



Elder Abuse Prevention Ontario

December 2023

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

Background

The OEWGA13, in its [decision 13/1](#) requested the co-facilitators to submit proposed intergovernmental negotiated recommendations to be considered at the **14th 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 mechanism for the information gathering is this questionnaire, sent to: UN Member States observers in the General Assembly, A-status NHRI, NGOs with ECOSOC Status and previously accredited organizations to the Working Group, UN Funds, Programs, Specialized Agencies and other Entities.

Elder Abuse Prevention Ontario (EAPO) is pleased to submit its responses, insights and organizational perspectives, many echoing submissions made by community partners, Canadian and International based NGOs, in helping inform the consideration of the existing international framework on the human rights of older persons, identifying potential gaps and how best to address them.

About EAPO

EAPO, an accredited UN OEWGA NGO, is a Canadian organization recognized for its leadership in elder abuse prevention. While provincial in scope, EAPO works collaboratively across community partnerships, with all levels of government and service sectors, focusing on raising public awareness of the complexities of elder abuse, delivering diverse educational forums/programs, developing resources/tools that both inform tailored trainings of front-line service and care professionals and help build community capacity, to effectively help older adults at-risk or experiencing abuse.

EAPO is helping break down barriers (whether linguistic, cultural, accessibility challenges or bridging fundamental gaps in knowledge) with the intent to improve the quality of life and well-being of older persons, which remains particularly relevant during the ongoing impacts and consequences of the global C-19 pandemic.

EAPO is a founding member of the multi-stakeholder Pan-Canadian Coalition Against Ageism (CCAA), a social movement committed to combating ageism and calling for the UN convention on the rights of older persons. Countering pervasive ageism is an essential element of the CCAAs work and critical to dismantling the threats this discriminatory prejudice, both systemic and personal, has on human rights, health outcomes and well-being of older persons. Current laws, like Canada's domestic *Charter of Human Rights Act* does not provide a fulsome protection of those rights while a UN convention would be an effective mechanism in creating a more just and fair civil society at the international level.

Identification of gaps

For each of the topics considered by the OEWGA, EAPO is pleased to state gaps from its organizational perspective, identified in the normative framework and practical implementation for the protection of the human rights of older persons.

Equality and non-discrimination

By 2024, older adults 65 years of age will comprise 20% of the population in Canada. According to the 2021 World Health Organization's Global Report on Ageism, one in two persons are ageist against older persons. Ageism intersects with other discriminatory biases (race, ethnicity, gender for example) and combined can pose significant, very negative consequences, whether social or economic, to society as a whole. The UN convention would, through international law, reinforce the human rights that older persons, contributing members of society, deserve to be valued, live with dignity and respect and be afforded the same universal protections, that women, children and persons with disabilities enjoy, because of Conventions enacted by the UN earlier.

Violence, neglect and abuse

To live free from violence, neglect and abuse is a basic human right, yet current Canadian laws do not sufficiently protect older adults from these violations. Complex laws and enforcement mechanisms are difficult to access. Ageism, again coupled with other forms of discriminatory behaviours, other 'isms' increase the risks of abuse of vulnerable populations.

The lack of data, limited response capacity or intervention resources to tackle abuse and neglect only exacerbate these violations of human rights and allow them to continue unabated. 93% of older adults in Canada reside in community and not in congregate settings (like long-term care homes), where mandatory reporting is the only setting requiring, abuse be brought forward for investigation and/or prosecution. The estimated 2 in 10 older adults experiencing abuse is known to be under-reported, because of a number of barriers. Many older Canadians are left to suffer in silence, experiencing abuse at the hands of family members where there is an expectation of trust in the relationship but little recourse to remedy the situation. During the isolating lockdowns of the pandemic, those incidents grew exponentially, often with dire outcomes.

Elder abuse takes on many forms (physical, emotional, sexual, financial, systemic and neglect), is a violation of human rights and becoming increasingly more complex, where often multiple forms are occurring at once.

Marginalized older adults report having insufficient resources/services, an inability to access the help they need, resulting in declining health, increasing economic difficulties and overall negative impacts to their quality of life. Similarly cultural minorities, older LGBTQ people and those with physical or cognitive disabilities are not immune to the experiences of abuse and neglect. Data for these populations is even less readily captured or available and does not adequately inform the development of availability of much needed community resourcing and allocations.

