Aging is a universal truth, one that all of humanity experiences; despite best efforts, human beings all progressively age as we cannot alter time. However, the challenges that people face as they age vary expansively, and aging dramatically influences an individual’s experiences physically, mentally, emotionally, socially, and politically. Just as all humans age, “all human beings are born free and equal in dignity and rights,” as asserted by the Universal Declaration of Human Rights.\(^1\) The declaration states that certain economic, social, and cultural rights are indispensable for the dignity and free development of the personality of each person.\(^2\) Because humans have dignity, they are worthy of respect, and of respectful treatment, and this fact remains true throughout a person’s life. The Universal Declaration of Human Rights states, “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”\(^3\)

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\(^2\) Id.

\(^3\) Id.
This paper aims to illustrate, ultimately, how the concept of dignity in the law can further the goals of happiness and ensure rights for the aging population in Bhutan. It concludes that the use of dignity in the law in Bhutan could help to further the goals of GNH and increase the overall well-being of the elderly in all domains. The discussed constitutions of the nations of Kenya, Bolivia, Timor, Thailand, South Sudan, and Venezuela could be useful guides to shaping dignity law in Bhutan. When the dignity rights of the elderly are not respected, their life quality and overall well-being is affected detrimentally and therefore the goals of GNH are impeded. If Bhutan wishes to make progress in the many domains of GNH, one way of doing so would be to utilize and establish dignity rights that further the fundamental rights of all elderly individuals.

**Aging in Bhutan**

Naturally, there are both positive and negative aspects to growing older. With age comes experience, wisdom, and an increased sense of freedom. Unfortunately, there are a number of drawbacks to growing old as well; cognitive functioning may become impaired (i.e. memory, visual-spatial, attention, and concentration), physical health may deteriorate (i.e. decrease in mobility, increase in frequency of illness, and natural decline in general capabilities), dependency on others may increase, and a reduction in autonomy is likely. Specifically, the desire to remain autonomous is critically tied to the older adult’s feeling of self-worth and dignity. Many times, these issues, often experienced in conjunction with one another, put the elderly in vulnerable positions and increase the need for the state to provide assistance. Utilization of dignity law could be especially useful to ensure that the rights of the elderly are respected and facilitate their ability to live autonomous and healthy lives.

[^4]: § 1:4. Addressing the needs of the aging population—Promoting autonomy, 41 Mo. Prac., Missouri Elder Law § 1:4
While the natural aging process tends to have similarities across diverse and divergent populations, the context in which humans age typically provides unique circumstances and challenges that may not be present in disparate cultures. Bhutan includes a right to happiness for every citizen, including the elderly, which is inherently different than many other cultural contexts. Further, Bhutanese history and maturation, as a nation, has presented the current elderly generation with specific issues that are particularly difficult to navigate. These issues include globalization, urbanization, the rise of democracy, and issues regarding inheritance and property rights. They seem to have been forgotten in a sense, left behind, in the rapid charge to modernize their society. As a result, they have been resigned to the role of ‘guardian of faith’ within the family unit, with little other recognized productive purpose. These issues are stressors that are currently impinging on the dignity of the elderly in Bhutan, as they are diminishing their ability to live autonomously, in the way they see fit. This affects their overall well-being and level of experienced happiness as well. The utilization of the concept of dignity in the law could ameliorate some of these specific issues.

**Dignity Rights in International Law**

Universal human dignity refers to the inherent worth of each and every human being, simply as an innate consequence of human existence, and although inalienable, human dignity can be violated, by the individual himself, as well as by others.\(^5\) Further, human dignity can be understood not just as an individual attribute, but as the founding moral principle of an adequate human rights framework that is truly inclusive and universal and hence recognizes the particular needs and living conditions of all people regardless of circumstance.\(^6\) What follows is that, by stating that ‘someone has dignity’, what is expressed is that she or he has to be recognized as a

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\(^5\) Equal Dignity in International Human Rights, Bas De Gaay Fortman

\(^6\) Id.
bearer of human rights. And saying ‘her dignity has been violated’ indicates a disregard of human rights. Therefore, the discussion of human dignity in the law centers around the question of “What rights are afforded to us as humans based on the concept of dignity?” The question begs, are these rights applied equally to each and every individual, an inherent part of human nature that should be respected universally and unequivocally, or is dignity something that can be given and taken away, earned and lost, exclusively given to a reserved few? Even more specifically, is dignity something that you are born with and have until the day you die? The Universal Declaration of Human Rights essentially states that it is a composition of both; each human being has inherent dignity, which is inalienable and equal for all and the dignity of human beings is precarious and stands in need of social protection. Meaning that, all people are born with dignity and maintain that dignity throughout the entirety of their lives regardless of capacity or circumstance. And, we as humans must construct society in a way (i.e. using laws) that ensures that every individual is free to pursue a life with dignity. In applying this concept of dignity to the aging population in Bhutan, it recognizes their inherent human dignity and reinforces the importance of treating them with respect. Further, the state must ensure specific rights for the elderly such as the right to security, and a to a standard of living adequate for their health and wellness. By ensuring such rights through the utilization of dignity, a number of the issues that the aging in Bhutan are struggling with—globalization, urbanization, and loss of property rights—would be ameliorated, at least to some degree.

