



Strengthening the Human Rights of Older Persons in Canada: The Imperative for Home Care Services under the Canada Health Act

Introduction

Canada prides itself on a health care system underpinned by the principles of universality and accessibility, as enshrined in the Canada Health Act (Government of Canada, 2017b). This legislation ensures all citizens have access to necessary hospital and physician services based on need rather than the ability to pay. However, the Act conspicuously omits home care services—a critical component of health care for older adults. This omission raises significant concerns about the fulfillment of the human right to health for Canada’s aging population, necessitating urgent attention and action.

Definition and Scope of the Right to Health

The right to health is universally acknowledged as a fundamental human right, vital for the realization of other human rights. In Canada, this right is supported by national laws and policies, and Canada is also a party to several international human rights treaties that mandate the right to health, such as the International Covenant on Economic, Social and Cultural Rights (Government of Canada, 2017a). Despite these commitments, Canadian legislation does not explicitly recognize or adequately define the right to comprehensive health care for older persons, particularly in the context of home care services.

The scope of the right to health necessarily extends beyond mere access to hospitals and physicians. It encompasses the right to a full range of services, including preventive, palliative, and rehabilitative care, as well as long-term and home-based care. These services are crucial for older people to maintain their independence, dignity, and quality of life (Covenant Health and SE Health, 2021). The current legislative framework, which excludes home care, falls short of ensuring the highest attainable standard of health for older Canadians.

Challenges in Home Care Delivery

The exclusion of home care services from the Canada Health Act presents profound challenges. First, it leads to significant variability in access and quality of care across different provinces and territories, undermining the principle of universality. Some regions offer more comprehensive home care programs than others, creating a patchwork of services that results in inequitable health outcomes for older adults (Vafaei et al., 2023).



Second, the reliance on informal caregivers, typically family members, to fill the gap in professional home care services places undue physical, emotional, and financial strain on families (CCCE, 2022). This situation is unsustainable and reflects a failure to adequately support the health and well-being of older Canadians.

Moreover, the lack of adequate formal home care services forces many older adults into long-term care facilities prematurely, stripping them of their autonomy and often leading to poorer health outcomes (Manis et al., 2023). This reality underscores the urgent need for reform to ensure home care services are recognized as an integral component of health care rights.

State Obligations and Special Considerations

The Canadian government has a duty to respect, protect, and fulfill the right to health, which includes ensuring older persons have access to comprehensive home care services. To meet this obligation, the government should consider legislative amendments to incorporate home care services under the Canada Health Act, thereby extending its protections to encompass these essential services.

Special considerations must be given to the diverse needs of older persons, including those with disabilities, those living in remote or rural areas, and Indigenous elders. Policies must be developed with a person-centered approach, prioritizing the preferences and autonomy of older individuals to choose how and where they wish to receive care (Liao et al., 2023).

Implementation: Challenges and Recommendations

Implementing a normative framework that includes home care within the right to health presents challenges, particularly in terms of funding and service delivery models. However, promising practices from other jurisdictions offer valuable lessons. For instance, integrated care models that combine health and social services have shown potential in improving access and quality of care for older adults (Araujo de Carvalho et al., 2017).

To advance home care services within the Canadian health care system, policymakers must undertake a comprehensive review of the Canada Health Act to identify and address existing gaps. Engaging with stakeholders, including older persons, caregivers, health care providers, and advocacy groups, will be crucial in developing an inclusive, equitable, and sustainable home care policy.

Conclusion



The omission of home care services from the Canada Health Act is a significant oversight that impacts the health and dignity of older Canadians. By recognizing and integrating these services into the national health care framework, Canada can better fulfill its human rights obligations and ensure older persons enjoy the highest attainable standard of physical and mental health. It is time for Canada to reaffirm its commitment to the health and well-being of its aging population by ensuring that home care services are accessible, affordable, and of high quality for all older Canadians.



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