

14th SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING
PARTICIPATION IN PUBLIC LIFE AND IN DECISION-MAKING PROCESSES

Response by Canada

1. National and local legal provisions and policy frameworks

Canada has many legal provisions and policy frameworks that guarantee rights that are needed for older persons to participate in public life and in decision-making processes. These include the right to equality and the prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, as well as the elimination of ageism and age discrimination. For example:

The *Canadian Charter of Rights and Freedoms*, which is part of Canada's constitution and supreme law, applies to federal, provincial and territorial legislatures and governments ensuring the protection of individuals from violations of their human rights and fundamental freedoms by government. Section 15(1) of the *Charter* guarantees the right to equality before and under the law, and the right to the equal benefit and protection of the law without discrimination, and in particular without discrimination on the basis of race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

The *Canadian Multiculturalism Act* is part of a legislative framework which includes the *Canadian Charter of Rights and Freedoms*, the *Official Languages Act*, and the *Canadian Human Rights Act*. It promotes respect for and understanding of Canada's racial, ethnic, cultural and religious diversity, and the full participation of all Canadians in the social, political, civic, and economic spheres of society.

The *Accessible Canada Act*, adopted in 2019, is a federal law that aims to identify, remove and prevent barriers facing people with disabilities, including barriers to social inclusion, in order to create a Canada without barriers by 2040.

Canada's telecommunication and broadcasting environment, which is key to access information and tools needed to participate in public life, is governed by a range of legislation and regulatory policies. For example, section 7 of the *Telecommunications Act* affirms the objective of rendering reliable and affordable telecommunications services of high quality accessible to all Canadians, including older persons, in both urban and rural areas in all regions of Canada.

The *United Nations Declaration on the Rights of Indigenous Peoples Act* creates a framework to advance the implementation of the UN Declaration on the Rights of Indigenous Peoples at the federal level. The *United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan*, released in June 2023, contributes to achieving the objectives of the Declaration. These include Articles 5, 18, and 19 of the Declaration, which speaks to political rights, and in particular, rights related to participation in decision-making. Article 22(1) requires that particular attention be paid to the rights and special needs of Indigenous Elders.

2. What steps have been taken to ensure participation in public life and in decision-making processes without discrimination?

Canada is committed to fostering the social inclusion and engagement of seniors. Participation in public life and decision-making processes requires different elements such as access to infrastructure and information and communication technologies, opportunities to engage in committees or discussions on issues that are important to them, and to be included in their communities. Various steps have been taken towards these objectives, necessary to older persons' participation in public life and in decision-making processes without discrimination.

Canada has taken steps to ensure individuals in retirement living, long-term care or palliative care can vote in **Canadian federal elections**. Mobile polling stations are offered to hospitals and facilities that provide long-term care, as well as in buildings where aged voters live, allowing them to vote without having to leave their location.

Canada continues to engage the disability community, many of whom are older persons, on the actions needed to advance disability inclusion and accessibility across the country. The disability community was engaged in the development of the **Disability Inclusion Action Plan**, launched in 2022. The Plan aims to improve the social and economic inclusion of persons with disabilities by removing the barriers they may face in various spheres of societies, including those that could hinder their potential to participate in public-life. Further, Canada's **Social Development Partnerships Program** supports projects intended to improve the participation and increase the social inclusion of persons with disabilities in Canada, while the **Enabling Accessibility Fund** improves accessibility and inclusion of all persons with disabilities in communities and workplaces through renovation, construction and retrofit projects. Additionally, in order to improve access to alternate format reading materials for persons with print disabilities, funding is provided to support the production of alternate format reading materials and creation of a new **Equitable Access to Reading Program** that will launch in 2024 – 2025.

Canada is also working towards eliminating stigma and promoting measures that create supportive and safe communities for people living with dementia, who are often older adults. In 2019, it launched the **National Dementia Strategy**, which identifies common principles and national objectives to help guide actions by all levels of government, non-governmental organizations, communities, families and individuals. People with lived experience are also amongst the members of Canada's **Ministerial Advisory Board on Dementia** which provides the Minister of Health with evidence-informed advice on current and emerging issues, challenges and opportunities related to dementia.

Offering opportunities for older persons to actively engage in discussions on issues that matters to them is important. The **National Seniors Council (NSC)** serves as an advisory body to the Government of Canada, offering advice to the Minister of Labour and Seniors, and the Minister of Health, on matters pertaining to the well-being and quality of life of seniors. It takes into account the views of seniors, organizations and groups that provide seniors' programs and services, experts, and other relevant stakeholders.

Canada continues to promote the development of age-friendly communities (AFC), which contributes to helping older persons stay involved in their communities and participate in its social and civic life, through policies, services and structures related to their physical and social environment and through actively engaging older adults in the process to successfully apply the AFC model in Canada.

Through its **Settlement Program**, Canada assists newcomers to overcome barriers specific to their experience so that they can participate in social, cultural, civic and economic life. It includes programming for older persons such as: facilitating access to community resources (e.g., informal language training) and providing opportunities to enhance civic engagement.