To say that every human has dignity is to say that every individual has the potential for dignity, and that the realization of this potential – a life with dignity – is of great moral

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7 Human Dignity and People with Disabilities, Sigrid Graumann
8 Id.
9 Dignity and Global Justice, Thomas Pogge
importance. This importance does not wax and wane as we progress through life’s many phases as a life with dignity is crucial to overall well-being of all people at all ages. The Universal Declaration of Human Rights recognizes the inherent dignity of all members of the human family and insists that certain economic, social, and cultural rights are indispensable for the dignity and free development of the personality of each person. This reference to each person is especially crucial; it is understood to include all people, of all ages, races, and creeds, and including especially vulnerable populations such as children, disabled, and elderly.

Human dignity is a core value sustaining human rights to which three basic values relate: liberty, equality, and solidarity. In order for all human beings to live with dignity they must have: (1) a protected standing within their social world that allows them to avoid excessive dependency on others and to defend themselves against humiliation and abuse, (2) the education, income, and social services they need to take proper care of their bodies through adequate nutrition, clothing, shelter, sanitation, clean water, physical exercise, rest and medical care, and (3) access to the ennobling achievement of humanity: to literature and music, sports and science, and to the exploration of other species and our natural environment. All of these rights can be ensured through legislation and community advancement, regardless of context or culture, and make dignity a vital component of human rights law. However, it is important to note that someone without access to all of these things still possess dignity; inherent dignity, which is inalienable and equal for all. Ensuring such access respects this inherent human dignity. The elderly population is often not afforded all of these aspects, which together facilitates a life with dignity. Yet, as established by the on-going discussion on dignity, the inherent dignity of the

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10 Id.
11 Daly, Erin, Dignity Rights Courts, Constitutions, and the Worth of the Human Person
12 Dignity and Global Justice, Thomas Pogge
13 Id.
human person is inalienable and therefore it is the role of the state to ensure that a life with dignity is sustained through state action, law, and overall governance. Elderly individuals are often subjected to abuse, increased dependency on others, less social services, inadequate access to life sustaining necessities, lesser access to appropriate medical care and a myriad of other injustices which affect their experience of a life with dignity. The concept of dignity in the law helps to foster a nation where that is not the case, and individuals have access all throughout their life to the things that a life which respects their inherent dignity requires.

To many nations, the concept of dignity is nothing new. A significant number of countries throughout the world have established dignity rights for their constituents via national constitutions and continue to utilize the concept of human dignity in order to establish and secure equal fundamental rights. For example, the German Constitution begins with a captivating declaration: ‘human dignity is inviolable’ and is founded on the presumption that human rights derive from the inherent dignity of the human person. This is just one example from of more than 160 constitutions that mention dignity. Each one with subtle differences and unique wording but for most a similar message; to be human means that you have an inherent dignity that is with you in all phases of life and we must construct society in such a way to protect that dignity.

The concept of dignity is referenced in countries, even where the term ‘dignity’ is missing from the nation’s constitution. In the United States Constitution, for example, the word ‘dignity’ does not appear anywhere. However, the Supreme Court of the United States has repeatedly and unequivocally established the importance dignity in certain provisions of the law. In the case of Trop v. Dulles, for example, the Supreme Court declared “the basic concept

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Daly, Erin, Dignity Rights Courts, Constitutions, and the Worth of the Human Person
underlying the Eighth Amendment is nothing less than the dignity of man.\textsuperscript{15} The United States Supreme Court has also tied dignity to a variety of other rights established in the Constitution such as due process, equal protection, and protection from unlawful search and seizure. In United States jurisprudence there is a significant amount of case law concerning human dignity and it has been discussed in a variety of contexts including same-sex marriage equality.\textsuperscript{16} In these cases, dignity was used to bolster other established rights and to rationalize their importance. Using the concept of dignity in this way can further the rights of the people and ensure that people are being treated respectfully. This view of dignity differs in some ways to the substantive rights to dignity established by other constitutions and laws in other countries. Further, if used in conjunction with substantive dignity rights, a more holistic approach can be taken to human rights in light of inherent human dignity.

