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Intergovernmental Working Group on a Convention on the Human Rights of Older Persons  
Office of the High Commission on Human Rights

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## Call for inputs to the Intergovernmental Working Group on a Convention on the Human Rights of Older Persons

### Overview of input from Relationships Australia

Relationships Australia is a non-governmental organisation providing specialist relationship, social connection and mental health services to older adults. We welcome the opportunity to provide input to the Intergovernmental Working Group on a Convention on the Human Rights of Older Persons. Relationships Australia is a member organisation of the Rights of Older Persons Alliance Australia, EveryAGE Counts<sup>1</sup> and Elder Abuse Action Australia,<sup>2</sup> as well as of the Our Human Rights as We Age Network auspiced by the Australian Human Rights Commission. We wholeheartedly support the development of a specialised, thematic and binding Convention that:

- transforms how societies value us as we age into late adulthood, and transcends simply 'retrofitting' social systems, institutions and practices for older adults
- at all stages of its development and implementation – centres and reflects the voices of older adults
- builds on and complements existing conventions, as well as other policy frameworks that have canvassed the rights of older adults and discrimination against older adults<sup>3</sup>
- is comprehensive as to the rights of older adults, acknowledging the rights conferred by existing instruments as well as identifying the unique contribution which can be made only by a specialist convention
- explicitly recognises older adults as rights bearers
- clearly articulates rights and positive obligations
- recognises and works to end ageism, including systemic ageism
- recognises, and seeks to prevent and remediate, human rights violations against older adults, including violations related to intersecting circumstances and positionalities, and

<sup>1</sup> See <https://www.everyagecounts.org.au/>; EveryAGE Counts, 2017.

<sup>2</sup> See <https://eaaa.org.au/>

<sup>3</sup> See, eg, Vienna International Plan of Action on Ageing, *Report of the World Assembly on Ageing, Vienna, 26 July to 6 August 1982*, A/CONF.113/31 (1982) Chap VI.A; *UN Principles for Older Persons 1991*, UNGA Res 46/91 (16 December 1991); *Madrid International Plan of Action on Ageing, United Nations, Report of the Second World Assembly on Ageing, Madrid, 8–12 April 2002 [MIPAA]*, A/CONF.197/9 (2002) 1 (Resolution 1, annexes I and II). Inter-American Convention on Protecting the Rights of Older Persons: [https://www.oas.org/en/sla/dil/inter\\_american\\_treaties\\_a-70\\_human\\_rights\\_older\\_persons.asp](https://www.oas.org/en/sla/dil/inter_american_treaties_a-70_human_rights_older_persons.asp). See also Byrnes, 2025.

- provides effective monitoring mechanisms.

Relationships Australia welcomed Resolution 58/13 of the United Nations Human Rights Council to establish an intergovernmental working group

*with the mandate of elaborating and submitting to the ... Council a draft international legally binding instrument on the human rights of older persons.*

We have also welcomed the Albanese Government's more supportive posture towards such an instrument, which represents recent progress by Australia's national Government in recognising older adults as rights-bearers. We acknowledge the recent release of the long-overdue *National Plan to End the Abuse and Mistreatment of Older People 2026-2036*. We are, nonetheless, dismayed by the failure of the Australian Government to commit to resourcing implementation of the Plan, despite significant known prevalence of abuse and mistreatment among older adults living in Australia.<sup>4</sup>

This submission draws on previous submissions made by Relationships Australia National Office,<sup>5</sup> including submissions to:

- Australian parliamentary committees inquiring into:
  - Australian human rights frameworks
  - gender-based violence
  - violence and abuse against, and neglect and exploitation of, older adults<sup>6</sup>
  - the Australian family law system, which is premised on modern, Western, nuclear families
  - homelessness and housing precarity
  - poverty, and
  - carers and the care and support economy
- the Royal Commission into Aged Care Quality and Safety
- the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, and
- various consultations undertaken by national, state and territory governments in Australia about human rights, aged care (including the use of restrictive practices), productivity, budget measures and cost of living, abuse, neglect and exploitation of

