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United Nations Human Rights
Office of the High Commission
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Call for inputs: general framework, architecture, and guiding principles of a legally binding instrument on the human rights of older persons

National Seniors Australia (NSA) is the peak consumer body representing the interests of all older Australians, comprising a community of more than 290,000 individuals.

We welcome the opportunity to provide input to the Office of the High Commissioner for Human Rights (OHCHR) regarding the framework, architecture, and guiding principles of the proposed internationally legally binding instrument on the human rights of older persons.

This international legally binding instrument should be founded on a comprehensive human rights framework that explicitly recognises older persons as rights-holders, entitled to the full and equal enjoyment of all human rights and fundamental freedoms.

NSA has a strong track record of advocating for enhanced legal and policy protections for older people's rights. In 2023, our submission to the [Australian Parliamentary Joint Committee on Human Rights](#) highlighted that Australia's human rights framework is a "patchwork of measures," particularly concerning older persons.

We strongly support the creation of a new federal Human Rights Act and urge that NSA's proposed inputs to the framework be given due consideration. In this context, we encourage the Committee to recommend that the Australian Government work towards a United Nations Convention on the Rights of Older Persons.

Addressing ageism should be a [key aspect of this legal instrument](#). It should redefine aging and establish targets for social development, discrimination in public services, employment for older adults, age-friendly cities, elder abuse, and access to pensions.

Older people navigating complex systems, including the pension, aged care, and social protection systems, often do so with limited digital capability. This creates a form of systemic disadvantage, sometimes described as "ageism by design", where essential services are increasingly digitised without adequate alternatives. For many older Australians, this results in barriers to accessing services, reduced independence, and exclusion from services to which they are entitled.

The cumulative impact is a practical erosion of rights, as individuals struggle to engage with systems that are not designed with their needs, capabilities, or preferences in mind. Addressing this digital divide must be recognised as a core component of combating ageism and ensuring equitable access to rights and services.

Additionally, we recommend including a clause similar to Article 2 of the Universal Declaration of Human Rights that specifically mentions age as a protected status.

Should you require further information or input, please contact the NSA Policy Team via policy@nationalseniors.com.au.

Yours sincerely,



Chris Grice
Chief Executive Officer

1. Overarching Framework

NSA advocates for a human rights framework as the foundation of the Instrument, one that explicitly recognises older persons as rights-holders entitled to the full and equal enjoyment of all human rights and fundamental freedoms. This aligns with the Human Rights Council's current intergovernmental process¹.

A welfare-based approach is inadequate. Such frameworks position older people as passive recipients of services rather than active bearers of rights. Evidence from the NSA's own research shows that this framing causes real harm: it normalises exclusion, weakens accountability, and leaves older people without effective recourse when their rights are violated.

NSA's 2025 research documents ongoing ageism in sectors such as retail, hospitality, healthcare, and aged care. The Elements of Ageism 4 report captures the lived experiences of exclusion and differential treatment based on a national social survey. NSA report on ageism in retail and hospitality indicates that when older people are treated differently because of their age more frequently than younger people, this constitutes ageism². When it affects access to goods and services, it may amount to unlawful discrimination under Australia's Age Discrimination Act 2004.

The Instrument should adopt a framework that is:

- Rights-based, not welfare-based; older persons are rights-holders, not charity recipients.
- Explicitly anti-ageist and anti-discriminatory; ageism must be recognised and addressed as a systemic harm.
- Comprehensive in scope, encompassing civil, political, economic, social, and cultural rights.
- Grounded in the values of autonomy, equality, participation, safety, and dignity.
- Actionable; capable of addressing how age discrimination operates across healthcare, aged care, housing, employment, and social protection³.

Our advocacy consistently links the well-being and dignity of older Australians to access to home care, affordable healthcare, retirement income security, accessible housing, and protection from abuse and discrimination. The Instrument must reflect this comprehensive perspective.

Critically, the framework should clarify that older age does not diminish personhood, agency, or entitlement to equal protection under the law. Older persons should be expressly recognised as a category of rights-holders facing specific and systemic barriers⁴. This principle applies equally at the international level.

¹ [Call for inputs; general framework, architecture, and guiding principles of a legally binding instrument on the human rights of older persons](#)

² [NSA Elements of Ageism 4 Discrimination and Exclusion](#)

³ [NSA International Legal Instrument for Rights of Older Persons by United Nations Open-ended Working Group on Ageing](#)

⁴ [Inquiry into Australia's Human Rights Framework 2023](#)

2. Core principles

NSA proposes the following core principles for the instrument, each grounded in its research and advocacy record. The core principles should include:

Dignity and Equality. Older persons are not invisible within general protections, they need to be explicitly recognised. We recommend the explicit inclusion of age as a protected status and the documentation of ongoing deficiencies in the protections and remedies available to older Australians⁵.

This framework should explicitly affirm the equal dignity and worth of older individuals.

Non-discrimination and action against ageism. Combating ageism should be a central principle. Combating ageism would decrease experiences of age discrimination and human rights violations. The NSA 2025 ageism report series found that exclusion and discriminatory treatment of older people in everyday settings continue in society⁶.

