

TOWARDS AN INTERNATIONAL CONVENTION ON THE RIGHTS OF OLDER PERSONS

- Julie Byles, University of Newcastle
- Andrew Byrnes, University of New South Wales
 - Margaret Duckett, Seniors Rights Service
- Bill Mitchell, Townsville Community Legal Service
 - Russell Westacott, Seniors Rights Service

For the Australian Civil Society Group on Ageing



**Open-ended Working Group on Ageing
for the purpose of strengthening the protection
of the human rights of older persons**



**UNITED NATIONS
HUMAN RIGHTS**
OFFICE OF THE HIGH COMMISSIONER

CURRENT SITUATION

- United Nations Open-ended Working Group on Ageing has been meeting yearly in New York for 10 years.
- Existing United Nations conventions address the rights to an adequate standard of living, the best possible physical and mental health, work and fair working conditions, safety from violence, freedom from cruel or degrading treatment, privacy, and the ability to participate in social and family life. However, older people can have particular vulnerabilities, and may need additional protections.
- A new, legally binding instrument would bring clarity to both the nature of an older person's rights and the responsibilities to protect them.
- Replace the deeply stigmatising and dehumanising ageist attitudes and behaviour that currently dominate the way we at every level in society respond to older age and older people.
- Australia consistently opposes the need for any International Convention which specifically addresses the rights of older persons, arguing that the existing instruments meet all needs

PROPOSED ISSUES - I

Broad topics	Australian initiatives
Equality and non-discrimination (discrimination on the basis of age)	Specific legislation prohibiting age discrimination in areas of public life, including accommodation, education, employment, and the provision of goods, services and facilities and dedicated Age Discrimination Commissioner within the Australian Human Rights Commission.
Neglect, violence and abuse (ageism)	Reforms to aged care, addressing elder abuse, challenging ageism, and the Royal Commissions into banking and aged care
Autonomy and independence	Official support for autonomy and independence of all mentally competent older persons
Accessibility, infrastructure and habitat (transport, housing and access)	Note: older women (>55) are fastest growing group of homeless, and largest subgroup of Newstart recipients
Right to health and access to health services	Medicare officially provides access to health services for all citizens, although co-payments and other arrangements may make that access more difficult. Charter of Aged Care Rights which officially places a person receiving aged care services at the centre of their care, supports them to express their needs, and recognises their fundamental right to be treated with dignity and respect

PROPOSED ISSUES - II

Broad topics	Australian initiatives
Access to justice	Community legal centres are available in all capital and larger regional centres
Social protection and social security (including social protection floors)	Designated age pension (current access at age 68) plus some rental subsidy based on detailed analysis of assets and income and exempting contribution of family home
Economic security	Limited government commitment
Right to work and access to the labour market	Some initiatives to allow older workers in government departments, rather than mandatory enforced retirement. Significant self-employment by older workers. Ambassador for Mature Age Employment (>50). Restart wage subsidy
Education, training, lifelong learning and capacity-building	Limited government and public support for lifelong learning

PROPOSED ISSUES - III

Broad topics	Australian initiatives
Participation in the public life and in decision-making processes	Older MPs are subject to pressure from their colleagues to retire. although local government councillors frequently reflect an older cohort
Social inclusion	Special Seniors Week functions and concerts. discount travel passes, discount at various shops and businesses
Contribution of older persons to sustainable development	Significant proportion of overseas volunteers are at peri-retirement; many older and post retirement academics contribute substantially to sustainable development programs
Long-term and palliative care	Official widespread access to long-term and palliative care for older persons

CONCLUSION – I

- On the international stage, and many public forums, Australia recognizes the importance of promoting and protecting the rights of older persons and states it is committed to doing so.
- Australia has made 3 oral interventions only at the UNOEWGA over the 10 year period, all emphasising that Australia is opposed to a specific International Convention on older people.

