

## Guiding Questions for the focus areas of the IX Session of the Open-ended Working Group on Ageing: Autonomy and independence

- 1) *In your country/region, how is the right to autonomy and independence of older persons defined in legal and policy frameworks?*

Both internationally and domestically the rights to autonomy and independence of older persons have not been formally legislated or legally enshrined. The UN, Universal Declaration Human Rights (UDHR), Convention for the Rights of Persons with Disabilities (CRPD) and International Convention for Economic, Social and Cultural rights (ICESCR), have all indirectly embedded the rights of older persons. However, in New Zealand, the rights extended by the Bill of Rights Act (1990)<sup>1</sup> and the Human Rights Act (1993)<sup>2</sup> to all New Zealanders also include older persons in their enjoyment of those rights.

- 2) *What other rights are essential for the enjoyment of the right to autonomy and independence by older persons, or affected by the non-enjoyment of this right?*

The international treaties cited above enshrine rights to be enjoyed by everyone, including older persons. This includes fundamental rights, such as the rights to freedom from persecution and discrimination, the right to housing and comfort, the right to a high standard of living among many others, which reinforces the intersectionality of human rights.

- 3) *What are the key issues and challenges facing older persons in your country/region regarding autonomy and independence? What studies and data are available?*

Older persons in New Zealand face a variety of issues and challenges that affect their autonomy and independence. The first is negative social perceptions that older persons are a “drain” or a “liability” on society that further marginalizes them and inhibits their rights to autonomy and independence. Such attitudes that form the basis for discrimination, can hinder older persons from employment, education and housing opportunities. This is concerning given the projected changes to New Zealand’s population composition, as it continues to age exponentially.<sup>3</sup> Elder abuse is also a concern for older persons whereby older persons are subjected to psychological, financial, physical abuse and neglect, often by family members.<sup>4</sup> Contemporary research into the issues faced by older persons in New Zealand is currently scarce, making drawing concrete conclusions difficult.

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<sup>1</sup> New Zealand Legislation, “New Zealand Bill of Rights Act (1990)”, section 29. Retrieved from <http://www.legislation.govt.nz/act/public/1990/0109/latest/DLM224792.html> (accessed 19/03/18)

<sup>2</sup> New Zealand Legislation, “New Zealand Human Rights Act (1993). Retrieved from <http://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html#DLM304642> (accessed 19/03/18)

<sup>3</sup> Spoonley, P. “An Ageing Society – the Emergence of a new New Zealand”. Retrieved from <https://www.cffc.org.nz/assets/RetirementIncomeReview2016/330-Ageing-Workforce-Forum-Presentation-An-Aging-Society-Spoonley.pdf> (accessed 15/03/18)

<sup>4</sup> Age Concern “Key information about elder abuse and neglect” Retrieved from <https://www.ageconcern.org.nz> (accessed 18 March 2018)

4) *What steps have been taken to ensure older persons' enjoyment of their right to autonomy and independence?*

Multiple mechanisms have been designed to uphold and protect the right of older persons in New Zealand. New Zealand has a universal pension and superannuation scheme and a high level of mortgage free home ownership, particularly amongst older persons. In government, under the Ministry for Social Development, there is a Minister for Senior Citizens as well as several prominent organisations that advocate for the rights of older persons in New Zealand, such as Age Concern<sup>5</sup>, SuperSeniors<sup>6</sup> and the Human Rights Commission,<sup>7</sup> and the Commission for Financial Competence.

5) *What mechanisms are necessary, or already in place, for older persons to seek redress for the denial of autonomy and independence?*

Age Concern New Zealand has identified six different types of abuse of older persons that restrict or deny them their autonomy and independence.<sup>8</sup> The Commission for Financial Competency is designed to promote financial capability, but also advocates on behalf of older persons in New Zealand. If experiencing abuse or discrimination, older persons are encouraged to use the Elder Abuse and Neglect Prevention (EANP) services<sup>9</sup> or the infoline and Enquiry and Complaints services provided by the Human Rights Commission. Public organisations such as the Citizen's Bureau and institutions like Westpac can provide advice about specific types of abuse or neglect and subsequent courses of action. The Care and Support Worker Settlement Act (2017) provides a financial incentive for workers to continue training, including a module on 'recognising vulnerability and abuse in a health and well-being setting'.<sup>10</sup>

6) *What are the responsibilities of other, non-State, actors in respecting and protecting the right to autonomy and independence of older persons?*

All non-state actors are responsible for upholding and protecting rights to autonomy of older persons to their autonomy and independence. New Zealand anti-discrimination law prohibits discrimination based on age. In a larger societal context, all actors are responsible for ensuring that the rights that they themselves are entitled to, are also respected and attributed to older persons

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<sup>5</sup> Age Concern New Zealand Retrieved from <https://www.ageconcern.org.nz/> (accessed 16/03/18)

<sup>6</sup> Super Seniors New Zealand Retrieved from <http://superseniors.msd.govt.nz/finance-planning/paid-work/age-discrimination.html> (Accessed 16/03/18)

<sup>7</sup> Human Rights Commission "Rights and Abuse of Older Persons" Retrieved from <http://www.ohchr.org/Documents/Issues/OlderPersons/PublicConsultation2013/NewZealandHumanRightsCommission.pdf> (Accessed 16/03/18)

<sup>8</sup> Age Concern New Zealand. "What does Elder Abuse look like?" Retrieved from [https://www.ageconcern.org.nz/Services/EANP/ACNZ\\_Public/Elder\\_Abuse\\_and\\_Neglect.asp](https://www.ageconcern.org.nz/Services/EANP/ACNZ_Public/Elder_Abuse_and_Neglect.asp) (accessed 16/03/18)

<sup>9</sup> Ibid.

<sup>10</sup> Careerforce, "Retrieved from Vulnerability and Abuse Learning Guide", Retrieved from <https://library.careerforce.org.nz/Learning%20Assessment%20Resources/LG28521-1.0.pdf> (Accessed 16/03/18)