**Dignity in Elder Law**

Inherent human dignity is often discussed regarding the universal rights of a person regardless of individual qualities or capabilities. One important distinction that often goes unaddressed is the fact that this right to dignity is not transient; it is established at birth and continues for the duration of a person’s life regardless of personal circumstance. As a result, human dignity can be used to place positive obligations on the state to provide for, and enhance the rights of vulnerable populations such as children, the elderly, and people with disabilities. The Universal Declaration of Human Rights directly references the rights of the elderly stating that, “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary  

\textsuperscript{15} Trop v. Dulles, 356 U.S. 86, 100, 78 S. Ct. 590, 597, 2 L. Ed. 2d 630 (1958)
\textsuperscript{16} Obergefell v. Hodges, 135 S. Ct. 2584, 2589, 192 L. Ed. 2d 609 (2015)
social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

Efforts put forth by the United Nations to address the needs of the elderly internationally include the 1982 International Plan of Action on Aging, adopted at the World Assembly on Aging in Vienna. The Plan’s establishment focuses on five principles in order to assist and protect the elderly: independence, participation, care, self-fulfillment, and dignity. At the Second World Conference on Aging in Madrid in 2002, 159 countries adopted the International Plan of Action which calls for “the promotion and protection of all human rights and fundamental freedoms,” with specific focus on incorporating aging into the global agenda.

Generally, the Plan elaborates on the notion that national governments should develop and implement policies to ensure economic and social protection for older people promoting and ensuring their good health.

Despite the challenges presented by aging, often including a relative reduction in autonomy, these dignity rights are present at birth and are inalienable and do not progressively deplete as time elapses.

If fully developed autonomy were required for ascribing human dignity, babies and little children as well as many persons of old age or with illnesses or disabilities would lack the protections provided by human dignity and human rights. A realistic understanding instead considers autonomy as a developmental concept realized to different degrees in certain periods of life. On this understanding, not the developed capacity of autonomy of a particular person, but the potential for autonomy of the human being – regardless of the

19 Id.
20 Id.
21 Id.
22 Human Dignity and People with Disabilities, Sigrid Graumann
degree of individual development of this capacity – should be considered as the basis of human dignity.

At the heart of the concept of “human dignity” lies the assumption that individuals are at liberty to develop both their bodies and spirits in accordance with their own will. The concept of human dignity incorporates freedom of choice and freedom of movement. The right to dignity flows from man’s very humanity, irrespective of his/her cognitive abilities or ability to contribute to society in the traditional sense. Therefore, any elderly individual, regardless of their capacity, still maintains the same dignity rights as any other human in any other life stage. The mere number of years a person is living is in no way correlated with the amount of dignity they possess, or the rights to which they are entitled.

While a large majority of the world’s constitutions discuss and establish a right to dignity for all people, most are silent on the issue of the dignity rights of the elderly. However, some countries explicitly protect the dignity of the elderly, including Thailand, East Timor, Kenya, Venezuela, Bolivia, and South Sudan. The ways in which each of these nations addresses the dignity rights of the elderly ranges. For example, the Constitution of South Sudan states that, “the elderly and persons with disabilities or special needs shall have the right to the respect of their dignity. They shall be provided with the necessary care and medical services as shall be regulated by law.” The Thai Constitution gets slightly more detailed than that of South Sudan, guaranteeing any “person who is over sixty years of age and has insufficient income for… living

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24 Id.
25 Const. of South Sudan, 2011, art. 30(2)
shall have the right to receive such welfare and public facilities as suitable for his or her dignity as well as appropriate aids to be provided by the State.”

Some nations’ constitutions discuss even more specific requirements for ensuring a life with dignity for the elderly. East Timor, in maritime Southeast Asia, has an “old age policy” which entails measures of an economic, social, and cultural nature, designed to provide the elderly with opportunities for personal achievement through active and dignified participation in the community.

Similarly, the Kenyan Constitution protects the rights of older members of society. It requires the state to take measures to ensure the rights of older persons—“(a) to fully participate in the affairs of society; (b) to pursue their personal development, (c) to live in dignity and respect and be free from abuse; and (d) to receive reasonable care and assistance from their family and the State.”

The Venezuelan Constitution lays out a number of obligations, on behalf of the State, to ensure the elderly have access to what they need in order to live a dignified life. Article 80 of the Venezuelan Constitution declares, “The State shall guarantee senior citizens the full exercise of their rights and guarantees. The State, with the joint participation of families and society, is obligated to respect their human dignity, autonomy, and to guarantee them full care and social security benefits to improve and guarantee their quality of life. Pension and retirement benefits granted through the social security system shall not be less than the urban minimum salary. Senior citizens shall be guaranteed to have the right to a proper work, if they indicate a desire to work and are capable to.”

