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18 May 2021

To: House of Commons Standing Committee on Justice and Human Rights

Re: Study of Elder Abuse

Patrons

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The Canadian Centre for Elder Law conducts research and develops reports and educational resources about legal and policy issues related to aging. Our past work has focused on topics such as elder abuse and neglect, mental capacity issues, dementia, family caregiving, and human rights. Our work is informed by research, input from expert advisory committees, and broad consultation with seniors, their families, and professionals from all sectors who work with older people. We are part of a non-profit agency called the British Columbia Law Institute, which has been leading law reform in British Columbia for over 24 years.

You will find many elder abuse resources on our website. Last month, we completed a study paper on elder abuse and mental capacity for the BC Council to Reduce Elder Abuse.¹ We are currently updating our *Practical Guide to Elder Abuse and Neglect Law in Canada*,² with funding from the Department of Justice Victims Fund.

We commend the Justice and Human Rights Committee for setting aside time to study elder abuse in Canada. In this brief we will address:

1. Criminal law reform;
2. Infrastructural investments required to support criminal law reform; and
3. Related critical prevention and response issues within the federal jurisdiction.

¹ Canadian Centre for Elder Law, "Update on the Provincial Strategy Document on Vulnerable Adults and Capability in British Columbia: A Discussion Paper and Reference Guide" (April 2021), online (pdf): www.bcli.org/wordpress/wp-content/uploads/2021/04/CREA_Vanguard_web_V3.0.pdf [Update on the Provincial Strategy Document].

² Canadian Centre for Elder Law, "Practical Guide to Elder Abuse and Neglect Law in Canada" (2011), online (pdf): www.bcli.org/sites/default/files/Practical_Guide_English_Rev_JULY_2011_0.pdf.

1. Criminal Law Reform

Elder abuse includes different kinds of victimization in terms of both the type of abuser and the nature of the harm. Roughly, elder abuse includes:

1. Inter-personal family violence and neglect;
2. Financial abuse under a power of attorney or other legal document;
3. Fraud, scams, and professional cons; and
4. Abuse and neglect in institutional settings.

Each of these forms of elder abuse requires different legal and policy responses. An important distinction is that forms 1 and 2 are generally perpetrated by people the older person cares about, for example, spouses, children, and grandchildren. These relationships are often very important to the older person. As we noted in *Promising Practices in Housing Women who are Older and Fleeing Violence or Abuse*,³ older women may wish to preserve important family relationships above all else. This dynamic has huge implications for what kind of policy response is appropriate, particularly because we know that social isolation is a strong risk factor in terms of abuse and mortality for older people.⁴ Most seniors do not want their child or grandchild to go to jail. They just want the abuse to stop.

Forms 3 and 4 are perpetrated by professionals, con artists, and institutions. These situations are more appropriate for criminal prosecution. When seniors lose their money to strangers, they want accountability; seniors are more supportive of prosecution partly because they don't want other people to be similarly targeted. Family members want corporations penalized for neglecting older adults living in long-term care.

As the Department of Justice has pointed out, the *Criminal Code of Canada* has a range of provisions that are suitable for prosecuting elder abuse. Despite this, you will find a limited number of reported criminal cases involving abuse of older people.

There are *Criminal Code* provisions that can be used to address financial, physical, and sexual abuse, and neglect, and to a lesser extent, emotional abuse. The provisions which may be particularly relevant to prosecution of abuse and neglect in long-term care include failure to provide the necessities of life (s. 215) and criminal negligence causing bodily harm or death (ss. 220-221). There is a more complete list of relevant sections of the *Criminal Code* included in the Canadian Bar Association's brief to the Committee. However, there are a number of barriers that can limit the ability to lay charges for abuse occurring in an institutional setting such as:

- Older adults or employees fearing retribution or retaliation if they report issues;⁵
- Current provisions placing blame on employees rather than owners;⁶

³ Atira Women's Resource Society, "Promising Practices Across Canada for Housing Women Who are Older and Fleeing Abuse" (May 2015) at 5 and 15, online (pdf): [Atira <www.bcli.org/wordpress/wp-content/uploads/2014/11/Promising-Practices-for-Housing-Women-who-are-Older.pdf>](http://www.bcli.org/wordpress/wp-content/uploads/2014/11/Promising-Practices-for-Housing-Women-who-are-Older.pdf) [Atira Report].

