, France has signed bilateral tax agreements with countries such as Portugal, Vietnam, Australia, Spain, and Malaysia; tax issues are stipulated for retired elderly people who choose to retire abroad, while rights and interests protection are provided for cross-border elderly care.

The United Kingdom entered an aging society in 1929 and it is on the verge of becoming a super-aged society. The British government has improved policies for elderly services in aspects such as nutrition plans for the elderly, health services, long-term care, family care, and employment support. In 1834, the *Poor Law Amendment Act* was introduced to improve the existing poor relief system, which exerted a profound impact on the living conditions and social status of the elderly. In 1908, the *Old-Age Pensions Act* was enacted to systematically safeguard the economic rights of the elderly. In 1911, the *National Insurance Act* expanded the scope of social security to provide workers with a range of benefits, including pensions. In 1925, the *Widows', Orphans' and Old Age Contributory Pensions Act* was introduced to provide additional protection for the elderly in special difficulties. In 1930, the *New Poor Law* reformed the poor relief system, reducing social discrimination against the elderly and improving their living conditions. In 1945, the *Family Allowances Act* provided financial support to families with children, indirectly alleviating the burden on the elderly. In 1946, the *National Health Service Act* established a universal free healthcare system. In 1948, the *National Assistance Act* abolished the *Poor Law* and established a modern social security system to provide economic assistance and social services for the elderly and other vulnerable groups. In the late 20th century, the UK placed greater emphasis on social care and health services for the elderly. In 1989, the White Paper *Caring for People: Community Care in the Next Decade and Beyond* introduced the concept of community care, emphasizing support for the elderly within families and communities and reducing reliance on institutional care. In 1990, the National Health Service and Community Care Act clarified the legal framework for community care, ensuring that the elderly could receive high-quality care services. In 1996, the *Employment Rights Act* restricted employers' discriminatory dismissal of older workers. In 2000, the *Employment Equality Directive* prohibited age-based employment discrimination, protecting the equal rights of the elderly in the labor market. In 2001, the "National Service Framework: Older People" was officially launched, setting standards for health and social services for the elderly to ensure they had access to comprehensive public health services. In 2006, the *Employment Equality (Age) Regulations* prohibited age-based discrimination in employment, protecting the equal rights of the elderly in the labor market. In 2010, the *Equality Act* further eliminated age-based discrimination, safeguarding the equal rights of the elderly in employment and social life.³⁵ In recent years, the UK has continuously updated and improved its policy and legal system for the elderly. Policies on elderly education and delayed retirement have been implemented, and the long-term care service system has gradually been perfected to ensure the rights of the elderly to elderly care, health services, spiritual comfort, and social participation.

Through international comparisons, it can be seen that developed countries have a long history in constructing their policy and legal systems for the elderly, which provides valuable references and insights for China to improve the protection of the rights and interests of the elderly. First, the principles of legalizing elderly policies, adaptability, and integrity should be followed. In terms of legislative models, a multi-level legal mechanism should be established, based on the fundamental law of elderly care security, with special legislation for the elderly as the core, and other elderly-related regulations and institutional norms as supplements. Second, in the implementation of laws related to the protection of the rights and interests of the elderly, a particular mechanism and system should be realized, characterized by government leadership, multi-departmental cooperation, and

³⁴ Roit B D and Bihan B L., "Similar and Yet So Different: Cash-for-Care in Six European Countries' Long-Term Care Policies," *The Milbank Quarterly* 3 (2010): 286-309.

³⁵ Cao Jian and Wang Yunbin, *Comparative Study of Legal Systems for the Protection of the Rights and Interests of the Elderly* (Beijing: China University of Political Science and Law Press, 2012), 157-160.

public participation. This would ensure that the protection of the rights and interests of the elderly is effectively implemented and that there are laws to rely on for the elderly to protect their rights. Third, during the construction of the policy and legal system for the elderly, the various needs of the elderly, such as elderly care services, medical nursing, spiritual comfort, and social participation, should be fully taken into consideration. Coordination among multiple social parties should be strengthened to consolidate the achievements in safeguarding the basic rights and interests of the elderly. Fifth, in line with new trends in the development of the times, efforts should be made to promote the market development of the silver economy and age-friendly transformations, pay attention to the derived needs of the elderly, and revise and improve relevant institutional arrangements. This will expand the scope of the protection of the rights and interests of the elderly, meet new demands, and enable the elderly to live with dignity and happiness.