Finally, the Constitution of Bolivia dedicates a section to establishing the rights of the elderly adults. It states that, “in addition to the rights recognized in this Constitution, every

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26 Daly, Erin, Dignity Rights Courts, Constitutions, and the Worth of the Human Person
27 Const. of East Timor, 2002, art. 20 (2)
28 Const. of Kenya, art. 57(c) (1992)
29 Const. of Venezuela, 1999, art. 80
person of adult age has the right to a dignified old age that has quality and human warmth and that the State shall provide an old age pension within the framework of full social security, in accordance with the law.\textsuperscript{30} It further states that, “the State shall adopt public policies for the protection, attention, recreation, rest and social occupation of elderly adults, in accordance with their capacities and possibilities and that all forms of mistreatment, abandonment, violence and discrimination against elderly persons is prohibited and punished.”\textsuperscript{31} In regards to the dignity rights of the aging Bhutanese, Bolivia’s constitution could be especially useful as a guide of what to explicitly include when discussing how to frame dignity law. Its discussion of “protection, attention, recreation, rest and social occupation of elderly adults” is in line with the ideas put forth by the right to happiness in Bhutan. More specific examples of how these varied constitutional rights regarding dignity can be utilized in Bhutan to protect the rights and ensure the happiness of the elderly population will be illustrated throughout the following section of this paper.

**A Right to Dignity for Aging Bhutanese**

The concept of Gross National Happiness was first introduced in the 1970s by His Majesty the Fourth King of Bhutan, Jigme Singye Wangchuck.\textsuperscript{32} The concept implies that sustainable development should take a holistic approach towards notions of progress and give equal importance to non-economic aspects of well-being.\textsuperscript{33} The Constitution of Bhutan directs the state to promote those conditions that will enable the pursuit of Gross National Happiness. Gross National Happiness (GNH) is a holistic and sustainable approach to development, which balances material and non-material values with the conviction that humans want to search for

\textsuperscript{30} Const. of Bolivia, 2009, art. 67, 68
\textsuperscript{31} Id. art. 68.
\textsuperscript{32} http://www.grossnationalhappiness.com/articles/
\textsuperscript{33} Id.
happiness.\textsuperscript{34} The objective of GNH is to achieve a balanced development in all the facets of life that are essential for our happiness.\textsuperscript{35} According to Lyonchhen Jigmi Y. Thinley, Former PM of Bhutan: & Chairman of the GHN Centre:\textsuperscript{36}

Gross National Happiness measures the quality of a country in a more holistic way than GNP, and believes that the beneficial development of human society takes place when material and spiritual development occurs side by side to complement and reinforce each other. We have now clearly distinguished the ‘happiness’ … in GNH from the fleeting, pleasurable ‘feel good’ moods so often associated with that term. We know that true abiding happiness cannot exist while others suffer, and comes only from serving others, living in harmony with nature, and realizing our innate wisdom and the true and brilliant nature of our own minds.

The concept of GNH consists of four pillars: good governance, sustainable socio-economic development, cultural preservation, and environmental conservation.\textsuperscript{37} Moreover, the four pillars have been further classified into nine domains to create widespread understanding of GNH in a way that reflects the holistic range of GNH values.\textsuperscript{38} The nine domains – psychological well-being, health, education, time use, cultural diversity and resilience, good governance, community vitality, ecological diversity and resilience, and living standards – represent each of the components of well-being of the Bhutanese people, and the term ‘well-being’ here refers to fulfilling conditions of a ‘good life’.\textsuperscript{39}

Within this context of happiness, the concept of dignity can be especially useful in the law regarding the furtherance of the goals of the nine different domains of happiness while promoting the rights of the elderly. As discussed in this paper, dignity in the law aims to ensure that fundamental human rights are ensured for all people. That the inalienable dignity that each

\textsuperscript{34} Id.  
\textsuperscript{35} Id.  
\textsuperscript{36} http://www.gnhcentrebhutan.org/what-is-gnh/  
\textsuperscript{37} http://www.gnhcentrebhutan.org/what-is-gnh/four-pillars-and-nine-domains/  
\textsuperscript{38} Id.  
\textsuperscript{39} Id.
human being possesses is protected by the state through legislature or other doctrine. The concept of dignity and Bhutan’s right to happiness have similar aims as I understand them; the goal of each is to establish rights and protect the well-being of the people. Utilizing the concept of dignity in the law in Bhutan can bolster the concepts and goals set forth by the domains of happiness in a myriad of ways. Furthermore, the concept of dignity, within the context of happiness, can be especially useful in establishing and protecting the rights of the elderly in all nine domains. The remainder of the paper will focus on specifically how dignity in the law takes shape within each domain to further the rights, protect the dignity, and increase the overall happiness or well-being of the elderly population in Bhutan.

