

**Open Ended Working Group on Ageing 6**  
**Wednesday 15 July 2015 – Interactive Dialogue**  
**National Association of Community Legal Centres (Australia)**

I thank the Chair for the opportunity to address this session following up resolution 69/146.

I represent a network of more than 200 community legal centres that provide legal services to poor, exploited and abused older Australians. I have personally done this work for almost 25 years. My comments therefore come from the coalface. They represent the lived experience of older Australians whose need for human rights protection is not an abstracted notion but a sad reality.

It is our experience that even a country such as Australia, with a wealth of laws and policies, still has gaps in human rights protections for older persons. Australian Poet Dorothea McKellar called Australia a land of far horizons. We have older persons living in all its far-flung corners. The provision of services to older persons in rural and remote areas is difficult and challenges notions of equity of opportunity.

Our Association continues to support the call for a Convention on the Rights of Older Persons. We recognize attainment may be a long-term proposition. We believe a Convention would move systematic eradication of ageism from aspiration to certainty.

The Chair has called for concrete proposals, practical measures, best practices and lessons that will contribute to promoting and protecting the rights and dignity of older persons. It is disappointing to see how few member states have addressed this issue.

The Australian Government, like others here, has indicated that it is “not convinced that the case has been made for an additional human rights treaty specific to older people...”

Our optimistic take on this is that Government is open to consider the evidence that a new instrument is warranted. The door is not closed, nor are the minds of those in power.

Accordingly, we will continue to work with our Government and in our region to provide convincing arguments that may give cause to reflect on that position. Australia played a prominent role in the negotiation of the UN Charter in 1945. Australia was also one of eight nations involved in drafting the Universal Declaration. More recently Australians were heavily involved in the CRPD process.

Australia is currently engaged in its second Universal Periodic Review process. For the first time that submission included a section on older persons and called on the Government to openly engage in the debate about the need for a Convention, in this group, and with the Independent Expert.

Some have argued the UPR process provides adequate protections. It can only be adequate where it reviews actual obligations. If we accept there are gaps in existing obligations then we consequently accept there are gaps in the review of a country's human rights record.

Some have argued that "other status" in existing instruments provides adequate protections. We are firmly of the view that protections for older persons must be moved beyond the domain of "other status". As I have said before, it only requires the changing of 2 letters to get from "other status" to "older status".

Some have argued the MIPAA provides adequate protections. Its non-binding nature and voluntary implementation displaces that contention. And plans of action happily co-exist alongside human rights frameworks.

The very nature of your descriptors Chair, the words "concrete" and "best" clearly drive this working group to resolve its mandate by reference to protections that will set a binding standard of the highest level - one likely to shift entrenched ageist attitudes and address the unique and specific issues faced by older persons.

I thank the Chair.