V. Paths to Further Improve the Protection of the Rights and Interests of the Elderly

Protecting the legitimate rights and interests of the elderly is a systematic project in actively responding to population aging and enhancing the well-being of the elderly. With existing international experiences to draw on, China enjoys the advantage of learning from others' experiences. It should absorb international experiences, take into account the multiple identities of the elderly as consumers and producers, and introduce special legislation on the protection of the rights and interests of the elderly. It is also necessary to coordinate different laws to maximize their overall effect and improve the policy and legal system for the elderly that meets the needs of Chinese modernization.

A. Institutional level

1. Accelerate the improvement of the social security system covering all citizens

In line with the new demands of the times, we should further raise the standards, expand the coverage, and optimize the structure of the social security system to accelerate its improvement for all citizens. On the one hand, we must perfect the pension security system and promote the coordinated development mechanism of pensions. Efforts need to be made to standardize the development of the three-pillar pension insurance, accelerate the national overall planning of basic old-age insurance to ensure the sustainable development of basic pension funds, and improve the financing and benefit adjustment mechanisms for basic old-age insurance. Multiple measures need to be adopted to increase the income level of pension funds. The integration of pension insurance systems for government agencies, public institutions, and enterprises should be achieved; a central adjustment system should be established for the basic old-age insurance fund of enterprise employees; small and medium-sized enterprises are encouraged to set up enterprise annuities for their employees, increase the coverage rate of enterprise annuities, and enhance employees' ability to accumulate for their own pension security; individuals are encouraged to participate in commercial endowment insurance and establish individual pension accounts through the introduction of tax incentives and other policy measures.³⁶ Meanwhile, we should accelerate the improvement in the weaknesses of the rural pension security system by incorporating rural social assistance into the overall planning of rural revitalization strategies and establishing mechanisms for the protection of the rights and interests of the elderly and children, as well as a multi-departmental information-sharing mechanism. The pension security level for migrant workers, flexible employment personnel, and those employed in new business forms should be enhanced, while the pension security systems for special groups such as veterans, people with disabilities, and orphans require further improvement. On the other hand, efforts should be made to perfect the medical security system, jointly advance the reform of medical services, medical insurance, and

³⁶ Mou Lingling, et al., "Strategic Thinking and Path Selection for Deepening the Reform of the Financial System," *Journal of Hebei University (Philosophy and Social Science)* 3 (2025): 24.

pharmaceuticals, known as the “triple medical linkage” reform, as well as integrate the basic medical insurance system for urban and rural residents. Major illness insurance for urban and rural residents needs to be fully implemented, commercial medical insurance should be actively developed, and the financing and benefit adjustment mechanisms for basic medical insurance necessitate enhancement. We also need to expand the pilot scope of long-term care insurance, establish a formal, unified national long-term care insurance system, and promote the sustainable development of long-term care insurance services, so as to alleviate the medical burden on the elderly. We should continuously make new progress in ensuring access to medical care for all by deepening the reform of medical insurance payment methods, improving the price formation mechanism for medical services and pharmaceuticals, and elevating the efficiency of medical insurance fund utilization.³⁷

