**Questionnaire of the Independent Expert on the enjoyment of all human rights by older persons on best practices in the implementation of existing law related to the promotion and protection of the rights of older persons**

The Human Rights Council, in its resolution 24/20, requested the Independent Expert on the enjoyment of all human rights by older persons, Ms. Rosa Kornfeld-Matte, to assess the implementation of existing international instruments with regard to older persons while identifying best practices and gaps in the implementation of existing law related to the promotion and protection of the rights of older persons and gaps in the implementation of existing law.

Pursuant to this request, the Independent Expert has prepared this questionnaire to identify best/good practices. The responses to the questionnaire, as well as the country visits undertaken will contribute to the comprehensive report of the Independent Expert that will be presented to the Human Rights Council in September 2016.

In order to enable the Independent Expert to consider the submissions in good time for the report, all stakeholders are encouraged to submit the responses to the questionnaire at their earliest convenience and no later than 18 December 2015.

Kindly indicate whether you have any objection for the responses provided to be made available on the OHCHR webpage of the Independent Expert on the enjoyment of all human rights by older persons.

**Definition of good/best practices**

The term “best practices” is defined broadly in order to include different situations that could be considered positive and successful in a country and could inspire others. Therefore, practice is understood in a comprehensive way, including legislations, policies, strategies, statute, national plans, regulatory and institutional frameworks, data collection, indicators, case law, administrative practices, and projects among others. The practice could be implemented by different actors, State, regional and local authorities, public and private providers, civil society organisations, private sector, academia, national human rights institutions, or international organisations.

To be a good/best practice, the practice should integrate a human rights based approach when implementing existing international instruments related to the promotion and protection of the rights of older persons.

The questionnaire should preferably be completed in English, French or Spanish. The responses to the questionnaire can be transmitted electronically to the Independent Expert, Ms. Rosa Kornfeld-Matte and to be sent to olderpersons@ohchr.org, with copy to Mr. Khaled Hassine, khassine@ohchr.org by 18 December 2015.

Please include in your submissions the name of the State/organization submitting the practice, as well as contact details. Feel free to attach additional pages if you have several good/best practices to share.

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The Independent Expert would like to thank you for your support!

For more information on the mandate of the Independent Expert, please visit: <http://www.ohchr.org/EN/Issues/OlderPersons/IE/Pages/IEOlderPersons.aspx>

**Questionnaire**

of the Independent Expert on the enjoyment of all human rights by older persons on best practices in the implementation of existing law related to the promotion and protection of the rights of older persons

**1. Name of the practice: Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability**

**2. Area concerned:**

Discrimination (e.g. legal/institutional framework, access to facilities and services, etc.)

Violence and abuse

Adequate standard of living (e.g. resource availability, housing, etc.)

Independence and autonomy (e.g. legal guardianship, accessibility, etc.)

Participation

Social protection (e.g. social security, incl. pension)

Education, training and lifelong learning

Care (home, family or institutional care, long-term care, palliative care, geriatric services, quality of care and availability of services, care workers, etc.)

**3. Type of practice:**

Legal (Constitution, law, etc.)

Policy/Programme/Strategy/Action Plan on Ageing

Institution

Regulation

Administrative practice

Case law/jurisprudence

Disaggregated statistical data by age/gender

Training programme

Other (please specify): National Inquiry

**4. Level of implementation:**

National

Local (Sub-national, community, urban/rural area)

Other (please specify):....................................

**5. Please describe the practice, including a) its purpose; b) when and how it was adopted; c) how long it has been used/implemented; and d) its geographic scope.**

1. The national inquiry is an activity by the Australian Human Rights Commission, which is Australia’s ‘A status’ national human rights institution. The purpose of the National Inquiry is to examine practices, attitudes and Commonwealth laws that deny or diminish equal participation in employment of older Australians and Australians with disability; and to make recommendations to Commonwealth laws that should be amended, or action that should be taken to address employment discrimination against older Australians and Australians with disability.

The National Inquiry aims to consult as widely as possible with older Australians, Australians with disability and their carers and families, business, employer and employee organisations, advocacy groups and stakeholders in order to hear their views, experiences and suggestions for change.

1. On 10 December 2014 the Attorney-General of Australia, Senator the Hon. George Brandis QC, asked the Australian Human Rights Commission to conduct a National Inquiry into employment discrimination against older Australians and Australians with disability, with Terms of Reference released on 5 March 2015. The Hon. Susan Ryan, AO, Age and Disability Discrimination Commissioner, on behalf of the Australian Human Rights Commission, is leading the National Inquiry. The National Inquiry commenced in April 2015 and a final report is due by 1 July 2016.
2. The National Inquiry is being conducted in two separate but related streams, in recognition of the differing needs, perspectives and experiences of older Australians and Australians with disability.