Measures are also being taken to ensure the availability and affordability of broadband, as well as to improve digital literacy. For example, the **Telecom Regulatory Policy**¹ of the Canadian Radio-television and Telecommunications Commission (CRTC) established universal service objectives including in urban, rural and remote areas.

3. What data and research are available regarding older persons' participation in public life and in decision-making processes?

Canada collects data based on voter turnout by age group and gender after every federal General Election and makes it available publicly. Further, the **General Social Survey Program (GSSP)** gathers data on social trends to monitor changes in the living conditions and well being of Canadians, and provides information on specific social policy issues such as Caregiving and Care Receiving, Volunteering and Participating. Data collected can be disaggregated by age groups, gender, and other socio-demographic characteristics. Information on voting in the most recent federal election and the reasons for not voting data was also collected through the **Survey Series on People and their Communities**, which included questions on political engagement, such as whether a respondent signed a petition.

4. What are the challenges and barriers that older persons face regarding participation in public life and in decision-making processes, including the impact of intersectional discrimination and inequality based on age, gender, disability, race, ethnicity, migratory status and other grounds?

Older individuals encounter a multitude of challenges and barriers when engaging in public life and decision-making processes, ranging from difficulties with technology adoption to confronting ageism and grappling with inadequate transportation options. These challenges can discourage older individuals from actively participating in community activities, decision-making processes, and public discourse. Below are some examples.

Ageism presents a significant challenge and barrier for older individuals when it comes to participating in public life. This discriminatory attitude often leads to negative stereotypes, prejudices, and misconceptions about the capabilities and contributions of older adults. As a result, older persons may encounter barriers in accessing opportunities for civic engagement,

¹ Canadian Radio-television and Telecommunications Commission (CRTC) 2016-496

employment and social inclusion. Compounded effects of age-based, gender-based and ethnicity-based discrimination also put older women and visible minorities at the front of workplace ageism.

Older persons may also face **physical, communication, and attitudinal barriers** to participating in their communities, **even more so if they also have a disability**. Indeed, persons with disabilities face additional challenges and barriers, ranging from negative perceptions about their capability; to workplaces, buildings and work tools that are not accessible; to more systematic barriers, such as rules and practices that exclude and discriminate. Canada's **Disability Inclusion Action Plan** aims to remove barriers and address these challenges, by adopting human rights framework, based on the principles of equality, anti-discrimination, participation and inclusion.

Older persons may also face additional barriers that limit their access **to public spaces, transportation, and buildings**, due to physical limitations or lack of availability. Further, **changes in driving ability** with age can impact older adults' independence and quality of life, highlighting the need for accessible and affordable transportation services tailored to their diverse needs.

Older persons may also face challenges when it comes to **accessing and using information and communication technologies** due to limited network deployment (lack of availability), high prices (lack of affordability), lack of digital literacy, and dishonest/aggressive business practices which hinder older persons right to make informed decisions.

5. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress when their right to participate in public life and in decision-making processes is violated?

In Canada, various mechanisms and modes of redress for human rights violations are available. Relevant authorities include the courts, statutory bodies created to administer particular legislation and ombudspersons.

The courts in Canada have jurisdiction to determine whether there have been violations of the *Canadian Charter of Rights and Freedoms*.

The primary means of enforcing human rights codes and legislation (dealing mainly with discrimination) is through the human rights commissions or tribunals established. Human rights commissions play a key role in identifying human rights issues and concerns. Individuals who allege a violation of their equality rights may file complaints with the appropriate commission. These complaints are investigated, and there may be a conciliation process. If necessary, a board of inquiry or human rights tribunal determines the legal merits of the complaint.

Non-litigious dispute resolution and restorative justice is rapidly evolving in Canada, which involves both lawyers and non-lawyers practicing in a variety of subject areas. Processes such as negotiation, mediation and arbitration may be used either independently of or as complements to

litigation. There is a growing demand in Canada for these alternative approaches to conflict resolution, and governments increasingly rely upon them for the resolution of disputes.

Canada ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2010, and acceded to its Optional Protocol in 2018. The Optional Protocol provides an additional recourse if someone believes their rights under the CRPD have been violated, after they have exhausted all domestic remedies. Further, in 2022, Canada appointed the first ever Chief Accessibility Officer, a special advisor responsible for monitoring and reporting on progress made under the *Accessible Canada Act*, and the first ever Accessibility Commissioner, responsible for promoting compliance with the Act and carrying out enforcement activities outside of the transportation and telecommunications/ broadcasting sectors.

Consumers can file complaints with the Canadian Radio-television and Telecommunications Commission (CRTC) about issues with their communication services (e.g. in cases of lack of accessibility). In addition, the Commission for Complaints for Telecom-Television Services is an independent organization dedicated to resolving consumers' complaints regarding their television and telecom services.

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