

31 March 2011

Attention: Rowan McGrae
Office of the Attorney General
Office of International Law
Public Consultation on the Universal Periodic Review
Email: upr@ag.gov.au

Dear Sir/Madam,

**Re: Public Consultation Submission to the Attorney General's Department
Due 31 March 2011**

National Seniors Australia welcomes the Australian Government's commitment to 'a fairer and more inclusive Australia', and a 'community that respects the rights of all citizens is stronger, safer and more resilient to challenges' (Advanced Unedited Draft Report of the Working Group on the Universal Periodic Review, General Assembly, 10th Session, Geneva, 24 January -4 February 2011, Paragraph 7).

About National Seniors Australia

National Seniors Australia is the largest organisation representing Australians aged 50 and over, with some quarter of a million members nation-wide. This broad-based support enables NSA to provide a well informed and representative voice on issues of concern for people aged 50 and over.

Requested feedback on the Universal Periodic Review and Recommendations

We welcome the Government's announcement to the Universal Periodic Review (UPR) of funding and a commitment to a full time Aged Discrimination Commissioner. We wish to note that the human rights of older people need to be considered and better protected. This new Commissioner may need additional tools to enhance the rights of older people.

NSA has already relayed this need to consider and better protect the human rights of older Australians to the Human Rights Action Plan Secretariat on 14 January 2011.

We note that the Australian Government, in its report and the recommendations from the Working Group, do not specifically mention the human rights of older people and we believe that this is something that should receive more consideration in future human rights conversations. We explain why later in this letter.

We are aware that a resolution, voted on 16 November 2011 by the Third Committee in the General Assembly, established an 'Open-ended Working Group' open to all States Members of the United Nations, for the purposes of strengthening the protection of the human rights of older persons.'

We hope that the Australian Government and the Human Rights Commission will be actively involved in this process. As a membership organisation for people aged over 50 we are very much aware of issues that affect the human rights and well being of older people particularly those who are made especially vulnerable due to frailty or ill health.

By way of example, we will now outline some key groups whose human rights need to be considered and better protected:

1. It is estimated that some 227,000 Australians have dementia, with some 40% of these living in residential care (some 60% of total residents), and the other 60% living in the community. By 2030 there will be some 465,000 people with dementia. (Access Economics, "Dementia Estimates and projections: Australian States and Territories", 2005). The Australian Institute of Health and Welfare, in its publication *Dementia in Australia* (2007), estimates that whereas 1.9% of people between the ages 65-74 have dementia, and 8.4% of people aged 75-84 have dementia, some 22.4% of people aged 85+ have the condition (Australian Institute of Health and Welfare, "Dementia in Australia" 2007). The 2003 Survey of Disability, Ageing and Carers suggest that around 50% of residents in residential care facilities have dementia; 83% in high care (Australian Institute of Health and Welfare 2007). As you will be aware, there have been a number of reported cases of the mistreatment of dementia sufferers in residential care (Health Report Issues 45, March 2011, Pfizer and Alzheimer's Australia, March 2011).
2. The Productivity Commission also notes that the care needs for Aboriginal and Torres Strait Islanders are higher than those of non-indigenous Australians, a consequence of premature aging and lower health status. This group is considered to have aged care needs from the age of 50 years. By 2021 the older Indigenous population is projected to grow from around 40,000 in 2006 to 85,000. This will see a doubling of older Indigenous people in the aged care system by 2026.
3. Negative attitudes towards ageing still exist - A recent survey (Benetas, 2010) found some Australians still see older people as a burden on society. However, while there is much anecdotal evidence of discrimination against people purely on the grounds of their chronological age (ageism) there is a low level of enforceability of age discrimination both within the State legislative framework and in Federal legislation.
4. Besides employer attitudes, older workers face institutional obstacles that push them towards retirement. These include age limits on benefits and protections, such as employer contributions to superannuation once a worker reaches 70 and a diluted federal workers' compensation scheme for those over 63; and mandatory retirement ages in certain professions.

These are only some examples that highlight some specific needs of older people which warrant their consideration on the overall frameworks for the better protection of human rights. We hope that you will find this feedback useful and that it may inform future human rights reporting under the UPR and in become a regular consideration on the Australian Governments human rights agenda.

Just as Government has put in place strategies and policies to address sexism and racism, it must consider the same in order to prevent ageism from gaining a foothold and creating community division. The decisive aspect in combating ageism is the leadership that government can provide. As a nation we need to do as much as we can to improve attitudes towards ageing and the negative perceptions held about people because of their age.

Should you have any queries please do not hesitate to contact me on (02) 6230 4588.

Yours Sincerely,

Dr Liz Curran, Director of Policy