

Identification of possible gaps in the protection of the human rights of older persons and how best to address them

QUESTIONNAIRE

Background

The Open-ended Working Group on Ageing, in its [decision 13/1](#) adopted at the thirteenth session, requested the co-facilitators to submit proposed intergovernmental negotiated recommendations to be considered at the fourteenth session of the Working Group and to be presented for consideration by the General Assembly, in accordance with resolution [77/190](#), regarding the existing international framework of the human rights of older persons and possible gaps, and options on how best to address them.

The purpose of this questionnaire is meant to facilitate the consideration of the existing international framework of the human rights of older persons and the identification of possible gaps in the protection of the human rights of older persons and how best to address them.

The questionnaire will be sent to all States Members of the United Nations, observers in the General Assembly, A-status National Human Rights Institutions, non-governmental organizations with ECOSOC Status and previously accredited organizations to the Working Group, as well as United Nations Funds, Programmes, Specialized Agencies and other UN Entities.

The Questions

[Identification of gaps](#)

1. For each of the topics that have been considered by the Open-ended Working Group since its eighth session, please state possible gaps your Government/organization has identified in the normative framework and practical implementation for the protection of the human rights of older persons. *(500 words each)*
 - a) Equality and non-discrimination**
 - b) Violence, neglect and abuse
 - c) Long-term care and palliative care
 - d) Autonomy and independence
 - e) Social protection and security (including minimum social protection)
 - f) Education, training, lifelong learning and capacity-building**
 - g) Right to Work and Access to the Labour Market**
 - h) Access to justice
 - i) Contribution of Older Persons to Sustainable Development
 - j) Economic security
 - k) Right to Health and Access to Health Services
 - l) Social Inclusion**

- m) **Accessibility, infrastructure and habitat (transport, housing and access)¹**
- n) **Participation in the public life and in decision-making processes²**

Equality and Non-Discrimination

Although Canada has the Canadian Human Rights Act that addresses discrimination on various grounds, including age, more focused legislation on age-related discrimination is needed as there are numerous examples of the violation of human rights of older adults. The Canadian Coalition Against Ageism (CCAA) is a nation-wide social change movement to combat ageism against older people while protecting and strengthening their human rights. The establishment of this coalition is a direct result of the needs in protection of older adults' human rights in Canada. Since its inception, CCAA has engaged with multiple stakeholders to advocate for the rights of older Canadians including the right to good physical and mental health, inclusive living options including long-term care, employment and income support, and the special needs of older women, older immigrants, older indigenous persons, and other older persons who are at risk of abuse.

Furthermore, the existence of shortcomings in safeguarding the rights of older adults highlights the important role of initiatives like SE Health's Age Positive Alliance. The Alliance aims to engage more than 500 committed members in its first phase to foster age positivity and combatting ageism, particularly in health and social care settings. The initiative's inception can be attributed to the need for tackling ageism through tangible actions that involve raising awareness and fostering discussions within diverse communities. Members of the alliance acknowledge the pervasive age discrimination that older adults face, emphasizing their active pursuit of equitable access and fair treatment, irrespective of their age.

Therefore, the establishment of explicit international guarantees could reinforce Canada's commitment to addressing age-related discrimination and strengthen the efforts of community groups such as CCAA in creating lasting change.

Education, Training, Lifelong Learning, and Capacity-Building

Older persons should have access to learning opportunities throughout their lives, but a lack of tailored educational programs and limited awareness of these opportunities often leaves them with fewer choices for personal development. Although there are existing programs for older adults, such as those offered through University of Manitoba (first Age-Friendly University in Canada) and McMaster University's Institute for Research on Aging, they are not widespread nor do they address intergenerational engagement. Ageism, which includes stereotypes about cognitive decline in older adults, can further discourage them from seeking educational and capacity-building activities. Across Canada, 35% of Canadians admit they've treated someone differently because of their age. The negative perception of aging at the societal level has hindered mature students' pursuit in lifelong learning particularly in post-secondary institutions (Romainioli, & Contarello, 2021). 80% of Canadians agree that older adults aged 75+ are seen as less important and more ignored, and 63% of older adults 65+ say they have been treated unfairly because of their age (Revera Report on Ageism, Revera and IFA, 2012).

¹ To be discussed at the 14th Open-Ended Working Group on Ageing

² To be discussed at the 14th Open-Ended Working Group on Ageing

While international human rights instruments, such as the International Covenant on Economic, Social and Cultural Rights, acknowledge the right to education for all, they may not sufficiently address the specific educational needs of older individuals. The establishment of an international convention would strengthen protection against ageist attitudes and behaviours by creating a new, and better, status quo. ^[SEP]

Specific to SE Health, intergenerational co-design represents a pivotal methodology that is being undertaken to support programs, services and educational resources for older persons. Our GenerAction Toolkit honours the diversity of experiences, needs, and perspectives across generations and aims to educate facilitators from all ages to use intergenerational co-design in their programs and initiatives. However, these efforts could be bolstered significantly if there were robust safeguards for the rights of older adults, such as those outlined in a UN convention. Therefore, the establishment of a Convention on the Rights of Older Persons becomes imperative, ensuring that the unique needs and perspectives of older adults are not just considered but actively integrated into solutions. Such a convention could bridge this gap and promote greater inclusivity in policy and decision-making processes.