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<sup>4</sup> See eg Qu et al, 2021, which found that 14.8% of people over the age of 65 and living in the community would be affected by one or more types of abuse over a 12 month period. This is likely to reflect substantial under-reporting, because the surveys on which this finding was based excluded people living in institutions and people living with impaired cognition. Several other marginalised cohorts were also under-represented. The Australian Government has funded research to address some of the limits of the 2021 research, but this has yet to be published at the time of writing. For reports on international prevalence, see, eg, Yon et al, 2017; Yon et al, 2018.

<sup>5</sup> All submissions are available at <https://www.relationships.org.au/research/#advocacy>

<sup>6</sup> See, eg, Parliamentary Joint Commission into Corporations and Financial Services. (2024)

older adults, government service delivery, loneliness and social connection, responses to the Covid-19 lockdowns,<sup>7</sup> and access to justice.<sup>8</sup>

## Overview of recommendations

This submission makes the following recommendations.

*Recommendation 1* That the conceptual framework of the instrument must centre ageism as a root cause of human rights violations of older adults.

*Recommendation 2* That the instrument must also:

- recognise persons in late adulthood as full rights-bearers
- acknowledge the heterogeneity of people in late adulthood
- elevate the voice, lived experience and agency of older adults across political, legal, economic, cultural and social systems; in Australia, the voice of older adults is broadly viewed as an afterthought, or as a ‘nice to have’
- support intergenerational connections and relationships, noting evidence that such connection is effective in dissolving ageism and improving both individual and relational wellbeing
- acknowledge intersectionality of circumstances and positionalities that can intensify barriers to the assertion and vindication of rights and also, in our practice experience, compound the effects of marginalisation, discrimination, trauma and abuse across the lifecourse
- recognise that age-based barriers are essentially arbitrary and subjective, and may be culturally specific, and
- ensure accountability for violations of human rights, including through robust monitoring and reporting mechanisms and through provision for accessible and meaningful remedies for violations.

*Recommendation 3* That the instrument must impose positive obligations on States to:

- eliminate ageism
- eliminate violence, abuse, and discrimination against older adults
- eliminate neglect and exploitation of older adults
- support older adults to navigate lifecourse transitions, including with support to maintain safe, respectful and joyful relationships in their families and communities
- support older adults to remain in their communities throughout their lifespan, where they choose to do so
- support intergenerational relationships, communities and practices, including through evidence-informed interventions

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<sup>7</sup> See, eg, InterAmerican Commission on Human Rights, Resolution No. 01/20: Pandemic and Human Rights in the Americas (adopted 10 April 2020); United Nations Department of Economic and Social Affairs, Covid-19 Pandemic and Older Persons (2020).

<sup>8</sup> For barriers to access to justice faced by older adults in Australia, see Law Council of Australia, 2018.

- support older adults to make their own choices in their lives, including by implementing supported decision-making through legislation and service delivery.

*Recommendation 4* That the instrument must explicitly condemn:

- biomedical and pathologised conceptualisations of ageing and late adulthood, and of circumstances associated with ageing
- framing that ‘others’ or problematises older adults and late adulthood, that assumes frailty, lack of or diminished capacity to participate in all aspects of life
- framing that homogenises older adults
- framing that infantilises older adults
- systems that segregate older adults on the basis of their age
- the use of coercive measures against older adults, such as restrictive practices that do not confer therapeutic benefit on an individual and are intended as behaviour management tools, and forced removal from their home of choice
- paternalistic conceptualisations of adults of greater age, including so-called ‘benevolent ageism’
- binary and adversarial framing of intergenerational relationships at the individual, family, community, national and global levels; governments initiate and perpetuate such framing, with the enthusiastic collaboration of media and entertainment industries
- nihilistic conceptions of ageing and late adulthood, including (but not limited to) therapeutic nihilism, and
- discrimination based on age that limits access to social goods and services, including participation in employment, health, education and training, community services, justice and cultural/recreational services.

