Human Rights and Ageing: growing old in Australia

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Simone de Beauvoir (1908-1986)

- *La Vieillesse (Old Age)* (1970)
- “...society is not only guilty but downright criminal..... it treats the old as outcasts” (p.9; 1970)
Betty Friedan (1921-2006)

• Aging is not 'lost youth' but a new stage of opportunity and strength.
• “The Fountain of Age”
The release of the intergenerational report serves a political purpose

TOM DUSIEVICH
Acknowledgement

If the owl is to prevail, more than one third of the country’s total population will be aged 60 and over, compared with 21 percent in 2010. Governments are charged with managing risk. They need to make sure that people aged 60 and over are equipped with the relevant skills and abilities to handle the challenges that lie ahead. This may include providing more access to education and training. To ensure that Australia has a bright future, we need to ensure that our older population is well prepared.

The Australian, February 2, 2010
60 people a week dying alone at home, says MP

James Meikle, health correspondent
The Guardian, Thursday 29 December 2005 01.33 GMT

Up to 60 people die alone in their homes each week in England without friends or family to support them or arrange their funerals, research suggested yesterday.

The study by the Liberal Democrat MP Paul Burstow also found that men are two and a half times more likely than women to die on their own. He called the figures "a sobering reminder" that thousands of older people were dying alone, often uncared for and in poverty.

Nursing home hunger scandal

Mark Metherell
December 22, 2008

A RISE in frail nursing home patients going hungry and thirsty has forced tougher surveillance of the industry.

Of 15 nursing homes sanctioned because of substandard operations, 10 involved cases of poor nutrition and/or hydration. The Minister for Ageing, Justine Elliot, is warning of tougher scrutiny of nursing homes after inspectors made the discoveries.

They have uncovered cases where two undernourished elderly patients in Victoria were found to weigh less than 25 kilograms, a Government spokesman said.
Macquarie Group to compensate potentially thousands of customers caught up in financial advice scandal

By business reporter Pat McGrath
Updated Fri at 7:17pm

Macquarie Bank is preparing to compensate potentially thousands of customers caught up in a financial advice scandal.

The corporate regulator, the Australian Securities and Investments Commission (ASIC), has ordered the investment bank to contact 160,000 clients who may have lost money as a result of poor advice.
Retirement village rorts: the booming scandal

By ABC's Alan Kohler
Posted 10 Jul 2014, 6:46am

If you thought the CBA and FoFA scandals were bad, you should see the rorts happening in retirement villages. If the Government wants to redeem itself, that's where it should crack down, writes Alan Kohler.

If the Government is looking for a way to redeem itself in the eyes of the nation's ripped-off retirees after the CBA financial planning fiasco and its pro-bank FoFA amendments, I have just the answer: the scandal that is retirement villages.
Graeme Wylie († 2006)

- Former Qantas pilot
- Had mild-to-moderate AD
- Died from overdose of Nembutal
Ageism

What we are looking for is somebody about 25 years old with about forty years experience.
Let’s do a little experiment...
Think of a break-dancer...

Did you think of her?
Now think of a university graduate...

Did you think of her?

Phyllis Turner, a 94-year-old Australian great-great-grandmother who quit school at 12 is said to have become the world’s oldest person to earn a university masters degree.
Now think of a table-tennis player...

Didn’t think of her either?

Dorothy De Low, 99, from Australia participates in table tennis practice at the World Masters Games, Sydney Oct 2009
Positive ageing...

Betti Kalman, 83 from Williamstown, Australia
Definition of ageism

- discrimination against people on grounds of age
- specifically, discrimination against the elderly
What should you expect at older age?

What are your rights?
Outline

• Demographics
• Human Rights UN
  – What is recommended, actual, gaps
• Conundrums for society
  – Work, health, autonomy, participation
• The future
  – Electoral power, policies, dialogue, intergenerational integration
Australia: Population projections

Population (approx):
- 2014: 23.5 million
- 2030: 29.0 million
- 2050: 35.3 million
- Extra 4m 75+ yo's from 2012 to 2060 ≈ 6.4% → 14.4% of population

Good news – we are living longer

• N° people in a given older age group who will die over coming year has fallen +++
  – in June 1981 of 1000 men aged 80y, $\approx \geq 100$
die before June 1982
  – in 2011, only $\approx 56/1000$ would die in next year
  – For 1000 women N°s = 65 in 1981 & 36 in 2011

• Average 65 yo man can now expect to live another 18 years $\rightarrow 83y$ ...

• a 65yo women another 22 years $\rightarrow 87y$
There will be almost 3 times as many centenarians as there are today.