⁴ National Initiative for the Care of the Elderly, "Into the Light: National Survey on the Mistreatment of Older Canadians" (2015) at 8, online (pdf): [National Initiative for the Care of the Elderly <cnpea.ca/images/canada-report-june-7-2016-pre-study-lynnmcdonald.pdf>](http://nationalinitiative.ca/images/canada-report-june-7-2016-pre-study-lynnmcdonald.pdf).

⁵ Ginger L Fowler, "Protecting a Frail Generation: Georgia's Need for Civil Protections Against Elder Abuse" (2012) 6: 351 J Marshall LJ 3 [Fowler].

⁶ House of Commons, "Report of the Standing Committee on the Status of Women" (May 2012) (Chair: Marie-Claude Morin) at 9 [House of Commons].

- Lack of education for employees and police in recognizing abuse.⁷

Similarly, the low reporting rates could also be caused by the fact that elder abuse does not often reach the threshold to be deemed a “violent crime” due to the continuous nature of the abuse rather than one instance of assault.⁸

Graham Webb’s proposal for a provision on criminal endangerment to facilitate the prosecution of neglect in long-term care merits study because institutional elder abuse and neglect is the form of abuse that most clearly calls for criminal accountability. As mentioned above, older adults and family members of older adults want to hold institutions accountable, often through criminal or civil responsibility.

Law reform is ideally informed by robust comparative research, which allows us to learn from the mistakes and victories of others. Many of the United States criminalize elder abuse through age-specific provisions, in lieu of crimes of general application such as assault, fraud, or criminal negligence. These jurisdictions explicitly use the term “elder abuse” when defining the crime.⁹ Other states have maintained more age-neutral legislation. Some provisions require that the act must be intentional, while other states have adopted a broader definition of abuse.¹⁰ There is some discussion in the United States about how there are different definitions that individual states have adopted to define what constitutes elder abuse but limited comparative analysis. We need a better understanding of United States’ experiences before we follow their lead. More robust research would allow a comparative look at which definitions and approaches have had the most beneficial impact on addressing elder abuse.

Further, Canada has decades of experience addressing violence against women and children through criminal law, and these experiences should be evaluated in considering the appropriateness of criminal models of response to elder abuse.

A key question worth exploration is whether criminal endangerment or other provision intended to address long-term care should apply only to older adults or to all vulnerable adults living in congregate housing settings. Although long-term care facilities and group homes for youth or adults with disabilities are often regulated by different legal frameworks and fall under the auspices of different ministries,¹¹ the people receiving care are equally vulnerable to harm and neglect, and equally worthy of protection. A criminal endangerment provision could assist in illustrating national condonation of abuse in institutional settings. However, there is potential to help not only older adults but also other Canadians who are in vulnerable positions. There must be a holistic approach to elder abuse and institutional abuse. It is also critical to recognize that there is some hesitation to create age-specific provisions in the *Criminal Code*, as age

⁷ *Ibid.*

⁸ Fowler, *supra* note 5 at 3.

⁹ Canadian Centre for Elder Law, “Research Report: Legal Definitions of Elder Abuse and Neglect” (2009) at 82, online (pdf): *Canadian Centre for Elder Law* <www.bcli.org/wordpress/wp-content/uploads/2021/04/4.-Legal-Definitions-of-Elder-Abuse.pdf>.

¹⁰ Margaret M Landrey & Monique CM Leahy, “Proof of Elder Abuse in Civil and Criminal Actions” (2021) 118: 297 *Am. Jur. Proof of Facts* 3d 11.

¹¹ See youth group home legislation: *Child, Youth and Family Services Act*, 2017, S.O. 2017, c. 14, Sched. 1 and the *Child, Family and Community Service Act* [RSBC 1996] Chapter 46. See also group home legislation for adults with disabilities O. Reg. 434/01.

specifications can further marginalize vulnerable groups, when we ought to be de-classifying older adults within the legal sphere.¹²

Criminal elder abuse and neglect charges are worth deep study and greater reflection. We recommend the Government of Canada fund research into:

1. The effectiveness of existing *Criminal Code of Canada* provisions for addressing violence against other populations, such as women and children;
2. The United States' experience with criminal law responses to elder abuse; and
3. The appropriateness of attaching age limits to *Criminal Code of Canada* charging provisions.

Recommendation 1: The Government of Canada fund comparative legal research to inform criminal law reform in Canada to address elder abuse.