2. Collaborative mechanism for the comprehensive protection of the rights and interests of the elderly

A multi-level, full-chain mechanism for the protection of the rights and interests of the elderly should be constructed to form a diversified, coordinated, and collaborative governance pattern. First, we should improve the regulatory and risk prevention system to ensure the safety of elderly consumption by urging social service institutions to implement their main responsibilities and actively preventing and eliminating risks and hidden dangers in the consumption process. The prepayment management system and fund supervision mechanism in the elderly care service field should be improved and the third-party custody and dynamic risk early warning should be implemented, so as to severely crack down on illegal fundraising and fraudulent sales. We should regulate the innovation of elderly financial products and require financial institutions to fulfill the obligation of age-appropriate information disclosure, further expanding channels for dispute mediation and legal aid. Second, we should integrate resources from all aspects to continue optimizing age-friendly transformation paths and ensure that the elderly have equal access to age-friendly resources. The government, market, and social resources should fully play their roles under overall coordination to promote the standardization and universalization of age-friendly transformations. We should focus on accelerating barrier-free home environment transformations, elevator installations and safety upgrades in old residential areas, and the construction of age-friendly public facilities to systematically solve the living difficulties of special groups such as the very old and disabled. The supply of new types of elderly care products, such as cultural entertainment, requires urgent enrichment, while the development of new types of elderly care products like cultural tourism and online education for the elderly needs to be further encouraged. Guidance should be provided for technology companies to develop intelligent terminals with low operation thresholds, thereby planning the layout of urban and rural elderly care service facilities reasonably. Third, we should deepen the empowerment of technology and digital inclusion mechanisms to bridge the rights gap under the “digital divide.” Efforts should be made to promote the standardized application of technologies such as artificial intelligence and the internet of things in scenarios such as health monitoring, emergency rescue, and remote diagnosis. We should continue to advance the age-friendly transformation of internet applications, transform the age-friendly interfaces of high-frequency services such as government affairs and medical care, and carry out “smart assistance for the elderly” training programs. Traditional service channels will be retained as a last resort to ensure that the promotion of intelligent services meets the needs of the elderly. Fourth, we should reconstruct the mechanism for elderly social participation to encourage them to continue to play an active role and safeguard their rights to social participation and development. We plan to advocate a positive view of aging, promote the “Silver Age Action” volunteer program, establish an elderly talent think tank to participate in community governance

³⁷ *Promoting High-Quality and Sustainable Development of China's Social Security Undertakings*, accessed September 19, 2024, published on the website of *Qiushi Journal*, http://www.qstheory.cn/du-kan/qs/2022-04/15/c_1128558491.htm.

and policy consultation, and support grassroots elderly associations in conducting mutual aid services. Retired teachers, doctors, and other professional groups should be included in the technical support system and the elderly should be encouraged to actively participate in family, community, and social development according to their own conditions.³⁸ Fifth, we should improve the institutional guarantee to activate the demand for end-of-life elderly people's designated guardianship, advance directives, palliative care, etc. The life education system should be enhanced to promote cognitive paradigm shifts and increase the protection of rights to life, liberty, and dignity of the elderly.

B. Legislative level

1. Consolidate existing policies and laws for the elderly to safeguard their basic rights and interests

On the one hand, we should properly implement the elderly-related provisions in laws such as the *Elderly Law*, the *Civil Code*, and the *Social Security Law*, and timely develop special legislation for the elderly in areas such as living security, health security, social participation, lifelong learning, and spiritual comfort based on the current state of national and social development. Legislation can be utilized to empower and clarify responsibilities as well as provide a clear and stable expectation, thereby weaving a dense safety net for the protection of the rights and interests of the elderly.³⁹ We will construct an aging policy and legal system led by law, with administrative regulations, departmental rules, and normative documents as the main body, and relevant standards as support, to ensure that the protection of the rights and interests of the elderly is fully supported by law and strictly enforced; the critical functions of laws and regulations regarding this aspect will be taken into thorough consideration in protecting the rights and interests of the parties, maintaining market order, regulating contract management, and mediating and handling service disputes. On the other hand, we should coordinate laws in various fields to form an overall effect in safeguarding the legitimate rights and interests of the elderly.⁴⁰ According to the development trend of population aging, we should formulate and implement special plans, strengthen the connection with relevant plans, and adjust the inconsistent provisions between the *Elderly Law* and laws such as the *Labor Contract Law*, the *Implementation Regulations of the Labor Contract Law*, and the Supreme People's Court's *Interpretation (III) on Several Issues Concerning the Application of Law in the Trial of Labor Dispute Cases*. It is also essential to promote the harmonious resonance of laws in various fields, lead the standardized and healthy development of the entire industry, and advance the standardized construction of the protection of the rights and interests of the elderly, so as to achieve the interconnection of illegal clues, mutual recognition of regulatory standards, and mutual recognition of handling results.⁴¹ In addition, an age-friendly litigation service mechanism should be established to guide the elderly to protect their rights according to law. We advocate that law firms, notary institutions, and grassroots legal service institutions reduce legal service fees for the elderly, provide door-to-door services for the elderly with mobility difficulties, and perform well in legal services, legal aid, and judicial assistance for the elderly in special difficulties, effectively safeguarding the rights and interests of the elderly.⁴²

³⁸ Yuan Xin and Xu Jing, "Coordination between Population Aging and Economic Prosperity: Dynamic Study on Relationship between Population and Economic in China," *Studies on Socialism with Chinese Characteristics* 4 (2024): 46-54.

