



Call for inputs by the International Working Group on Older Persons: general framework, architecture, and guiding principles of a legally binding instrument on the human rights of older persons

Input from EveryAGE Counts, Australia (everyagecounts.org.au)

Established in 2018, EveryAGE Counts is Australia's national coalition and grassroots social movement to end ageism towards older Australians.

It is a long-term commitment. We aim to shift narrow and negative generalisations about older age and older people, and the damaging impacts that flow from them, towards more realistic, fairer and healthier perspectives on ageing and later life.

This submission is based on our policy to uphold human rights by ending ageism.

Why this matters

Human rights advocates around the world have long argued that ageism – negative stereotypes, attitudes, beliefs and behaviours towards older age and older people – is a barrier to older people enjoying general human rights protections.

Human rights belong to all of us by virtue of being human – at any life stage and in any circumstances. But in contravention of this basic principle, in practice, our guarantee of rights is often contingent on erroneous assessments or assumptions of the contributions we make. Ageism stops older people from exercising their rights to make important contributions to society and participate as full members of it. It also overlooks and underplays the contributions that the full diversity of older people make, and have made, over a lifetime and across the lifecourse.

The stereotype of older people as social and economic beneficiaries or dependents is an important justification underlying denial of their rights and dignity as full citizens – their human rights. The diminishing status of people as they age pushes them to the margins as rights holders. Older people are often invisible within, or excluded by, ageism from basic human rights norms that contribute to:

- fairness,

- inclusion and dignity across our society – for example, in the rights to work, equal treatment, privacy, freedom from cruel and inhumane treatment and, sometimes,
- even in the rights to life and health.

This goes beyond societal attitudes and prejudices and is often embedded deeply within our economic, social and care systems.

The COVID-19 pandemic gave the Australian community and political leaders insight into the way in which older people's human rights can be denied, with greater social acceptance and impunity than such denial is allowed for other age groups. During the pandemic older people in many parts of the world (including in some instances in Australia) experienced: age-based medical triage; neglect, abandonment, isolation and/or lack of equal protection from the virus in some aged care facilities and sometimes the community; and being blamed for lockdowns and the economic impact of the pandemic in some mainstream media and more widely in social media. Internationally, this was recognised by the UN Secretary General who in a 2020 statement on the treatment of older people during COVID said:

“No person, young or old, is expendable. Older people have the same rights to life and health as everyone else... We need a surge in global and national solidarity and the contributions of all members of society, including older people. As we look to recover better, we will need ambition and vision to build more inclusive, sustainable and age-friendly societies that are fit for the future.”

At the heart of this call by the UN Secretary General is the foundational Universal Declaration on Human Rights. The UDHR has no use-by date and no entry conditions for individual persons. Yet older people scarcely feature in it, other than as one of many groups entitled to an adequate standard of living (Art 25). Most tellingly, under the Declaration, ageism is not identified as a form of discrimination that undermines rights. As advocates for children, people with disability, and those who experience racial or gender discrimination have already found, general human rights protections are often not enough. Human rights law and principles need to recognise and address the specific grounds for denial of rights experienced by particular groups of people who, in practice, are treated as being outside or only marginally attached to general human rights guarantees.

Over more than a decade, advocates for older people have argued the similar need for a separate human rights instrument internationally and nationally covering the diversity of older people and securing protection against the scourge of ageism. The international human rights system has over the last four decades seen the specific rights of other excluded groups progressively codified in respective conventions, and mechanisms for their enforcement created in additional protocols. These embed an accepted human

rights foundation and accountability framework to design and test policy and practice that is generating positive and lasting real-world change for all those groups. A Convention on the Rights of Older Persons will contribute to similarly significant lasting change

What needs to happen?

Two key responses to build on the raised awareness of ageism's impact on human rights guarantees are urgently needed.

Firstly, political and community leadership and public education are required to:

- drive a society-wide conversation challenging ageism and promoting positive narratives about ageing, an ageing society, increased longevity and social cohesion across the life course
- embed a human rights approach in systemic reforms like aged care
- include older people in implementation of the human rights principle of the right to work
- strengthen the human rights of older people in healthcare systems and practices
- strengthen understanding of and commitment to human rights principles and practices for all ages across our society.

Secondly, EveryAGE Counts calls on the Australian government to actively support the creation and implementation of a new legally binding instrument on the Human Rights of Older People by:

- ensuring Australian representatives to the UN actively champion the progress of a Convention through the UN system, maintaining its unbroken record of leadership in the United Nations for extending specific protections to those groupings of people facing marginalisation and exclusion from access to general human rights protections
- supporting broad participation from civil society as well as governments in the development and implementation of a new Convention, and
- signing, ratifying, implementing, educating the community about, and promoting, the operation of a new Convention in Australia.