**Psychological Well-being**—

Psychological well-being, within the context of happiness, refers to how people evaluate their lives both cognitively and affectively.\(^40\) Measuring psychological well-being is incredibly useful because people invariably experience moods and emotions, which have a positive or negative effect, and thus, people have a level of subjective well-being and a psychological system that offers a constant evaluation of what is happening in an individual’s life.\(^41\) Additionally, psychological well-being leads to desired outcomes, including economic outcomes; research shows that individuals who score high in psychological well-being earn a higher incomes and do better at work.\(^42\) And, it is directly related to physical health.\(^43\) Therefore, assessing psychological well-being is not only important to understanding overall happiness

\(\text{http://www.grossnationalhappiness.com/9-domains/psychological-well-being/}\)

\(\text{Id.}\)

\(\text{Id.}\)

because it assess well-being overall, but it also has numerous beneficial consequences.\textsuperscript{44}

Indicators for psychological well-being include: life satisfaction, emotional balance (positive & negative emotions), and spirituality.\textsuperscript{45}

Establishing a right to dignity in regards to psychological well-being would greatly benefit the elderly population of Bhutan. Psychological well-being cannot exist in a vacuum; it is intrinsically tied to a number, if not all, of the other eight domains. For example, it is related to economics as well as physical health. Health, in Bhutan, is considered an outcome of relational balance between mind and body; and individual is only said to be well if “heart-pain is absent from the body and sorrow is absent from the mind.”\textsuperscript{46} The Bolivian Constitution, for instance, affords the elderly a constitutional right to a “dignified old age that has quality and human warmth,” and while this does not directly refer to psychological well-being, it can be construed as such. Because it is an overarching measure of well-being, as most people evaluate their life as either good or bad, the nuances of the other domains directly affect one’s psychological well-being. To utilize the concept of dignity in elder law is to ensure the proper environment, standard of living, healthcare, governance, etc. in order to facilitate psychological well-being and therefore overall happiness. Psychological well-being, within the context of happiness, appears to be one of the most salient domains in that it can almost be considered synonymous with the overall goal of general happiness/well-being. Dignity, in this context, can be used to further fundamental rights for the aging to ensure they can evaluate their life in a positive way and obtain a state psychological well-being.

**Standard of Living—**

\textsuperscript{44} http://www.grossnationalhappiness.com/9-domains/psychological-well-being/
\textsuperscript{46} Id.
Standard of living refers to the material basis of well-being and is determined by a person’s access to resources, which comprise of both cash and non-cash income. As such, standard of living is an important determinant of well-being or happiness and improvement of the living standard constitutes one of the most important objectives of plans and programs.\(^47\)

Assessing, monitoring, and improving the standard of living plays a vital role in an actual overall well-being in the citizens of Bhutan.\(^48\) The impacts of income on happiness or subjective well-being depend upon standards which change over time, according to the individuals expectations and social comparisons.\(^49\) This means that it is important to continue to assess the standard of living in Bhutan as time progresses and the country evolves, in order to accurately ascertain the level of happiness.\(^50\) Indicators for standard of living include: assets, housing quality, and household per capita income.\(^51\)

Utilization of the concept of dignity in elder law in Bhutan would further the goals of GNH and have a positive impact on the overall well-being of the elderly people, by establishing a right to dignity in regards to a standard of living. Logistically, this means ensuring that the elderly have a sufficient income, either through work opportunities or state support, and have access to appropriate housing via rights established by law. National Constitutions such as those of Venezuela and Bolivia, as mentioned previously in this paper, articulately define how dignity can be used to help ensure an adequate and progressively improving standard of living for the senior citizen population. The Venezuelan government aims to provide every senior citizen with autonomy, social security benefits, pension and retirement benefits, and the right to proper work,


\(^{48}\) Id.

\(^{49}\) Id.

\(^{50}\) Id.

all in line with respect to their human dignity. Similarly, the Bolivian Constitution establishes rights for the elderly, including an old age pension within the framework of full social security in accordance with the law and the adoption of public policies for the protection, attention, recreation, rest and social occupation of elderly adults. Both of these examples illustrate how dignity could be used in Bhutan’s legal system in order to secure the fundamental rights of the elderly and ensure a right to a standard of living adequate for health and wellness. Further, because the standard of living is tied to well-being via a material basis, the introduction of dignity can be especially useful in the process of securing financial rights for the elderly population and therefore increasing, or at least maintaining, their overall sense of happiness.

**Good Governance**—

The Constitution of the Kingdom of Bhutan states, “the Government shall protect and strengthen the sovereignty of the Kingdom, provide good governance, and ensure peace, security, well-being, and happiness of the people.”[^52] Although the constitution has been adopted only relatively recently, happiness has been the main concern of all monarchs.[^53] It has also been the ultimate purpose of social and economic development plans and programs since the early seventies, even though GNH was not expressed explicitly at the time.[^54] Many of the provisions, most notably free education and health services, development of infrastructure, supply of clean drinking water, allotment of timber to build houses, and granting land, have been aimed towards reducing misery and enhancing the welfare of the citizens.[^55] Further, the changing political