Standardized, pragmatic data collection practices, while challenging to initiate and harness the variety of inconsistent data points/elements gathered by various stakeholders, working in the field of aging, is definitely warranted and increasingly time-sensitive, to concretely define gaps in services/programming, identify the nature and prevalence of abuse and neglect and then systematically inform the expansion of necessary resources and systemic response pathways across communities. The UN convention is a means to support the protection of human rights of older persons, very much in need of comprehensive, readily accessible supports and services that help mitigate further harm, but the true picture remains to be mapped out. The UN convention would be instrumental in furthering this essential work.

Social Inclusion

People from all demographics, need to feel a sense of belonging, to feel safe, valued, respected and have purpose in life, encouraging continued engagement and contributions to society as a whole. Strong relationships, whether familial, or in community/social groups provide those essential connections which can lead to greater longevity, good health, both physical and mental wellness and yield economic benefits as well.

One of the more insidious effects of ageism is the social isolation and loneliness being experienced by older adults, which leads to diminished health outcomes and economic costs as well as overlapping with the continued prevalence of elder abuse.

The benefits of social connections cannot be overstated. Being socially connected and active is a major preventative measure against elder abuse. Social connections enhance the exposure to programs and services that in turn help empower older adults to safeguard themselves against harm.

Investment by all levels of government, like the New Horizon's Grant or provincial grants help launch community projects that minimize social isolation, having meaningful impacts on the emotional and physical health of older Canadians, but these are cyclical and when funds run out, the projects are often discontinued, much to the disappointment and frustrations of those

who have come to rely on them for social connectedness. The UN convention on the rights of older persons could lay the foundation for more fulsome, consistent social inclusion programs, with less volatile expiry dates.

Options on how best to address the gaps

1. Please state how your organization has engaged with international and regional human rights mechanisms specifically with regard to older persons.

EAPO has submitted Reports, co-authored statements and participated in various international human rights forums, hosted webinars with global reach, all advocating for the protection of human rights and calling for the UN convention on the rights of older persons:

- Founding member of the Pan-Canadian Coalition Against Ageism
 - The UN Independent Expert on the enjoyment of all human rights by older persons
 - Canadian House of Commons Standing Committee on Justice and Human Rights
 - OEWGA 13 participation and presentations
 - National/international webinars, with global reach on Ageism Awareness, Promotion of Human Rights & Safeguarding Older Populations against various forms of elder abuse, including keynote speakers and advocates supporting Rights of Older Persons
 - Representation on Steering & Advocacy Groups with the Global Alliance for Rights of Older People (GAROP)
2. Have those engagements resulted in positive impact in strengthening the protection of the human rights of older persons?

To date the Canadian government has not yet articulated its support for the UN convention on the rights of older persons. However, the CCAA work is growing in reach, continues to expand its membership and garner greater support from national organizations, who align with the mandate of combating ageism, endorsing its work and amplifying the voices of all Canadians, from all demographics, who recognize the importance of this convention for all civil society.

The report by Dr. Mahler, on violence, abuse and neglect of older persons has underlined that these issues remain overlooked and not a priority of national, regional or global jurisdictions. International human rights lack clear prohibitions of age discrimination, allowing for this unchecked behavior to prevail. The Madrid International Plan of Action on Ageing, now over 20 years old, remains the main international policy addressing the protection of older persons, but it is NOT a legally binding instrument. The UN convention would be, and would address the continued violation of human rights of older persons.

3. What other options can be considered to strengthen the protection of older persons?

From an organizational perspective, the WHO Global Report on Ageism already provides a viable platform for action - strategies addressing a reduction in ageism, educational and intergenerational interventions, elder abuse and policy and law.

Canada leading and supporting a UN convention on the rights of older persons is paramount.

EAPO and our growing family of community partners, continue to encourage Canada to stand for the protection of human rights of older Canadians and support the UN convention.

The violation of human rights must stop – older persons must be afforded the rights to age with dignity and respect. The action we must take as a global community is unequivocal – put pen to paper and after 13 sessions of the OEWGA – finally declare the UN convention that protects the rights of older persons in this the UNs 75th Year Human Rights and that the promise, the commitment made be fully enshrined in 2024.

Respectfully submitted,

Marta C. Hajek
Chief Executive Officer
mhajek@eapon.ca

T: 416-916-6728
www.eapon.ca



**Elder Abuse
Prevention
Ontario**