*Recommendation 5* In addition to relevant Principles set out in Article 3 of the CRPD, Relationships Australia **recommends** additional principles which recognise:

- the voice of older adults as central to the development and implementation of the instrument
- that older adults have a lifetime of experience in developing their values, wishes, and preferences, and in making decisions about their lives
- that beneficence and benevolence serve autonomy and agency (so that ‘doing good,’ in any context, takes its content from the will and preferences of the older adult)
- similar to Article 23 of the CRPD (respect for home and the family) - that older adults experiencing challenges in their family relationships are offered a choice of services, including relational services, to assist them to navigate and resolve these challenges

- that decision-making capacity is context-specific, not binary, and may fluctuate, and the agency of an older adult is to be given its fullest possible scope
- the value of intergenerational connections in supporting peaceful and vibrant communities, and
- that the rights of older adults to life and enjoyment of the highest attainable standard of health (including mental health) have often been dismissed, minimised and de-prioritised in the service of laws, policies and programmes that exclude older adults.

**Recommendation 6** That the instrument include a preamble, a purpose or objects clause, definitions, general principles, general obligations, specific rights, monitoring and reporting provisions, and implementation/administration provisions.

**Recommendation 7** That the Preamble should also:

- acknowledge that concepts of age and ageing are culturally specific, and cannot engage only with chronological age
- recognise that certain circumstances and positionalities may mean that individuals are subject to age-related barriers earlier than other community members (eg First Nations people and people with exposure to institutionalisation)
- recognise that human rights are inherent, and that enjoyment of those rights is independent of any material contribution that a person makes, or has made, and
- recognise the importance of autonomy, agency and the dignity of risk.

## The work of Relationships Australia

Relationships Australia is a federation of community-based, not-for-profit organisations with no religious affiliations. Our services are for all members of the community, regardless of religious belief, age, gender, sexual orientation, lifestyle choice, cultural background or economic circumstances.

Relationships Australia has provided relationships services across Australia for over 75 years. Our services include counselling, dispute resolution, children's services, services for victims and perpetrators of family violence, services for older adults, and relationship and professional education. We aim to support all people in Australia to live with positive and respectful relationships, and believe that people have the capacity to change how they relate to others.

We respect the rights of all people to live life fully within their families and communities with dignity and safety, and to enjoy healthy relationships. Relationships Australia believes that violence, coercion, control and inequality are unacceptable. These principles underpin our work.

## Framing principles of this submission

### Principle 1 - Commitment to human rights

Relationships Australia contextualises its services, research and advocacy within imperatives to strengthen connections between people, scaffolded by a robust commitment to human rights. Relationships Australia recognises the indivisibility and universality of human rights and the inherent and equal freedom and dignity of all.

### Principle 2 - Commitment to promoting social connection across the lifecycle and addressing loneliness as a serious public health risk

Loneliness is a complex social problem and a public health concern. It stems from dissatisfaction with our relationships, a lack of positive and respectful relationships, or both of these, and is often caused by experiences of exclusion due to structural and systemic social realities that form obstacles to participation in social, economic, cultural and political life. As a public health concern,<sup>9</sup> loneliness has been linked to physical health risks such as being equivalent to smoking 15 cigarettes a day and an increased risk of heart disease.<sup>10</sup> Loneliness is a precursor to poorer mental health outcomes, including increased suicidality.<sup>11</sup> It is therefore clear that interventions that address loneliness decrease the burdens on acute and tertiary health care services, and are far less expensive to undertake. Further, policy, regulatory and service interventions that strengthen connections and reduce isolation are the most promising and feasible avenues for reducing the risk of abuse and exploitation of people who face structural and systemic barriers to their full participation in society.