2013: 6,364 centenarians  2030: 18,923 centenarians
Figure 8  
Age-related government spending  
All governments, $'000 per person, 2011-12
Revenue and Expenses

• Ageing & new health care technologies → major pressures on Australian budgets
• By 2059-60, total governments’ spending will have risen by 5.9 percentage points of GDP
• The areas of expenditure most affected by ageing are health (by far the largest age-related expenditure), age-related pensions and aged care (which will triple from 0.8% of GDP in 2011-12 to 2.6% in 2059-60)
Projected proportion of eligible persons receiving the age pension


Age and service pensions

• ≈80% of older Australians eligible for the Age Pension - constant over next 40 years; ↓ in % on full pension but ↑ in % on part pension

• Age Pension age scheduled to increase to 67 years by 1 July 2023

• Age Pension (and its defence equivalents) accounted for around 50% of all social security beneficiaries in 2011

• By 2050, compulsory superannuation will only reduce Age Pension payments by ≈ 6%
GDP and ageing

• GDP excludes important goods and services, like leisure, many outputs from volunteering, and household-provided caring services

• Population ageing increases the ‘production’ of these goods but reduces GDP growth

• Omission from GDP of such goods will tend to understate the real growth in the consumption potential of an ageing society

• Productivity Commission: *bear in mind when interpreting future slowdown in GDP growth*
Older people are not a burden

- The overwhelming majority of older people live in private dwellings in the community—only 6% live in non-private dwellings, which include aged care homes and hospitals.
- Even among those aged 85 years and over, 74% live in private dwellings.

AIHW 2007
Where and how do Australia's Older People live? ABS 2013
Older Australians are active contributors

- 48% of 65–74 year olds provide unpaid assistance to someone outside their household
- 33% → volunteer services through organisations
- 29% actively involved in community organisation
- 2 in 3 participate in social and support groups
- Despite having relatively low income, 24% of all older Australians provide direct or indirect financial support for adult children or other relatives living outside the household
Human Rights for Older People
Human rights of older persons

- 1982 – Vienna International Plan of Action on Ageing
- 1991 – UN Principles for Older Persons
- 1992 – Global Targets on Ageing for the Year 2001; Proclamation on Ageing
- 2002 – Madrid International Plan of Action on Ageing
- 2010 – Establishment of the UN Open-ended Working Group on Ageing
A human rights approach would consider:

- Non-discrimination & equality
- AAAQ = Available, accessible & appropriate service provision, of good quality
- Progressive realisation (gradual approach)
- Participation
- Monitoring and accountability
Aged care reform

- Consumer directed care
- Advance care planning
- Supported decision making
- Health literacy
- Acceptability – CALD, Aboriginal, veterans, LGBTI, women, rural and remote
- Quality of services
- Access
- Accountability

Australian Human Rights Commission 2012
Older and Bolder, Ireland

• Equality for older people
• Respect and dignity for people of all ages
• Fairer health care
• Effective home and community care
• Clarity about rights and entitlements
• Secure pension
• Effective transport
• Meaningful involvement of older people
• Coordinated planning & delivery of services
• Road map for implementation

http://www.olderandbolder.ie/content/positive-ageing (Closed 6/13)
United Nations
Human Rights
Principles for Older Persons
1. Older persons should have access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help.

Doctors say I am wasting their time and don’t want to treat me because I am old.
Adequacy of income in Australia

- Adequacy of pension?
- Provisions for future?

Adequacy of support in Australia

- Attitudes – family, culture, general public
2. Older people and work
2. Older persons should have opportunity to work or have access to other income-generating opportunities.

3. Older persons should be able to participate in determining when and at what pace to withdraw from the labour force.
What we can do? Opportunities

• Increases in productivity growth have sizable impacts on output growth

• Productivity’s Commission’s base case value of labour productivity, the cumulative sum of annual GDP values from 2012-13 to 2059-60 is around $140 trillion in constant 2011-12 $$

• ↑ labour productivity of 0.3 % a year increases the cumulative value by $13 trillion ≡ 8 years of Australia’s GDP value in 2012-13.

• Challenge: encouraging employers to attract older workers
4. Older persons should have access to appropriate educational and training programs

- U3A
- Coast Centre for Seniors
5. Older persons should be able to live in environments that are safe and adaptable to personal preferences and changing capacities.
6. Older persons should be able to reside for as long as possible in their own homes
Community services

**Positive**
- HACC
- Community Packages – 4 levels
- Dementia supplements
- Consumer Directed Care

**Limitations**
- Quality of services
- Meeting needs
- Availability
- Access
- Special needs
- Waiting times
7. Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being and share their knowledge and skills with younger generations.
8. Older persons should be able to seek and develop opportunities for service to the community and to serve as volunteers.
9. Older persons should be able to form movements or associations of older persons.
10. Older persons should benefit from family and community care and protection in accordance with each society's system of cultural values.
11. Older persons should have access to health care to help them to maintain or regain the optimum level of physical, mental and emotional well-being and to prevent or delay the onset of illness.
Older people with mental illness

- GPs less likely to diagnose mental health problems in old people \(^1\)
- Under-referral of old people to private psychiatry
- Fewer long consultations \(^2\)
  - Referrals to psychiatrists: only 1/3 rate per capita compared to working age population
  - Consultations shorter
  - Less likely talking therapy