Right to Work and Access to the Labour Market

Older workers encounter barriers such as hiring biases, limited training opportunities, and age-related misconceptions. In some cases, older adults are pushed into early retirement or passed over for promotions. Though in the past most Canadians were able to retire after age 65, since 2015, one in five Canadian have worked past the age of 65 (Statistics Canada, 2017). The Discussion Guide on Ageism in Canada (2022) notes common challenges older adults encounter including having fewer call backs for jobs due to their age, fewer training opportunities, and intersectional discriminations (e.g. gender, race, and age) (Lössbroek & Radl, 2019). These challenges undermine their human rights, including the right to work and earn a living.

Although international human rights instruments like the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights recognize the right to work, they do not provide specific protections for older workers.

To change the status quo, SE Health is actively pursuing the goal of evolving into an age-friendly organization by participating in the Certified Age-Friendly Employer Program developed by the Age Friendly Institute. The commitment to advocate for the program's continuation and to continually assess our organization's strengths and weaknesses in terms of age inclusivity underscores the existing gap in safeguarding the rights of older adults to access the labour market and engage in work without facing discrimination. This commitment is a clear testament to our dedication to fostering an inclusive and equitable environment for individuals of all age groups, particularly older adults. It reflects the vital need to eliminate discriminatory barriers and ensure equal opportunities for older individuals seeking employment and active participation in the workforce.

Social Inclusion

Research has shown that 30% of Canadian older adults are in danger of social isolation (Government of Canada, 2022), which has negative impacts on their physical and mental health including increased risk of death, cognitive decline, and depression. As the global older adult population grows, organizations in Canada and throughout the world are establishing initiatives to help older adults stay healthy and involved in their communities.

There are notable gaps in the protection of their human rights when it comes to social inclusion. Ageism and stereotypes often marginalize older individuals, leading to social exclusion, isolation, and unequal access to various aspects of public life.

Socially isolated older adults are often unaware of programs in their neighbourhood, are concerned about the stigma and stereotypes associated with being lonely and have negative views of social groups that have little to no structured activity rather than meeting for a shared interest (RTO & NIA, 2022).

During the COVID-19 pandemic, older Canadians have continued to become increasingly comfortable with digital technologies (Statistics Canada, 2022). However, while the pandemic has led more older adults to incorporate technology into their daily lives, that is less likely to be the case for those aged 80 years and older (Statistics Canada, 2022). Not all interventions to increase social connectedness are socially and culturally appropriate for specific populations, such as 2SLGBTQIA+ communities or racialized and ethnocultural communities. Not all interventions were developed with older adults in their program design, planning, execution, and evaluation, which leads to misaligned solutions to meet older people's needs.

Globally, while the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights emphasize the right to participate in the cultural, social, and economic life of the community, they do not have enough emphasis for older adults, which is the fastest growing population group (United Nations, 2019). That's why an international convention on the rights of older people would enhance protection of older adults by increasing intentional, collaborative design and challenge the ageist barriers in social connectedness.

Accessibility, Infrastructure and Habitat

Canada has gaps in ensuring age-friendly infrastructure and access for older persons. As the population ages, there are gaps in accommodating the specific needs of older adults in terms of physical accessibility, housing, and public infrastructure. These challenges can hinder their ability to live independently, participate in community life, and access essential services, impacting their human rights.

International human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights, stress the importance of creating an environment that allows individuals to live with dignity and participate fully in society. However, this is not specific to the dire needs of older people, which are unique and timely. About a quarter of Canadian households are headed by individuals aged 65 and older, with 75% owning their homes and 25% renting. In 2016, approximately 2.2 million Canadians lived in multigenerational housing, with 349,350 of them being 65 years and older (Government of Canada, 2016).

SE Health's initiative, Age-Friendly Affordable Housing, addresses the physical, social, and economic aspects essential for healthy aging, offering the opportunity for individuals to live with dignity, choice, and independence. In an aging population, diverse housing options are imperative, enabling individuals to live, grow, and thrive in their homes and communities throughout their life course while maintaining their capabilities and capacities to engage in activities they value. This underscores the importance of accessible infrastructure and living environments tailored to the evolving needs of older adults. We have developed an inventory of such models which we are disseminating through

www.buildingwithmission.ca. Attention and funding allocation to creating models that help older adults “age in place” and live with dignity is vital.

Participation in Public Life and Decision-Making Processes

Ageism can marginalize older adults and lead to their exclusion from political, social, and community activities. Negative stereotypes about cognitive abilities or the relevance of older persons' voices can hinder their participation. These challenges undermine their human rights, particularly the right to participate in and influence the decision-making processes that affect their lives.

Although the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights emphasize participation in public affairs, these provisions are not specific to older people. While Canada has mechanisms for citizen engagement, targeted efforts to involve older individuals in decision-making processes need to be enhanced. There are gaps, particularly concerning the removal of age-based barriers, fostering intergenerational collaboration, and ensuring that older persons' voices are heard and valued in the decision-making processes.