For example, social support has emerged as one of the strongest protective factors identified in elder abuse studies:

*....Social support in response to social isolation and poor quality relationships has also been identified as a promising focus of intervention because, unlike some other risk factors (eg disability, cognitive impairment), there is greater potential to improve the negative effects of social isolation.<sup>12</sup>*

Relationships Australia is a foundation member of the Ending Loneliness Together network<sup>13</sup> and has, since 2013, been the custodian of the Neighbours Every Day campaign,<sup>14</sup> the primary

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<sup>9</sup> Heinrich & Gullone, 2006; Holt-Lunstad et al, 2015; Mance, 2018.

<sup>10</sup> Valtorta, 2016.

<sup>11</sup> Calati et al, 2019; McClelland et al, 2020; Mushtaq, 2014.

<sup>12</sup> See, eg, Dean, CFCA 51, 20, Box 7, citing the United States of America population study described in Acierno et al, 2017; citing also Hamby et al (2016); Pillemer et al (2016). See also Grenade & Boldy, 2008.

<sup>13</sup> The campaign Ending Loneliness Together has released a guide that explains how community organisations can use validated scales to measure loneliness:

[https://endingloneliness.com.au/wpcontent/uploads/2021/08/AGuidetoMeasuring-Loneliness-for-CommunityOrganisations\\_Ending-LonelinessTogether.pdf](https://endingloneliness.com.au/wpcontent/uploads/2021/08/AGuidetoMeasuring-Loneliness-for-CommunityOrganisations_Ending-LonelinessTogether.pdf)

<sup>14</sup> Neighbours Every Day is an evidence-based campaign, independently evaluated by the Australian National University, aimed at reducing loneliness by raising awareness and, importantly, providing tools to combat social

purpose of which is to equip and empower individuals to build sustainable, respectful relationships with those around them. It is an evidence-based campaign aimed at reducing loneliness by raising awareness and, importantly, providing tools to combat social isolation.

### Principle 3 – Poverty is a cause, consequence and characteristic of a range of experiences, circumstances and positionalities, including domestic, family and sexual violence and abuse and maltreatment as a child

Poverty co-occurs with a range of experiences, circumstances and positionalities, including longstanding health restrictions, intimate partner violence, abuse or neglect of older adults, poor mental health, housing insecurity and instability, employment precarity, misuse of alcohol and other drugs, and harmful gambling. Causation is often multi-factorial and multi-directional and, once individuals, families and communities are caught by it, our social, economic, political and legal systems operate in concert to exacerbate poverty, while actively hindering escape and recovery from it.

### Principle 4 – Commitment to inclusive and universally accessible services

Relationships Australia is committed to universal accessibility of services, as well as inclusive and culturally safe services. Our clients (and staff) experience stigma, marginalisation and exclusion arising from diverse circumstances and positionalities, including:

- ‘postcode injustice’ in accessing health, justice and other social services
- poverty
- people affected by complex grief and trauma, intergenerational trauma, intersecting disadvantage and polyvictimisation
- survivors of institutional abuse
- intimate partner violence, abuse or neglect as an older adult, and/or child maltreatment
- status as users of care and support
- disability and longstanding health restrictions (including poor mental health)
- family separation
- being an adult informal carer for a child or other adult
- being a young person caring for a child or an adult
- housing insecurity and instability
- employment precarity, unemployment and under-employment
- misuse of alcohol and other drugs, or experience of gambling harms
- people who come from culturally and linguistically marginalised backgrounds (including people who have chosen to migrate and people who have sought refuge)
- people experiencing homelessness or housing precarity
- people who identify as members of the LGBTIQ+ communities, and
- younger and older people.

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isolation (see Cruwys et al, 2019; Cruwys & Fong, 2020; Fong et al, 2021). For recent international endorsement of Neighbours Every Day as an evidenced-based intervention with positive impact, see WHO, 2025.