The Commission has appointed Reference Panels to provide counsel on the Inquiry. The Reference Panels are organised around three stakeholder streams: business and employers; disability peak groups, and policy experts; and age peak groups and policy experts.

The National Inquiry will involve research including a review of existing literature, reports and other inquiries; face-to-face consultations with relevant stakeholders; and a submissions process. The National Inquiry will base its report and recommendations on these findings.

1. Australia-wide, with consultations conducted across major capital cities and some regional centres. To date, the Inquiry team has attended 115 meetings and consultations, met with over 1100 individuals and received around 300 submissions.

**6. Which actors are involved in the development and implementation of such practice?** For instance, national and local authorities; private and public sector; academia; civil society organizations; international or regional organizations; older persons themselves, among others.

National Inquiry established by the Attorney-General of Australia and led by the Age and Disability Commissioner within the Australian Human Rights Commission. The Inquiry has been informed by the counsel of Reference Panels comprising representatives from business and employers; disability peak groups and policy experts; and age peak groups and policy experts.

A comprehensive broad approach has been taken with respect to consultations, with participants from all parts of the community (government, non-profit sector, business, academia, individuals) able to participate in face-to-face consultations and/or make written submissions.

The views of specific groups: Aboriginal and Torres Strait Islander people, the LGBTI community, state and territory Chambers of Commerce, employer groups, people from CALD backgrounds and other organisations have been captured through the consultation process.

**7. Which rights of older persons does the practice promote and protect?**

Australia, like many other countries, has an ageing population. Australia recognizes that people have a right to work, including the right not to be deprived of work unfairly, and that work is important for personal development as well as for social and economic inclusion.

The Commonwealth *Age Discrimination Act 2004* protects individuals across Australia from discrimination on the basis of age in many areas of public life, including employment, education, accommodation and the provision of goods and services.

**8. How does the practice promote or protect such rights?**

The National Inquiry helps build the case for change on issues such as age discrimination in employment and forms part of the Australian Human Rights Commission’s wide range of activities to help individuals and organisations around the country understand their rights and meet their legal responsibilities, especially in the workplace. The Commission’s work also includes research, policy advice and education initiatives that tackle the attitudes and stereotypes that can lead to age discrimination.

**9. What groups of older persons** (for instance, older women, persons with disabilities, persons of African descent, individuals belonging to indigenous peoples, persons belonging to national or ethnic, religious and linguistic minorities, rural persons, persons living on the streets, and refugees, among other groups), **if any, particularly benefit from the practice?**

It is anticipated that all groups of older persons will benefit from the findings of the National Inquiry, through an improved understanding of the barriers to employment faced by older Australians and Australians with a disability; and through recommendations to key stakeholders to effect policy change where necessary.

**10. How has the practice been assessed and monitored? Please provide specific information on the impact of the practice, with data, indicators, among others, if any.**

The National Inquiry is being conducted in accordance with the Terms of Reference for the Inquiry, available at: <https://www.humanrights.gov.au/willing-work-terms-reference-inquiry>

**11. What lessons do you believe could be learnt from this practice? How could it be improved?**

It is anticipated that the National Inquiry will improve public understanding of the barriers to mature age employment and inform ongoing policy development on strategies to improve participation by older workers and their needs through recommendations to key stakeholders.

**12. How could this practice be a model for other countries?**

Australia’s *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability* has taken a comprehensive consultative approach with respect to gathering the views of all stakeholders. This inclusive approach helps ensure the diversity of views will be reflected in the final report. Recommendations for change will be based on a broad range of evidence including information gathered through consultations, submissions, literature review, research and qualitative sources. Further information on the National Inquiry is available at <https://www.humanrights.gov.au/our-work/disability-rights/projects/willing-work-national-inquiry-employment-discrimination-against>

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**1. Name of the practice: The Power of Oldness Campaign**

**2. Area concerned:**

Discrimination (e.g. legal/institutional framework, access to facilities and services, etc.)

Violence and abuse

Adequate standard of living (e.g. resource availability, housing, etc.)

Independence and autonomy (e.g. legal guardianship, accessibility, etc.)

