

14 May 2013

Robert Venne
Social Affairs Officer
Focal Point on Ageing
Division for Social Policy and Development
Department of Economic and Social Affairs
United Nations Secretariat
Room S-2979, New York, NY 10017

By email: dspd-ageing@un.org

Dear Sir,

In response to the United Nations call for a legal instrument to promote and protect the rights and dignity of older persons by way of a Convention, the Seniors Legal and Support Service at Caxton Legal Centre makes the following statement.

The Seniors Legal and Support Service is funded by the Department of Communities and run by Caxton Legal Centre Inc. Caxton Legal Centre Inc, a non-profit, community based organisation run by a volunteer management committee and staffed by volunteer and paid lawyers.

The focus of the service is addressing exploitation and abuse of those aged 60 and over by providing legal advice, assistance and social work support in a holistic framework.

It has been the experience of the service since its inception in 2004 that elder abuse and particularly financial exploitation and the concomitant abuse of the human rights of older people is widespread, persistent, and ranges across many fields from restricted access to health and social resources to age discrimination and a prevailing cultural ethos of ageism in the community which allows elder abuse to flourish. The impact on the clients of our service is evident in the many cases the service sees of family violence perpetrated against older parents to gain access to their assets, and abuses of power by attorneys for the same purpose. It has been the experience of the service that the human rights principles which attach to attorneys' duties to the principal are regularly breached, or most commonly, simply ignored.

In principle, older people have the same legal rights as everyone else in the community and the same right of access to the provisions of the law. The reality is very different. There are many barriers to access to justice for older clients, and particularly for those who are financially disadvantaged or affected by illness or disability. Not the least of these barriers for older people include a lack of confidence in their rights and a perceived powerlessness in having their voices heard in the community and at policy level in government – roles to

which their demographic status should normally entitle them. It is difficult to avoid the conclusion that if they were a younger generation with a particular interest or focus, their concerns would indeed have been heard at a national and international level as has happened with previous human rights instruments focusing on women, children, and people with disabilities.

The Federal Government's Intergenerational Report 2010 outlines in stark terms what we face as a community in the next 40 years. The number of people aged 65 to 84 years will more than double and the number of people aged 85 and over will more than quadruple. It is the view of this service that, while elder abuse remains the pathological outcome of ageism, older people in significantly increasing numbers will continue to suffer from a degradation of their human rights across health and aged care, housing, and access to justice into the future.

Abuse of older people has been the subject of increasing public concern over the last decade. It is an issue which is attracting the increasing attention of researchers, Governments and the community of Australia. Having a United Nations Convention on the Rights of Older Persons will add impetus and focus for a structured response to this issue and will ensure that human rights do not evaporate as a person ages.

Yours faithfully,

Seniors' Legal and Support Service

Caxton Legal Centre Inc


Scott McDougall

Director,

Caxton Legal Centre