

15 May 2013

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Dear Mr Venne,

National Seniors welcomes the opportunity to provide input on the development of an International Legal Instrument for the Rights of Older Persons by the United Nations Open-ended Working Group on Ageing.

National Seniors Australia (National Seniors) is Australia's largest organisation representing the interests of those aged 50 and over, with more than 200,000 individual members nationally. This broad based support enables National Seniors to provide a well informed and representative voice on behalf of its members and contribute to public education, debate and community consultation on issues of direct relevance to older Australians.

The development of a legal instrument as proposed by the General Assembly resolution 67/139 is crucial in transforming attitudes and approaches to ageing throughout the macro, meso and micro levels of society. This initiative is timely with the increase in people aged 60 years and older predicted to reach 20% of the world's population by 2050.

Over time, the overarching Convention on the Rights of Older Persons will hopefully decrease instances of ageism, consequently diminishing age discrimination and reframing prevalent perceptions of ageing from one of decline and poor health, to one of productivity, participation and vitality.

National Seniors considers that the formation and implementation of the Convention should reshape social processes within society through social, legal and attitudinal change subsequently strengthening and enhancing human rights, social development and individual freedoms.

The following comments relate to the main elements of the proposed legal instrument.

1. Purpose

National Seniors believes that combating ageism will decrease experiences of age discrimination and violations of human rights. Therefore, a purpose of the legal instrument should focus on reconceptualising notions of ageing. To achieve this, it is important to embed contemporary understandings of ageing within a legal instrument to enhance the experiences of older persons and adequately address a changing global environment.

2. General Principles

Similar to the Millennium Development Goals, the legal instrument should include a general framework, or subordinate legislation, to establish and reach set targets regarding social development components that support older persons. Such targets could include: creating a global partnership on ageing, decreasing age discrimination in the delivery of public services, creating greater opportunities for mature age employment, constructing age friendly cities, decreasing instances of elder abuse and adequate accessibility to pensions/social security for retirement.

It is suggested that these targets be accomplished within a set date and monitored accordingly.

3. Definitions

Ageing

- Ageing is a diverse experience and a multidimensional process comprised of psychological, physical and social change.
- Ageing is about a person's state of being rather than a particular number of years.
- Ageing is a continuous process, rather than a distinct phase with a particular starting time. Overtime, a person's needs are changed and shaped by structures and arrangements within society, redefining what it means to age.

Discrimination on the Basis of Age

- Distinguishing differences between people and restricting access by a person or group of people within society to their political, economic, social, legal and natural rights and removing fundamental freedoms enjoyed by others on the basis of age.

Social Inclusion

- To have capability, choice, opportunity, access and resources to fully participate within all areas of life and to be connected to the community free from prejudice.

4. Equality and Non-Discrimination

Member States need to recognise that all persons are equal before and under the law and are entitled without any discrimination to equal protections and equal benefits of the law, regardless of age.

Decisions and policies made regarding older persons should be based upon capacity, needs, and evidence based research; rather than age.

5. Rights

National Seniors recommends that the eighteen Principles for the Older Person, in Resolution 46/91, be implemented into the legal instrument for the Rights of Older Persons. We also advocate for the adoption of these principles into domestic legislation throughout Member States. However, cultural sensitivities should also be considered within the domestic application of each principle, without impacting on the rights and freedoms set out in the Universal Declaration of Human Rights (UDHR) as declared within Article 30.

National Seniors also recommends that the legal instrument include a clause similar to Article 2 in the UDHR, with the addition of age as a specific status.

Furthermore, National Seniors believes the following rights should be considered for implementation into the Convention on the Rights of Older People. The Member State should:

- Recognise the diversity of older persons,
- Promote dignity and security of older persons,
- Recognise that the experience of ageing is a changing concept,
- Promote a socially inclusive society that reflects acknowledgement and transfer of knowledge across generations,
- Promote a democratic process to resolve issues related to ageing,
- Protect from physical, financial and psychological mistreatment and neglect,
- Ensure programs and services are accessible by, and support the needs of older persons - rather than assuming that older persons will 'adapt' to societal and technological changes,
- Support the right to employment and to access employment free from discrimination,
- Identify attitudinal and environmental barriers that hinder full and effective participation in society for older people on an equitable basis to others, and
- Ensure access to social and legal services to enhance autonomy.

6. National and International Supervisory Mechanisms

All Member States need to place a high priority on enhancing well-being of older persons. Governments can enhance and maintain their accountability and legitimacy through developing evidence based programs, services and policies for ageing.

The legal instrument should provide the following provisions for Member States to adhere to:

- Arrangements for independent domestic research councils on ageing to progress current knowledge on ageing,
- A framework to review the targets set out within the legal instrument, and
- A method for consulting with Member States, National bodies and older persons to better understand the ageing experience.

These provisions will ensure that older persons have access to appropriate supports, programs and services and allow adequate planning for the future.

A review of Member States programs for older persons could also be a focus of the research councils, with an aim to examine the financial, political and social state of older persons. Member states should report biennially on the outcomes of this research to the Open ended Working Group on Ageing.

Lastly, National Seniors believes that forming a Convention for the Rights of Older Persons is essential as currently, the rights of older persons are not expressly mentioned within either the *International Covenant on Civil and Political Rights* or the *International Covenant on Economic Social and Cultural Rights*.

National Seniors appreciates this opportunity to provide input into the legal instrument for the Convention on the Rights of Older Persons.

Yours sincerely

Michael O'Neill
Chief Executive Officer