CONCLUSION – II

- Over the next few decades, the proportion of Australians >65 is predicted to reach 25%.
- We need international legislation that recognises that it is the legal, social, institutional and other barriers that older people face that perpetuate discrimination and violation of their rights.

FOR MORE INFORMATION

Contact Margaret Duckett

President, Seniors Rights Service

E: mduckett@seniorsrightsservice.org.au



**Seniors Rights
Service**

CURRENT SITUATION

- United Nations Open-ended Working Group on Ageing has been meeting yearly in New York for 10 years.
- Existing United Nations conventions address the rights to an adequate standard of living, the best possible physical and mental health, work and fair working conditions, safety from violence, freedom from cruel or degrading treatment, privacy, and the ability to participate in social and family life. However, older people can have particular vulnerabilities, and may need additional protections.
- A new, legally binding instrument would bring clarity to both the nature of an older person's rights and the responsibilities to protect them.
- Replace the deeply stigmatising and dehumanising ageist attitudes and behaviour that currently dominate the way we at every level in society respond to older age and older people.
- Australia consistently opposes the need for any International Convention which specifically addresses the rights of older persons, arguing that the existing instruments meet all needs

PROPOSED ISSUES - I

Broad topics	Australian initiatives
Equality and non-discrimination (discrimination on the basis of age)	Specific legislation prohibiting age discrimination in areas of public life, including accommodation, education, employment, and the provision of goods, services and facilities and dedicated Age Discrimination Commissioner within the Australian Human Rights Commission.
Neglect, violence and abuse (ageism)	Reforms to aged care, addressing elder abuse, challenging ageism, and the Royal Commissions into banking and aged care
Autonomy and independence	Official support for autonomy and independence of all mentally competent older persons
Accessibility, infrastructure and habitat (transport, housing and access)	Note: older women (>55) are fastest growing group of homeless, and largest subgroup of Newstart recipients
Right to health and access to health services	Medicare officially provides access to health services for all citizens, although co-payments and other arrangements may make that access more difficult. Charter of Aged Care Rights which officially places a person receiving aged care services at the centre of their care, supports them to express their needs, and recognises their fundamental right to be treated with dignity and respect

PROPOSED ISSUES - II

Broad topics	Australian initiatives
Access to justice	Community legal centres are available in all capital and larger regional centres
Social protection and social security (including social protection floors)	Designated age pension (current access at age 68) plus some rental subsidy based on detailed analysis of assets and income and exempting contribution of family home
Economic security	Limited government commitment
Right to work and access to the labour market	Some initiatives to allow older workers in government departments, rather than mandatory enforced retirement. Significant self-employment by older workers. Ambassador for Mature Age Employment (>50). Restart wage subsidy
Education, training, lifelong learning and capacity-building	Limited government and public support for lifelong learning

PROPOSED ISSUES - III

Broad topics	Australian initiatives
Participation in the public life and in decision-making processes	Older MPs are subject to pressure from their colleagues to retire. although local government councillors frequently reflect an older cohort
Social inclusion	Special Seniors Week functions and concerts. discount travel passes, discount at various shops and businesses
Contribution of older persons to sustainable development	Significant proportion of overseas volunteers are at peri-retirement; many older and post retirement academics contribute substantially to sustainable development programs
Long-term and palliative care	Official widespread access to long-term and palliative care for older persons

CONCLUSION – I

- On the international stage, and many public forums, Australia recognizes the importance of promoting and protecting the rights of older persons and states it is committed to doing so.
- Australia has made 3 oral interventions only at the UNOEWGA over the 10 year period, all emphasising that Australia is opposed to a specific International Convention on older people.

CONCLUSION – II

- Over the next few decades, the proportion of Australians >65 is predicted to reach 25%.
- We need international legislation that recognises that it is the legal, social, institutional and other barriers that older people face that perpetuate discrimination and violation of their rights.

FOR MORE INFORMATION

Contact Margaret Duckett

President, Seniors Rights Service

E: mduckett@seniorsrightsservice.org.au



**Seniors Rights
Service**