None of these circumstances, experiences and positionalities exists at the level of an individual or family. They become barriers to full enjoyment of human rights and full participation in economic, cultural, and social life through the operation of broader systemic and structural factors including:

- legal, political and bureaucratic frameworks
- beliefs and expectations that are reflected in decision-making structures
- policy settings that inform programme administration, and
- biases or prejudices that persist across society and that are perpetuated in, and reinforced by, arts, culture, media and entertainment.<sup>15</sup>

### Principle 5 – An expanded understanding of diverse ways of being and knowing

The commitment of Relationships Australia to human rights necessarily includes a commitment to respecting epistemologies beyond conventional Western ways of being, thinking and doing. Of acute importance is a commitment to respecting epistemologies and experiences of Aboriginal and Torres Strait Islander people as foundational to policy and programme development, as well as service delivery. Connection to Country, and the context-specific experiences of kinship, for example, do not countenance the hyper-individualism that pervades Western assumptions about distribution of resources and obligations between the Western nation-state and individuals, among individuals and within communities.

Relationships Australia is also committed to enhancing the cultural responsiveness of our services to other culturally and linguistically marginalised individuals, families and communities.

### Principle 6 – Intergenerational stewardship

Fairness to future generations should not be viewed through a reductionist fiscal lens. Relationships Australia takes seriously obligations of stewardship for future generations, which transcend balance sheets and require us to invest in social infrastructure (tangible and intangible). This includes fit for purpose human rights infrastructure.

## Responses to key questions

1. What overarching framework should guide the international legally binding instrument on the human rights of older persons? Additionally, how can it best reflect and reinforce the recognition that older persons are rights-holders entitled to the full and equal enjoyment of all human rights and fundamental freedoms?

Relationships Australia respectfully adopts the position taken in GAROP's Discussion Paper (2026), that the instrument should be comprehensive,

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<sup>15</sup> See, eg, AHRC, 2024.

*... incorporating an overall vision of transformative change, substantive rights, State obligations and national and international frameworks for accountability. (paragraph 9)*

We agree with GAROP's observation that

*In order for any new treaty to be effective, it must clearly address the problems, challenges and barriers that have been identified and their root causes ... (GAROP, 2026, paragraph 7)*

The Conventions on the Rights of the Child and the Convention on the Rights of Persons with Disability provide useful guidance for the development of the instrument. However, care will be required to avoid conflation of the causes and effects of human rights violations against older adults with the causes and effects of violations against children and people with disability.

### *Ageism as a root cause of human rights violations against older adults*

Ageism is a root cause of human rights violations against older adults, whether perpetrated by individuals or inherent to political, economic, justice, health, social service, and cultural spheres at international, national, and local levels. Moreover, ageism underlies political inertia, indifference and lack of ambition to identify, prevent and remediate human rights violations against older adults. Ageism makes decision-makers comfortable to persistently de-prioritise actions and resources that would improve the lives of older adults by removing barriers to access goods and services and facilitate full participation in society. For example, the first National Plan to Respond to the Abuse of Older Australians expired in 2023. A hasty, narrow consultation about a new Plan was conducted in the final months of 2024 and a draft Plan published for comment in early 2025.<sup>16</sup> The second Plan was finally released in March 2026. This unconscionable delay arose because work on a plan to end abuse of older adults was considered not sufficiently important relative to other possible work. This is structural ageism, perpetuated by governments in the expectation that they will not be held to account.

Accordingly, Relationships Australia **recommends** that the conceptual framework of the instrument must centre ageism as a root cause of human rights violations of older adults.

### **(Recommendation 1)**

The instrument must also:

- recognise persons in late adulthood as full rights-bearers<sup>17</sup>

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<sup>16</sup> 16 March 2026: <https://www.ag.gov.au/rights-and-protections/publications/national-plan-end-abuse-and-mistreatment-older-people-2026-2036>

<sup>17</sup> Australian examples of this not occurring includes, first, the persistent use of restrictive practices to manage the behaviour of older adults, which attracts less oversight relative to the use of such practices against people with disability. Authorising provisions under the *Aged Care Act 2024* (Cth) and the *Aged Care Rules 2025* (Cth) rely on substitute decision-making. Second, Relationships Australia has been alarmed by the recent passage by the South Australian Parliament of the *Guardianship and Administration (Tribunal Proceedings) Amendment Act 2025* and the *Statutes Amendment (Health and Wellbeing) Act 2025*. This legislation allows for guardianship and administration orders to be made in relation to an older adult without affording the individual natural justice and procedural fairness and allows substitute decision-makers to authorise older adults to be transported to residential aged care facilities against their will.