\(^1\) Brodaty et al, 1982
\(^2\) Draper B & Koschera A, ANZJ Psychiatry, 2001; 35:626-630
Unmet needs of Older People with mental illness

• Services are meeting many needs, including most mental and many physical health needs.
• Unmet needs are predominantly
  – Social
  – Daily Activities
  – Company
  – Existence of a confidante

Health - the resource question

- Cost increase greater than GDP worldwide
- Spending on health in last year of life (much in last month) = spending in lifetime till then
- Health rationing? vs Lifetime of taxes
- False dichotomy = *children vs old people*?
- Save by eliminating waste, better palliative care
12. Older persons should have access to social and legal services to enhance their autonomy, protection and care
Elder abuse

- Physical/sexual
- Emotional/Psychological
- Exploitation
- Abandonment
- Medical
- Neglect

→ 1-5% of elderly are victims of abuse
Physical/sexual

- Welts, laceration, fractures
- Burns, excess drugs
- Bruises
- Lack of
  - clothes
  - heat
  - medication
  - food
  - water
Psychological abuse

- Threats
- Insults
- Harassment

“... Elders are swindled out of nearly $15 billion each year from telemarketing crimes alone...”

Exploitation

- Income
- Financial
Medical abuse

• Withholding or excessive treatment

Neglect

• Withholding appropriate attention
• Intentionally failing to meet older person's physical, social, emotional needs
• Failure to provide food, water, clothing, medications
• Failure to assist with ADLs or help with personal hygiene
Yvonne Grant was secretly filmed having to call for the toilet for hours
Restraints
Competing rights

- Autonomy vs Beneficence
  - Hoarding
  - Restraints
  - Medications

Bobolases take refuge in van
SMH 30.3.14
Competing rights: Euthanasia

Author argues for euthanasia tribunals

Maeve Kennedy

LONDON: The author Sir Terry Pratchett is calling for euthanasia tribunals to give sufferers from incurable diseases the right to medical help to end their lives.

Pratchett insisted in a lecture broadcast on Monday that “the time is really coming” for legalising assisted death.

Pratchett, author of the bestselling Discworld fantasy novels, was diagnosed two years ago with a rare form of early onset Alzheimer’s disease — a discovery he memorably described, when he broke the news on the Discworld News website, as “an embarrassment”.

In his lecture, “Shaking Hands With Death”, the author volunteered to be a test case before a euthanasia tribunal himself.

The tribunal panels would include a legal expert in family matters and a doctor with experience of serious long-term illness.

“If granny walks up to the tribunal and bangs her walking stick on the table and says ‘Look, I’ve really had enough. I hate this bloody disease and I’d like to die, thank you very much young man. I don’t see why anyone should stand in her way.’

He said there was no evidence from countries where assisted dying was allowed of granny being coerced into dying so relatives could get their hands on her money.

“Choice is very important in this matter. But there will be some probably older, probably wiser GPs, who will understand. The tribunal would be acting for the good of society as well as that of the applicant — and ensure they are of sound and informed mind. firm in their purpose, suffering from a life-threatening and incurable disease and not under the influence of a third party.

“If I knew that I could die, I would live. My life my death, my choice.”

His lecture came a week after a British woman, Kay Gilderdale, was cleared of attempted murder for helping her 31-year-old daughter to commit suicide following years of suffering from the chronic fatigue syndrome ME.

However, days earlier Frances Inglis, who killed her 22-year-old son by heroin injection believing he was left in a “living hell” after severe brain damage in a road accident, was found guilty of murder and sentenced by majority verdict to a minimum of nine years in jail.

Pratchett, who made his comments at the annual BBC Dimbleby lecture, has previously criticised the existing law and the risk faced by any relatives who help a family member to die of being charged with murder.

“If he had his own Alzheimer’s, he said, “It is not nice and I do not wish to be there for the endgame.”

Two polls published in Britain on Monday found significant popular support for euthanasia.

Guardian News & Media
Competing rights

Rights vs protection
- Right to make bad decisions
- Capacity to marry¹

J Howard Marshall m. Anne-Nicole Smith 1994

Driving and older person

- Rights of person vs others
- Mandatory tests?
- Driving & dementia
- Rights of older person vs safety
13. Older persons should be able to utilise appropriate levels of institutional care providing protection, rehabilitation and social & mental stimulation in a humane and secure environment.
RELAX! We’ll go get him after we finish the game

YET ANOTHER ESCAPE ATTEMPT FROM THE NURSING HOME
14. Older persons should be able to enjoy human rights and fundamental freedoms when residing in any shelter, care or treatment facility, including - full respect for their dignity, beliefs, needs and privacy and - the right to make decisions about their care and the quality of their lives.
Now I know why they call it ICU!
I think you'll find I'm one of the most empathetic doctors around.
Right to intimacy vs institutional ethos
Conclusions

- Older people have the same rights as everyone.
- There are gaps specific to older people:
  - eg care, lifestyle, protection.
- Competing rights – protection/autonomy, person/society.
- Intergenerational competition for resources → cross generational generation of resources.
Thank you

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