



National Association of Community Legal Centres
ACN 163 101 737 ABN 67 757 001 303
Tel: 61 2 9264 9595
Fax: 61 2 9264 9594
Email: naclc@clc.net.au
Web: www.naclc.org.au
Mail: PO Box A2245 Sydney South NSW 1235 Australia

UN OPEN-ENDED WORKING GROUP ON AGEING

8TH WORKING SESSION – 5-7 JULY 2017

ORAL STATEMENT BY NATIONAL ASSOCIATION OF COMMUNITY LEGAL CENTRES (AUSTRALIA)

We thank the Chair.

- 1 NACLC is the peak association for 190 community legal centres in Australia.
- 2 We welcome our Age Discrimination Commissioner to her first Session of this Group.
- 3 Our centres are experts in both thematic areas. We work directly with affected older persons. It gives us a unique perspective. It gives us certainty that substantive rights are necessary to guarantee equality and ageing free from violence.
- 4 At the last session the United Kingdom proposed openness to further standard setting to see what problems faced by older persons might be suitable to be addressed through the prism of rights. This is consistent with the Group's various mandates.
- 5 Both thematic topics are fundamental, framing human rights issues. They can be protected by well-considered normative standards. They are essential to social development. They are the surety behind the catch-cry "no one left behind".
- 6 Both topics must be seen through the prism of human rights.
- 7 We know that a prism breaks light into constituent spectral colours. Similarly, the prism through which we must look this week should break rights into their essential, constituent components. So we can, as the UK says, "*identify the appropriate solutions.*"
- 8 For violence, neglect and abuse, the components must include:

- a Apply to all forms of violence, in all settings, to all actors and perpetrators;
 - b Target specific groups who are particularly vulnerable. For us that includes Aboriginal and Torres Strait Islanders and others mentioned in our input document;
 - c States' responsibilities are positive ones to prevent, protect, punish and provide support and redress;
 - d Data collection to allow a global understanding of the issues and their possible solutions;
- 9 We note Australia's input to the Guiding Questions concedes we do not have a substantive national or provincial system or laws to address violence, neglect and abuse. We are just beginning to build these systems. We are considering a national definition of elder abuse. Therefore, Australia would likely benefit from guiding normative content. And yet, they say here this morning that existing treaties are adequate.
- 10 A recent media expose showed the vulnerability of older Australians to financially exploitative practices in the retirement village sector.
- 11 Similarly, an Australian Law Reform Commission report on Elder Abuse recently revealed a multiplicity of deficiencies in our national laws. This included our system of residential aged care, which featured risks of structural and institutional abuse and neglect, the absence of oversight of restrictive practices for the most vulnerable and the double-edged sword of enduring documents and guardianship.
- 12 These examples show Australia is well positioned to benefit from the development of a global normative standard around the freedom from violence, neglect and abuse. We look forward to hearing it articulated during this session.

We thank the Chair.

Wednesday, 5 July 2017