- acknowledge the heterogeneity of people in late adulthood
- elevate the voice, lived experience and agency of older adults across political, legal, economic, cultural and social systems; in Australia, the voice of older adults is broadly viewed as an afterthought, or as a ‘nice to have’<sup>18</sup>
- support intergenerational connections and relationships, noting evidence that such connection is effective in dissolving ageism<sup>19</sup> and improving both individual and relational wellbeing<sup>20</sup>
- acknowledge intersectionality of circumstances and positionalities that can intensify barriers to the assertion and vindication of rights and also, in our practice experience, compound the effects of marginalisation, discrimination, trauma and abuse across the lifecourse<sup>21</sup>
- recognise that age-based barriers are essentially arbitrary and subjective, and may be culturally specific, and
- ensure accountability for violations of human rights, including through robust monitoring and reporting mechanisms and through provision for accessible and meaningful remedies for violations.<sup>22</sup>

**(Recommendation 2)**

Relationships Australia agrees with GAROP that

*The treaty should further acknowledge that the experience and meaning of older age is shaped by social and cultural norms and societal expectations and is not tied to any specific chronological threshold. It should accordingly include a description of older persons or older age which allows for context-appropriate application and which ensures that any discrimination perpetrated because of ascribed or presumed older age is covered by the treaty. (GAROP, 2026, paragraph 11)*

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<sup>18</sup> For example, Australia’s *National Plan to End Abuse and Mistreatment of Older People 2026-2036* explicitly positions co-design as a ‘nice to have’, requiring its use only ‘where possible’ (see, eg, pp 49, 66).

<sup>19</sup> See, eg, WHO, 2023; Savino et al, 2025; Rodriguez, 2024.

<sup>20</sup> Relationships Australia periodically undertakes a nationally representative survey, Relationship Indicators. The 2024 survey shows that while most older adults report good relationships and high life satisfaction, almost one in five experienced high loneliness; particularly women, those living alone, and those in challenging relationships. Relationship distress most commonly occurred in partnered and intergenerational (parent-child) relationships. Social connection, group participation and support-seeking were protective, highlighting the importance of informal and professional support pathways. See Relationships Australia, 2024.

<sup>21</sup> See, eg, Fink & Galea, 2015; Nurius et al, 2015; Blake et al, 2025. For the compounding effects, into women’s late adulthood, of financial precarity caused by relationship breakdown, domestic and family violence, and interruptions to employment arising from caring responsibilities, see, eg, Blaxland, 2010; Broadway, 2022; de Vaus et al, 2007; de Vaus et al, 2015; Eastaer et al, 2018; Evaluate, 2022; Fehlberg & Millward, 2014; Gray et al, 2010; Smyth & Weston, 2000.

<sup>22</sup> For a recent example of Australian legislation that purported to centre the rights of older adults, but that deprives them of direct means of vindicating breaches of rights, see the *Aged Care Act 2024* (Cth), especially section 23 (Statement of Rights) and subsection 24(3), which provides that ‘Nothing in this Division creates rights or duties that are enforceable by proceedings in a court or tribunal’.