[^54]: Id.
[^55]: Id.
system – from monarchy to parliamentary democracy—further the pursuit of GNH.\textsuperscript{56} Thus, good governance is a domain for happiness because it determines the conditions in which Bhutanese thrive and is aimed towards enhancing the well-being of the Bhutanese people.\textsuperscript{57} A number of key attributes of good governance include: participation, rule of law, transparency, accountability, efficiency, effectiveness, responsiveness, a consensus orientation, equity, empowerment, and inclusiveness.\textsuperscript{58} In addition, it is evident from the reigns of the successive Kings, that the ultimate purpose of governance has been to bring greater well-being and happiness to a larger portion of the population.\textsuperscript{59} In this respect, governance in Bhutan has always been an integral part of the system of government and of political structures, which reflect and internalize GNH values.\textsuperscript{60} Indicators for good governance include: government performance, fundamental rights/political freedom, services, and political participation.\textsuperscript{61}

There are a number of reasons that the concept of human dignity is useful in the law, and society as a whole that specifically relate to the domain of good governance. GNH established good governance as a domain for happiness because it determines the conditions in which Bhutanese thrive and is aimed towards enhancing the well-being of the Bhutanese people. Ultimately, it is the state’s responsibility to secure dignity rights for all individuals, including the elderly, and enact public policies that are representative of respect of those rights. The Thai government recognizes its role in ensuring that anyone over the age of sixty receives such needs

\textsuperscript{56} Id.
\textsuperscript{57} http://www.gnhcentrebhutan.org/what-is-gnh/four-pillars-and-nine-domains/
\textsuperscript{59} http://www.gnhcentrebhutan.org/what-is-gnh/four-pillars-and-nine-domains/
\textsuperscript{60} http://www.grossnationalhappiness.com/9-domains/good-governance-and-gross-national-happiness/
from the state as deemed suitable for his/her dignity. The Bolivian and Venezuelan constitutions also require the state to create public policies that respect the human dignity of the elderly and improve and guarantee their quality of life. Practically, this means that it is the responsibility of the state to provide government resources that meet the aging population’s needs. This includes access to resources such as, pension, social security, housing, and healthcare; all of which can be provided by the state to enhance the well-being of the elderly population. Further, the government is especially responsible for the protection of the elderly from mistreatment, abandonment, violence, and discrimination. Using the concept of dignity in regard to good governance would help to ensure that the state provides these desperately needed resources to the elderly.

**Health—**

Happiness in Bhutanese context is often summed up in a popular statement of “lus lu na tsha med, sems lu sdug sngal med” which roughly translates to “no physical illness and mental worries.” Although health and happiness are two distinct and different things, many of the determinants of each are common. For instance, education, income, and exercise can lead to good health as well as happiness. It is clear that health and happiness are interconnected and the Bhutanese believe that happiness is the result of good health. In Bhutan, the promotion of health and happiness of its citizens are the ultimate goal of most state policies. Because, if health is a strong determinant of happiness, then there is every reason for the enhancement of health to be a policy priority. As a result, since the start of planned development, the Royal Government

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63 Id.
has accorded a high priority to the promotion of good health of its population.\textsuperscript{64} Indicators for health include: mental health, self-reported health status, healthy days, and long-term disability.\textsuperscript{65}

Dignity in the law can serve a number of roles. It can create substantive rights or it can bolster other rights. In the domain of health, the use of the concept of dignity can establish standards of health and healthcare that service the dignity of the elderly by establishing a standard of living adequate for health and wellness. It is evident that Bhutan has prioritized a right to health and utilizes public policy in order to promote good health, both as a means to promote the happiness and well-being of the nation. If the happiest people are also the healthiest people, it is crucial to ensure equal access to health-related resources to maintain their inherent human dignity. By rationalizing the right to healthcare through a dignity lens, its becomes obvious that all people, including the elderly, deserve adequate healthcare and healthy options to thrive as happy, autonomous human beings. The constitution of South Sudan, for example, ensures that the dignity rights of the elderly are respected by providing them with the necessary care and medical services as shall be regulated by law. This may also mean providing the elderly with greater access to healthcare such as a variety of choices in regards to their healthcare and affordable treatments from affordable providers. As people age their health naturally declines and issues arise more frequently, even in the healthiest of individuals. To maintain their dignity, it is important that the State be able to provide even greater access to healthcare options for those in greater need, such as the elderly.

\textbf{Education—}

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\textsuperscript{64} Id.
\textsuperscript{65} Ura, K., Alkire, S., Zangmo, T., Wangdi, K. (May, 2012). An Extensive Analysis of GNH Index. Centre for Bhutan Studies. \url{www.grossnationalhappiness.com}
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GNH highlights the importance of a holistic educational approach that ensures Bhutanese citizens gain a deep foundation in traditional knowledge, common values and skills. Not only do the students study reading, writing, math, science and technology, they are also encouraged to engage in creative learning and expression. It stands to reason that a holistic education “extends beyond a conventional formal education framework to reflect and respond more directly to the task of creating good human beings.” As a result, indicators for education include: literacy, education qualification, knowledge, and values.