The framework should define ageism, prohibit it, and require states to take active measures to address it in law and practice.

Autonomy and independent living. NSA's aged care and housing advocacy consistently supports older people's ability to live safely, independently and with choice. We strongly support increasing the number of home care packages to help older individuals remain in their homes longer. We advocate for improved housing policies that include accessible design standards in Australia's Construction Code and stronger protections for retirement villages⁷. These measures will promote independent living and help delay unnecessary transitions to residential aged care.

The framework should recognise the right to independent living and to community-based support.

Accessibility and affordability. NSA's Healthcare Affordability report states that healthcare in Australia should be affordable and accessible for all older people and use these findings to campaign for reforms that deliver accessible, affordable healthcare to all. The framework should recognise the right to independent living and to community-based support.

The framework should establish states' obligations to ensure that essential services, including health care, aged care and social protection, are both accessible and affordable for older persons.

⁵ [NSA International Legal Instrument for Rights of Older Persons by United Nations Open-ended Working Group on Ageing](#)

⁶ [NSA International Legal Instrument for Rights of Older Persons by United Nations Open-ended Working Group on Ageing](#)

⁷ [NSA Your Care, Your Rights](#)

Participation and inclusion. NSA’s evidence base is built on systematically consulting older Australians about matters affecting their lives. National Seniors Social Survey informs policy positions and reflects the principle that older persons must have a meaningful voice in decisions about policies and services that affect them.

The framework should affirm the right of older persons to participate in public and civic life, in policy development and in monitoring and accountability mechanisms under the treaty itself.

Effective protection from abuse, enforcement and remedy. Current protections are fragmented, and enforcement is weak. We found that existing mechanisms are limited, and that there is no positive duty in Australia’s federal Age Discrimination Act 2004. The complaints-handling process is “unwieldy and notoriously ineffective”⁸. Older people who experience discrimination often have no practical means to remedy it.

The framework should require states to establish accessible, timely and effective mechanisms for complaint and redress, and to impose positive duties on public and private actors to prevent age discrimination.

3. Structure and architecture

NSA supports a structure that is clear, comprehensive and practical. We specifically supported an instrument that included a general framework, definitions, and targeted content to guide implementation and monitoring arrangements.

The framework should include the following elements.

Preamble

The preamble should affirm the equal dignity and worth of older persons, acknowledge the persistence of ageism and discrimination, and recognise the need for stronger and more coherent protection. This would be consistent with the NSA’s repeated concern that older persons face exclusion and that current protections are patchy.

Purpose and object

The framework’s stated purpose should be to promote, protect and ensure the full enjoyment of all human rights by older persons. This language reflects the mandate set by the Human Rights Council and the current OHCHR call for inputs.

⁸ [Inquiry into Australia’s Human Rights Framework 2023](#)

Definitions

The framework must include a clear definition at a minimum

- Older persons, including acknowledgment that ageing is a diverse, multidimensional and continuous process, not defined solely by a numerical threshold
- Age discrimination, covering direct and indirect discrimination, intersectional discrimination and systemic or structural exclusion.
- Ageism, addressing both attitudinal and institutional

General obligations

The framework should require States to:

- adopt legislative, administrative and policy measures to give effect to the rights in the Instrument
- prohibit direct and indirect discrimination on the basis of age
- ensure accessible, timely and effective remedies for violations
- address systemic barriers faced by older persons across health care, aged care, housing, employment and social protection
- collect disaggregated data about older persons to support evidence-based policy and monitoring

NSA's 2023 submission provides a clear factual basis for this by identifying limitations in current discrimination law and remedy pathways.

Substantial rights

The framework should include substantive rights relevant to the areas NSA consistently identifies in its advocacy and research, including:

- equality and non-discrimination on the basis of age
- access to justice and an effective remedy
- health care that is affordable and accessible
- aged care and home support that allow people to live safely and with dignity
- adequate housing, including accessible housing
- social protection and retirement income security
- freedom from abuse, neglect and exclusion and
- participation in public and community life.

Implementation and monitoring provisions

The framework must include strong monitoring and accountability mechanisms. NSA's 2013 submission supported the use of measurable targets. Its 2023 submission identified that weak enforcement is a primary reason existing protections fail older people in practice.

The monitoring framework should include:

- periodic state reporting reviewed by an independent expert body
- an individual communications procedure enabling older persons to bring complaints
- inquiry and visit procedures for systematic violations
- meaningful civil society participation, including from organisations representing older persons

Conclusion

National Seniors Australia advocates for the creation of a comprehensive and enforceable international framework that explicitly recognises older individuals as rights-holders and addresses the systemic barriers they encounter.

Research and submissions from NSA highlight Australia's own challenges, showing that existing protections are fragmented, enforcement is weak, and older people frequently experience discrimination, exclusion, and inadequate access to essential services, despite having formal legal protections. **While international instruments alone cannot resolve domestic issues, a well-defined global framework establishes a baseline that no state should fall below and provides standards for all to measure against.**