### *Positive obligations*

The instrument must impose positive obligations on States to:

- eliminate ageism
- eliminate violence, abuse, and discrimination against older adults
- eliminate neglect and exploitation of older adults
- support older adults to navigate lifecourse transitions, including with support to maintain safe, respectful and joyful relationships in their families and communities<sup>23</sup>
- support older adults to remain in their communities throughout their lifespan, where they choose to do so<sup>24</sup>
- support intergenerational relationships, communities and practices, including through evidence-informed interventions<sup>25</sup>
- support older adults to make their own choices in their lives, including by implementing supported decision-making through legislation and service delivery<sup>26</sup>

#### **(Recommendation 3)**

### *Explicit condemnation of ageism*

The instrument must explicitly condemn:

- biomedical and pathologised conceptualisations of ageing and late adulthood, and of circumstances associated with ageing
- framing that ‘others’ or problematises older adults and late adulthood, that assumes frailty, lack of or diminished capacity to participate in all aspects of life
- framing that homogenises older adults
- framing that infantilises older adults
- systems that segregate older adults on the basis of their age

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<sup>23</sup> In addition to its social connection campaign, Neighbours Every Day, Relationships Australia provides evidence-based, trauma-informed and culturally sensitive services to older adults navigating life transitions and seeking therapeutic and relational supports to resolve family conflicts and intergenerational abuse. See, eg, Wong et al, 2023, reporting on a multi-disciplinary and collaborative modality to end and remediate abuse of older family members; Inside Policy, 2023, evaluating other, similar services funded by the Australian Government.

<sup>24</sup> In the Australian context, this should extend to support for older First Nations people to age on Country, where they choose to do so. For a recently-enacted example of Australian legislation authorising the forced removal of older adults from their homes, see the *Guardianship and Administration (Tribunal Proceedings) Amendment Act 2025* (South Australia) and the *Statutes Amendment (Health and Wellbeing) Act 2025* (South Australia).

<sup>25</sup> Noting that evidence about intergenerational interventions is currently somewhat fragmented and emerging: see, eg, Fink & Galea, 2015; Nurius et al, 2015; Blake et al, 2025.

<sup>26</sup> The Australian Government has the benefit of numerous learned and robust reports about achieving this, but is yet to implement recommendations in ways that consistently support the rights of older adults to make their own decisions (see, eg, ALRC Report 124 (2014); ALRC Report 131 (2017); Final Report of Royal Commission into Aged Care Quality and Safety, 2021; Final Report of Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 2023). A persistent barrier limiting the ability of older adults in Australia to ensure that their choices are respected if they lose decision-making capacity is fragmentation of local laws about enduring powers of attorney; Australian governments have failed to remedy that fragmentation despite persistent stakeholder advocacy and multi-party agreement. This is a vivid example of chronic de-prioritisation of policies affecting older adults, relative to other issues.

- the use of coercive measures against older adults, such as restrictive practices that do not confer therapeutic benefit on an individual and are intended as behaviour management tools, and forced removal from their home of choice
- paternalistic conceptualisations of adults of greater age, including so-called ‘benevolent ageism’
- binary and adversarial framing of intergenerational relationships at the individual, family, community, national and global levels; governments initiate and perpetuate such framing, with the enthusiastic collaboration of media and entertainment industries<sup>27</sup>
- nihilistic conceptions of ageing and late adulthood, including (but not limited to) therapeutic nihilism,<sup>28</sup> and
- discrimination based on age that limits access to social goods and services, including participation in employment, health, education and training,<sup>29</sup> community services, justice and cultural/recreational services.

**(Recommendation 4)**

We support GAROP’s view that the instrument must be

*... transformative in its outlook, setting out aspirations and a rights-based framework that requires positive changes to social structures and attitudes which will enable older persons to realise their full potential and enhance their participation in all aspects of life.*  
(GAROP, 2026, paragraph 17)

**2. What core principles should underpin the legally binding instrument, to ensure it effectively protects the rights of older persons? In addition, how can the legally binding instrument both reaffirm existing human rights for older persons and clearly identify and address gaps where further normative development is required?**

In addition to relevant Principles set out in Article 3 of the CRPD, Relationships Australia **recommends** additional principles which recognise:

- the voice of older adults as central to the development and implementation of the instrument
- that older adults have a lifetime of experience in developing their values, wishes, and preferences, and in making decisions about their lives
- that beneficence and benevolence serve autonomy and agency (so that ‘doing good,’ in any context, takes its content from the will and preferences of the older adult)

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<sup>27</sup> See, eg, AHRC, 2024.