While the connections between the domain of education and the dignity of the elderly are slightly more attenuated, they are important nonetheless. One aspect of the aging population’s experience currently is that of disconnect between themselves and the youth of Bhutan, to the point of detriment. Whereas the elderly wish to maintain a more traditional way of life, the youth are drawn to more urban areas and are in favor of globalization and democracy. In establishing the dignity of the elderly through law, the inherent importance of traditionalism is revitalized and education can be a useful vehicle for instilling the youth with respect for tradition and the elderly. This will, in turn, increase the overall happiness of the aging population. The overall goal of the domain of education is to create good and knowledgeable human beings. If Bhutan were to establish a right to dignity for the elderly, this would lead by example and the youth, through their education, would also learn to have more respect for both the autonomy and the alternative perspectives of the aging population.

66 Id.
67 Id.
68 Ura, K., Alkire, S., Zangmo, T., Wangdi, K., GNH and GNH Index, Centre for Bhutan Studies
Additionally, establishing dignity rights for the elderly could open avenues for them to pursue further educational experiences and opportunities in order to improve their quality of life and overall well-being. The Kenyan Constitution establishes a right for the elderly to pursue personal development in line with their dignity rights. This could implicate a variety of things including education, recreation, and occupation. In Bhutan, utilizing dignity rights could also establish a right for the elderly to further pursue personal development. Logistically, this could be accomplished, at least partially, through providing new educational opportunities and experiences for the elderly that increase their productivity and give them a more fulfilled sense of purpose. Continued personal development is important to the happiness of an individual, and Bhutan’s goal of providing a life of happiness could be furthered by utilizing dignity rights for elderly in the domain of education. In addition, this pursuit of personal development through education could also help to bridge the gap between the youth and elderly populations by exposing each to the perspectives and knowledge of the other.

**Community Vitality—**

The concept of GNH includes the social capital of the country, which is sustained through co-operative relationships and social networks within the community.\(^70\) According to the Centre for Bhutan Studies, a vital community can be described as “a group of people who support and interact positively with other individuals and is based on a sense of cohesion amongst the members providing social support to one another.”\(^71\) Further, from a GNH standpoint, communities must have strong relationships between members and families, they must hold socially constructive values, volunteer and donate time/money, and must be safe from

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\(^{70}\) Id. at 160.

\(^{71}\) Id.
violence and crime.\textsuperscript{72} A number of empirical studies have confirmed that social capital affects people’s learning and health.\textsuperscript{73} These studies also identify the community to be one of the significant determinants of well-being for individuals, families, and communities overall.\textsuperscript{74} Indicators for community vitality include: social support (i.e. donations of time & money), community relationship, family, and safety.\textsuperscript{75}

Community vitality is a very important aspect of GNH as community is a significant determinant of well-being. Utilization of the concept of dignity in elder law in Bhutan would further the goals of GNH and have a positive impact on the overall well-being of the elderly people, by establishing a right to dignity in regards to community vitality. This would mean recognizing the importance of the elderly in the community and respecting their right to live a life with dignity. East Timor’s “old age policy” which entails measures of an economic, social, and cultural nature is designed to provide the elderly with opportunities for personal achievement through active and \textit{dignified participation} in the community. Similarly, the constitutions of Venezuela, Bolivia, and Kenya all recognize the importance of dignity rights for the elderly in regards to their place in the community. Each of these national constitutions not only implicate the state’s role in protecting the dignity rights of the elderly, but also the important role that families and communities play as well. Currently, in Bhutan issues exist around the family respecting the dignity of their elderly family members in regards to the inheritance and property rights. Utilization of dignity rights in the law for the aging population would help to alleviate some of these issues by requiring families and communities to respect the dignity of the elderly. As a result, the overall happiness and well-being of the elderly population would be enhanced.

\textsuperscript{72} Id. \\
\textsuperscript{73} Id. \\
\textsuperscript{74} Id. \\
\textsuperscript{75} Id.
Cultural Diversity & Resilience—

The preservation and promotion of culture has been accorded a high priority by both the government and the people because the distinctive culture for Bhutan facilitates sovereignty of the country and provides identity to the people. The diversity of the culture is manifested in forms of language, traditional arts and crafts, festivals, events, ceremonies, drama, music, dress, etiquette, and spiritual values that people share. Culture plays a dominant role in molding the Bhutanese character and way of living, as it is visible in the daily lives of people. Moreover, Bhutan has a diverse and unique set of cultures to be protected but culture is also a dynamic concept that is constantly evolving and continuously being acted upon by external forces as well as by internal cultural and social change. As a result, sustaining these cultural aspects requires continues promotion and progress towards developing adequate resilience and overall well-being. Indicators for cultural diversity & resilience include: speak native language, socio-cultural participation, artisan skills, and driglam namzha (the Way of Harmony).