COURAGE: Action for Better Aging, is an initiative launched in response to the disproportionate impact of COVID-19 on older adults. It serves as a compelling example of fostering participation in public life and decision-making processes for older adults. **COURAGE** is mobilizing organizations and individuals (primarily older adults) to advocate for policies and initiatives to address systemic ageism that transcends the health sector and addresses the multifaceted nature of aging. This initiative is starting a social movement to ensure that older adults play an integral role in shaping the future of aging in Canada. A UN Convention on the Rights of Older Persons would further support and recognize the need for older adults to make decisions that allow them to age on their own terms.

[Options on how best to address the gaps](#)

1. Please state how your Government/organization has engaged with international and regional human rights mechanisms (for example: universal periodic review (UPR) treaty bodies, special procedures, regional mechanisms), specifically with regard to older persons. *(500 words)*

Canada has actively engaged with international and regional human rights mechanisms, including the Universal Periodic Review (UPR), treaty bodies, special procedures, and regional mechanisms, with a focus on the rights of older persons. These engagements include participation in various treaty body reviews, such as the Committee on the Elimination of Discrimination Against Women (CEDAW) and the Committee on Economic, Social and Cultural Rights (CESCR). Additionally, Canada has contributed to the development of regional mechanisms, such as the Inter-American Convention on Protecting the Human Rights of Older Persons, highlighting the importance of this issue on the international stage. Furthermore Canada's engagement with the Human Rights Council and its special procedures is instrumental in addressing the rights of older persons.

Furthermore, the 1994-established National Framework on Aging (NFA) guides Canadian governments in addressing seniors' needs, featuring a voluntary structure with a shared Vision Statement and Principles. The National Seniors Council advises the federal Minister of Health and the Minister of Labour and Seniors on aging-related matters. Additionally, the Seniors Policy and Programs Database offers comprehensive information on policies, programs, and demographic data, covering various aspects of seniors' lives (Ontario Human Rights Commission, n.d.).

SE Health has been an accredited organization of the UN OEWSGA since 2019. Since then, we have engaged with international and national human rights mechanisms in numerous ways. We have made official submissions for the 11th Session of the Open-Ended Work Group on Ageing. For the 12th Session of the UN OEWSGA, SE Health submitted a Substantive Input on the Focus Area of Economic Security. In preparation for the OHCHR's Multi-Stakeholder Meeting on the Rights of Older Persons in 2022, SE Health prepared and submitted an official statement, now available on GAROP's website. Furthermore, SE Health commends the federal government on its commitment to take action to combat ageism. As part of Canada's Ageism Consultation, we have recommended to the Minister for Seniors and ESDC to consider actions to combat ageism in Canada and create an age-inclusive society. Moreover, we have sent Ambassador Bob Rae, Permanent Representative of Canada to the UN in New York, and Minister Melanie Joly, Minister of Foreign Affairs, on numerous occasions, letters to participate in OEWSGA proceedings and be involved in the advocacy for a Convention on the Rights of Older Persons.

2. Have those engagement resulted in positive impact in strengthening the protection of the human rights of older persons? Please elaborate. (500 words)

Canada's engagements with international and regional human rights mechanisms have resulted in some positive impacts on strengthening the protection of the human rights of older persons. These interactions have encouraged Canada to implement and enhance measures addressing the identified gaps, particularly in areas such as equality and non-discrimination, violence prevention, and healthcare access.

For example, the UPR process has prompted Canada to further focus on combating age-related discrimination, and recommendations from treaty bodies and special procedures have contributed to improving domestic policies. The Inter-American Convention on Protecting the Human Rights of Older Persons exemplifies Canada's commitment to regional cooperation.

By developing an international instrument or Convention on the Rights of Older People, the international community can set a global standard for the treatment and protection of older individuals, building on the positive progress made by countries like Canada. This would not only enhance the rights and well-being of older people but also contribute to a more equitable and compassionate world.

3. What other options can be considered to strengthen the protection of older persons? Please elaborate. (500 words)

To further strengthen the protection of older persons, several measures could be considered. Firstly, investing in educational and awareness programs is crucial to combat ageism. This approach not only promotes social inclusion and autonomy for older individuals but also emphasizes the importance of using intentional co-design in these programs. Additionally, continuous advocacy for national and international policies and regulations is vital to positively impact the lives of older people. Enhancing access to justice and actively involving older persons in decision-making processes is essential. In this context, Canada can expand mechanisms to ensure that the voices of older persons are heard, particularly in shaping policies and practices that affect them.

However, the effectiveness of these measures could be significantly amplified through the establishment of an international convention with legal powers dedicated to protecting the human rights of older persons. Moreover, there is a pressing need for a national aging plan. This plan should include financial and other supports for older adult groups, enabling them to engage in dialogue, decision-making, and opportunities to interact with the government and other authorities. Such groups could include the Community Based Senior Services (CBSS) sector as well as home and community care organizations, ensuring a broad and inclusive representation of older individuals in these critical conversations.

4. *If applicable*, what is your assessment on the protection of the human rights of older persons according to regional and international instruments? (500 words)

N/A