<sup>28</sup> See, eg, AHRC, 2025; Biskup, Vetter & Wedding, 2020; Nemiroff, 2022; Teaster, 2023.

<sup>29</sup> Age discrimination remains a significant barrier to older adults seeking and remaining in employment, at increasingly younger age thresholds. See eg AHRC, 2016, 2021.

- similar to Article 23 of the CRPD (respect for home and the family) - that older adults experiencing challenges in their family relationships are offered a choice of services, including relational services, to assist them to navigate and resolve these challenges
- that decision-making capacity is context-specific, not binary, and may fluctuate, and the agency of an older adult is to be given its fullest possible scope
- the value of intergenerational connections in supporting peaceful and vibrant communities, and
- that the rights of older adults to life and enjoyment of the highest attainable standard of health (including mental health) have often been dismissed, minimised and de-prioritised in the service of laws, policies and programmes that exclude older adults.

**(Recommendation 5)**

Paragraphs (a) to (d), (k) and (y), in particular, of the Preamble of the CRPD serve as a useful model for acknowledging that existing Conventions apply to older adults, while also accommodating the articulation of the shortcomings in current human rights frameworks, which have left older adults exposed to human rights violations, and lacking effective remedies. The proposed instrument must be informed by the unique positionality of later adulthood and reflect the experiences unique to that stage of life, including emerging forms of discrimination particular to older adults. For example, a range of social, economic and technological changes have created new risks to the rights of older adults, including through:

- technology and technology-facilitated abuse (including TFA aimed at defrauding older adults)<sup>30</sup>
- limits on the availability of palliative care
- persistent use of restrictive practices as a form of behaviour management
- pressure on governments to exclude older adults from secure and affordable housing, or from remaining in their communities, on the misguided premise that doing so will facilitate the access of younger adults to secure and affordable housing<sup>31</sup>
- particular exposure to the effects of climate change, and
- particular exposure to the effects of armed conflict and other emergencies that impinge on social cohesion.

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<sup>30</sup> See, eg, James et al, 2014; Liu et al, 2017; Cross, 2023; Johnston, 2023; Han & Button, 2025.

<sup>31</sup> Notwithstanding the increasing housing precarity endured by older women: see, eg, ANROWS, 2019; Petersen & Tilse, 2024.

3. What overall structure or architecture should the legally binding instrument adopt to ensure clarity and effectiveness? For example, should it include a preamble, definitions, general principles, general obligations, specific rights, and implementation provisions?

Relationships Australia **recommends** that the instrument include a preamble, a purpose or objects clause, definitions, general principles, general obligations, specific rights, monitoring and reporting provisions, and implementation/administration provisions. (**Recommendation 6**)

The Preamble should be similar to that of the CRPD. Within the context of this instrument, the Preamble should also:

- acknowledge that concepts of age and ageing are culturally specific, and cannot engage only with chronological age
- recognise that certain circumstances and positionalities may mean that individuals are subject to age-related barriers earlier than other community members (eg First Nations people and people with exposure to institutionalisation)
- recognise that human rights are inherent, and that enjoyment of those rights is independent of any material contribution that a person makes, or has made, and
- recognise the importance of autonomy, agency and the dignity of risk.

(**Recommendation 7**)

## Conclusion

Thank you for the opportunity to participate in this consultation. We look forward to continuing to engage with the IWG to develop this vitally important convention. Should you wish to discuss any aspect of this submission further, please do not hesitate to contact me at [ntebbey@relationships.org.au](mailto:ntebbey@relationships.org.au), or our National Policy Manager, Dr Susan Cochrane, at [scochrane@relationships.org.au](mailto:scochrane@relationships.org.au).

Kind regards



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