The unique and diverse culture of Bhutan is extremely important to the goals of GNH, and the state of Bhutan as a whole. The use of the concept of dignity in the law can only enhance and protect the cultural diversity and resilience, especially in the elderly population. Dignity rights are often used to bolster other fundamental rights and protect the rights of the people to access to a number of things that a life with dignity requires. In regards to culture, the recognition of dignity could be used to protect people’s access to the many different ways in which a diverse culture is manifested including ceremonies, drama, music, and spiritual values,

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76 Id. At 144.
77 Id.
78 Id.
79 Id.
80 Id.
81 Id.
as mentioned above. Notably, different definitions of dignity have included access to the ennobling achievement of humanity: to literature and music, sports and science, and to the exploration of other species and our natural environment. Inherently, this is suggesting that cultural aspects of the people are protected and established through a dignity lens. East Timor’s constitution mentions the importance of culture, in conjunction with economic and social aspects, in respecting the dignity rights of the elderly. It may be useful for Bhutan to also explicitly protect aspects of the culture through dignity rights for the elderly since it puts such a high premium on a diverse and resilient culture.

**Time Use—**

Time is an important and limited resource for everyone and how we utilize our time has significant implications on our economic and social well-being. Maintaining a balance between paid work, unpaid work, and leisure is extremely important for one’s well-being. A flexible working life is vital for the well-being of individual workers in addition to their families and communities. Similar literature also suggests that there is a correlation between long working hours and fatigue and mental health. A number of studies have demonstrated the implications a work-life balance on health; time pressures act as stressors and have a critical impact on health. Additionally, proper usage of time has been recognized as the key ingredient in building relationships. Indicators for time use include: work and sleep.

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84 Id.
85 Id.
86 Id.
87 Id.
Establishing and maintaining a right to dignity for the elderly in regards to time use could be exponentially beneficial to their health and well-being. An appropriate work-life balance could be facilitated through the use of dignity law. Respecting the rights of the elderly to live a life with dignity means that, practically, they have a right to work as they see fit and within their capabilities. It also means that they will be afforded appropriate opportunities for rest and recreation. The constitution of Bolivia, for example, imposes requirements on the state to create public policies that ensure the rights of the elderly to pursue “social occupation, in accordance with their capacities and possibilities.” Bolivia also requires the state to make public policies regarding the elderly populations access to appropriate rest and recreation opportunities. Both of which could be used in Bhutan to further the goals of GNH in the domain of time use. Another example of how dignity rights could be used to further well-being in regard to time use can been seen in the Venezuelan Constitution. It states, in regards to maintaining dignity, senior citizens shall be guaranteed to have the right to a proper work, if they indicate a desire to work and are capable to. Because time use has such serious implications on well-being, protecting the dignity rights of the elderly in regards to time use would dramatically further the goals of GNH and the goal of obtaining overall well-being for all individuals.

Ecological Diversity & Resilience—

Bhutan has always recognized the central role environmental factors play in human development. As such, it is especially crucial to the overall happiness and well-being of individuals as well. Bhutan’s constitution has all of its citizens “contribute to the protection of the natural environment, conservation of the rich biodiversity, and prevention of all forms of

88 Id.
ecological degradation” to ensure a healthy and clean environment.\textsuperscript{89} Indicators for ecological diversity & resilience include: pollution, environmental responsibility, wildlife, and urbanization.\textsuperscript{90}

Although none of the constitutions explicitly mention protection of ecological and environmental resources in ensuring a right to dignity for the elderly population, they all indirectly implicate such a necessity. Each one addresses different aspects of an individual’s environment that is considered vital to respecting his/her right to a life with dignity. By discussing standard of living, health rights, and access to appropriate living necessities (i.e. housing, food, etc.), all of the constitutions imply that a healthy, clean environment is truly crucial. It would be exponentially more difficult to ensure a right to a standard of living that is adequate for health and wellness of the elderly in an environment that is polluted or significantly under-developed. Because ecological diversity is so vital to the Bhutanese, it would be useful to not only imply protection of environmental resources but to explicitly require such protections. In addition, the growing urbanization movement in Bhutan has detrimentally affected the elderly population. Utilization of the concept of dignity in order to further the rights of the elderly in Bhutan could help to protect the environment in which they thrive. Actualization of this includes a clean, unpolluted environment, a diverse ecosystem, and increased importance on these issues in light of the urbanization movement.

Conclusion

Overall, the use of dignity in the law in Bhutan could help to further the goals of GNH and increase the overall well-being of the elderly in all domains. The discussed constitutions of the nations of Kenya, Bolivia, Timor, Thailand, South Sudan, and Venezuela could be useful.

\textsuperscript{89} Id.
\textsuperscript{90} Id.
guides to shaping dignity law in Bhutan. When the dignity rights of the elderly are not respected, their life quality and overall well-being is affected detrimentally and therefore the goals of GNH are impeded. If Bhutan wishes to make progress in the many domains of GNH, one way of doing so would be to utilize and establish dignity rights that further the fundamental rights of all elderly individuals.