Participation

Social protection (e.g. social security, incl. pension)

Education, training and lifelong learning

Care (home, family or institutional care, long-term care, palliative care, geriatric services, quality of care and availability of services, care workers, etc.)

**3. Type of practice:**

Legal (Constitution, law, etc.)

Policy/Programme/Strategy/Action Plan on Ageing

Institution

Regulation

Administrative practice

Case law/jurisprudence

Disaggregated statistical data by age/gender

Training programme

Other (please specify): Public education/awareness media campaign

**4. Level of implementation:**

National

Local (Sub-national, community, urban/rural area)

Other (please specify):....................................

**5. Please describe the practice, including a) its purpose; b) when and how it was adopted; c) how long it has been used/implemented; and d) its geographic scope.**

1. The campaign is an activity by the Australian Human Rights Commission, which is Australia’s A status national human rights institution. Stereotypes in mature age employment continue to exist across the community. The purpose of the ‘Power of Oldness’ campaign was to focus attention on the issue of age discrimination; to invite people think about the fact that we have an ageing population and that many of them will one day be a part of that demographic; and to urge Australians to recognise the need for cultural change. Australian radio and television audiences were encouraged to visit the Power of Oldness website for further information.
2. The campaign was developed by the Australian Human Rights Commission in mid-2014, as part of its ongoing activities education initiatives that tackle the attitudes and stereotypes that can lead to age discrimination. The Power of Oldness information video is available online at <https://www.powerofoldness.com/>, together with links to other resources for employees and employers. The Campaign was supported by 16 radio interviews conducted with the Hon. Susan Ryan, AO, Age and Disability Discrimination Commissioner.
3. Media activity ran between 16 September 2014 and 1 February 2015. The campaign website continues to be available.
4. Australia-wide media across the key markets of Sydney, Melbourne, Brisbane and Perth, and some regional networks (TV, radio, online channels)

**6. Which actors are involved in the development and implementation of such practice?** For instance, national and local authorities; private and public sector; academia; civil society organizations; international or regional organizations; older persons themselves, among others.

The Campaign was developed by the Australian Human Rights Commission. The Campaign was supported by radio interviews conducted with the Age and Disability Discrimination Commissioner.

**7. Which rights of older persons does the practice promote and protect?**

Older persons’ right to work, including the right not to be deprived of work unfairly, and that work is important for personal development as well as for social and economic inclusion.

**8. How does the practice promote or protect such rights?**

The campaign helped to raise awareness about the value of workers over the age of 50, calling Australian workplaces to address their hiring practices and to be more inclusive.

**9. What groups of older persons** (for instance, older women, persons with disabilities, persons of African descent, individuals belonging to indigenous peoples, persons belonging to national or ethnic, religious and linguistic minorities, rural persons, persons living on the streets, and refugees, among other groups), **if any, particularly benefit from the practice?**

Campaign was not targeted toward any specific older persons group, but rather older persons generally.

**10. How has the practice been assessed and monitored? Please provide specific information on the impact of the practice, with data, indicators, among others, if any.**

A media activity summary was prepared by media agency Media Heads for the Australian Human Rights Commission upon completion of the Campaign. The key points were:

* The 2 x 30-second radio Public Information Messages (PIMs) were played a minimum of 3,429 times on 64 stations around Australia, reaching 34 unique markets.
* Eight stations spread across the key markets of Sydney, Melbourne, Brisbane and Perth broadcast a total of 284 PIMs, as indicated by electronic watermarking.
* Sixteen radio interviews were conducted with the Hon. Susan Ryan, AO, Age and Disability Discrimination Commissioner. These interviews received a total of 306 broadcasts in 231 unique markets across Australia. Many of these interviews aired on networked programs, which accounts for the very high number of broadcasts and markets reached by only 16 interviews.
* Media Heads distributed 1 x 60-second and 1 x 30-second TV Community Service Announcements (CSAs) on behalf of the Australian Human Rights Commission. One or both of the TV CSAs were broadcast nationally by ABC TV, the Ten Network, and Setanta Sports Australia, as well as on regional networks Prime 7, WIN, Southern Cross.

**11. What lessons do you believe could be learnt from this practice? How could it be improved?**

Changing community perceptions and attitudes to the hiring of older workers is an ongoing challenge. This media campaign is one step toward that end. Extending the campaign for a longer period of time, or revisiting the campaign periodically would help keep awareness of the issue at front of mind for the community.

**12. How could this practice be a model for other countries?**

Public information campaigns, when supported by rigorous policy development, are a useful tool for policymakers to educate and shift community attitudes.

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