³⁹ *Building a Multi-Party Participation Pattern for Elderly Care Services*, published on the official website of the National People's Congress of China, accessed May 20, 2025, http://www.npc.gov.cn/npc/c2/c30834/202403/t20240311_435909.html.

⁴⁰ *Establish and Improve Working Mechanisms to Effectively Safeguard the Legal Rights and Interests of the Elderly*, accessed May 20, 2025, https://www.gov.cn/zhengce/202505/content_7024007.html.

⁴¹ *Improving the Mechanism for the Connection and Coordination between Intra-Party Regulations and National Laws and Regulations*, published on the website of the Communist Party of China, accessed May 20, 2025, <https://djjj.12371.cn/2025/04/16/ARTI1744794460398515.shtml>.

⁴² *Seven Departments Issue Joint Document to Strengthen Judicial Services and Protection for the Elderly*, accessed May 20, 2025, https://www.gov.cn/lian-bo/bumen/202505/content_7024005.htm.

2. Keep legal provisions up-to-date to safeguard the comprehensive rights and interests of the elderly

First, the legislation related to consumer rights protection needs to be updated to safeguard the rights and interests of elderly consumers. Greater efforts should be made to prevent and rectify elderly fraud; anti-fraud publicity campaigns should be held;⁴³ infringements in the consumption of products and services for the elderly should be severely investigated and dealt with, especially illegal activities involving fraudulent sales of various products and services to the elderly. Legal action should be taken against those suspected of criminal offenses. Second, we need to strengthen organizational coordination and formulate legal provisions for age-friendly transformations. Age-friendly development should be regarded as a core requirement for the new era, while legal provisions for age-friendly transformations need to be established. We should also enhance the coordination of resources among different groups and regions, and promote the allocation of high-quality resources to grassroots and rural areas. Efforts should be made to improve the level of age-friendly transformations in rural and remote impoverished areas, and mitigate the challenges that the slow development of age-friendly initiatives poses to the protection of the rights and interests of the elderly in these regions, aiming to ensure that the elderly can share in the fruits of social development and have equal access to age-friendly resources. Third, it is necessary to update legislation related to telecommunications network information users to protect the online information security of the elderly. We should crack down on telecommunications and network fraud and other criminal activities, and encourage public participation in safeguarding the information security of the elderly to address the challenge of the “digital divide.” Fourth, relevant legislation must explicitly prohibit age discrimination in employment to safeguard the rights of the elderly to social participation and development. We should continue to introduce detailed implementation rules for the gradual delay of the statutory retirement age, especially specific provisions that are flexible, voluntary, categorized, and coordinated. The delayed retirement should be implemented in a steady and orderly manner, so as to break through age barriers and establish relevant relief mechanisms, including provisions for compensation for mental damage, to better protect the employment rights of the elderly. Fifth, we must respect the choices of terminally ill elderly people and safeguard their rights to life, liberty, and dignity. Efforts should be made to refine the provisions of the designated guardianship system, clarify the rights and obligations of guardians and the guarded, and increase the supervision mechanism to ensure the proper implementation of designated guardianship. It is also necessary to incorporate advance directives and palliative care into the national health care system through legislation and policy as well as to ensure that they are part of basic medical and health services and safeguard the dignity and comfort of the elderly at the end of life.⁴⁴ In evaluating the issue of euthanasia (dignity in death) for the elderly, we should always keep up with the times; even if the conditions for legislation are not currently in place, forward-looking research and policy reserves can be conducted to create conditions that respect the dignity and right to life of the elderly in the terminal stage of life. This is an essential part of improving the legal system for the protection of life.

(Translated by *LI Donglin*)

⁴³ Notice by the State Council on Printing the 14th Five-Year Plan for the Development of the National Cause for the Elderly and the Elderly Care Service System, accessed September 19, 2024, https://www.gov.cn/zhengce/content/2022-02/21/content_5674844.htm.

⁴⁴ Zhang Aihua, Hu Ziyi, Jiang Yan, et al., “Study on the characteristics and optimization paths of social medical insurance participation in elderly palliative care: Policy analysis based on 27 pilot regions,” *China Soft Science* 12 (2024): 51-62.