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Urgent action needed to address ageism

All comments to be attributed to Law Council of Australia President, Dr Jacoba Brasch QC

On the International Day of Older Persons, the Law Council of Australia is calling for stronger protections for the human rights of older persons, including increased efforts towards an international Convention on the Rights of Older Persons.

Ageism remains the most accepted form of prejudice in Australia, according to a [report](#) released last month by the Australian Human Rights Commission.

This reflects findings from the final report of the Royal Commission into Aged Care Quality and Safety released earlier this year which observed that “ageism is a systemic problem in the Australian community that must be addressed”.

Age discrimination is also still prevalent around the world, as evidenced by the World Health Organisation’s [Global Report on Ageism](#) (March 2021), and the [Report](#) of the United Nations Independent Expert on the enjoyment of all human rights by older persons (August 2021).

Today, the Law Council is calling for more urgent action both at home and across the globe.

The Law Council welcomes the increased attention to ageism drawn by these reports which call for action to strengthen the protection of the human rights of older persons and momentum towards a new international Convention on the Rights of Older Persons.

The UN Open-ended Working Group on Ageing has been mandated to consider proposals for an international legal instrument to promote and protect the rights and dignity of older persons, and to present to the UN General Assembly a proposal containing the main elements of such instrument.

The Law Council considers that a new international convention would provide an important legal framework to ensure that the rights of older persons are well understood and protected and provide much needed guidance to governments and policymakers at the national level as to how to ensure older persons fully enjoy their human rights. Therefore, it believes progress in identifying the elements of a possible new instrument must be a priority.

While the Law Council has called for a stronger legal framework at the international level, there is also a need to translate and enforce such obligations within our own domestic settings.

This includes measures to support practical access to, and enforcement of, the *Age Discrimination Act 2004* (Cth) to address ageism, and to ensure that aged care legislation better reflects older persons’ human rights, as recommended by the Royal Commission.

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