2. Infrastructural investments required to enable criminal law reform to be impactful

The *Elder Justice Act* is the primary source of federal law that governs elder abuse response in the United States. This act was created to advance and develop rights for older adults in the US.¹³ The *Elder Justice Act* recognizes that effective criminal law reform requires significant infrastructural investment and detection of elder abuse and neglect. The act facilitates these goals through an Elder Justice Coordinating Council and an Advisory Board on Elder Abuse, Neglect and Exploitation.¹⁴ The law also creates various organizations to facilitate elder protection such as programs to enhance Adult Protection Services and long-term care ombudsman programs. Additionally, in order to assist in law enforcement with addressing reported cases, the act authorized \$25 million for a training program for state and local government from 2011 to 2014.¹⁵

In Canada, elder abuse and neglect is where domestic violence was 20 years ago. The problem has been highlighted and the criminal law framework exists; however, Canada lacks a robust infrastructure to support charging and conviction. Police, crown counsel, and the judiciary lack policy direction and professional development regarding key matters such as:

- Elder abuse dynamics;
- Age and vulnerability;
- Needs of older adult victims and witnesses;
- Supporting mental capability; and
- Evidentiary issues related to mental capacity and frailty.

¹² Laura Watts & Leah Sandhu, "The 51st State – The 'State of Denial': A Comparative Exploration of Penal Statutory Responses to 'Criminal' Elder Abuse in Canada and the United States" (2006) 14:207 *Elder LJ* 3.

¹³ Leonard A Sandler & Brian Kaskie, "A Protocol for Examining and Mapping Elder Abuse Pathways in Iowa" (2019) 59: 27 *Wash. U JL & Pol'y* 4.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

2.1 Police

Police in many communities across Canada still treat financial abuse by family members as civil matters outside criminal jurisdiction or as un-prosecutable due to the age, frailty, and mental capacity of the victim. In 2011 and 2012 the Standing Committee of the House of Commons on the Status of Women engaged in a lengthy study of abuse of older women. Recommendation 13 of their report identifies the need for police training with respect to how to apply the *Criminal Code* to elder abuse situations. Police testified before the Committee that “officers often fail to see a crime in elder abuse.”¹⁶

Although *Criminal Code* enforcement falls largely to the provinces and territories, the Government of Canada has a significant role to play because enforcement in smaller communities across Canada is through the RCMP, which requires more robust elder abuse response training and better funding for outreach and response. Much of police elder abuse response is attending to provide information and referral. Social worker/ counsellor and police detective pairings make for great on-site support. The Atira Report identifies in-home outreach as one of the most effective strategies for supporting older adult victims earlier on in the abuse cycle;¹⁷ however, this approach requires significant resourcing, and so is currently not possible in many communities.

Specialized elder abuse units or divisions have been established in a number of communities to specifically deal with crimes against older adults in the United States.¹⁸ Similarly, elder abuse units have emerged across Canada. You will find them in Vancouver¹⁹, New Westminister²⁰, Edmonton,²¹ Ottawa²², and other cities. They provide an excellent model that can be further explored by RCMP if they have adequate funding.

Recommendation 2: The Government of Canada fund robust police training regarding elder abuse and neglect response.

Recommendation 3: The Government of Canada fund the RCMP to provide outreach to older adults who may have experienced abuse or neglect, or are at risk of abuse or neglect, in communities across Canada.

2.2 Crown Counsel

Each province and territory has its own Crown Counsel policies that are used throughout trials and other criminal procedures. However, none of the provinces or territories have policies that apply specifically to

¹⁶ House of Commons, *supra* note 6

¹⁷ Atira Report, *supra* note 3, at 11-12.

¹⁸ A Kimberley Dayton, Julie Ann Garber, Robert A Mead, & Molly M Wood, “4A:27 Criminal Remedies” (2020) 1 Advising the Elderly Client 1.

¹⁹ “Elder Abuse Unit”, online: *Government of British Columbia* <www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/if-you-are-a-victim-of-a-crime/victim-of-crime/victim-services-directory/vs-vancouver-elder>.

²⁰ “New Westminister Elder Abuse Unit”, online: *Government of British Columbia* <www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/if-you-are-a-victim-of-a-crime/victim-of-crime/victim-services-directory/vs-new-west-elder-abuse-unit>.

²¹ “Elder Abuse”, online: *Edmonton Police Service* <www.edmontonpolice.ca/CommunityPolicing/FamilyProtection/ElderAbuse>.

²² “Elder Abuse”, online: *Ottawa Police Service* <www.ottawapolice.ca/en/about-us/Elder-Abuse.aspx>.

capacity issues, like dementia, in older adults. Many prosecution manuals explicitly discuss youth witnesses; only a handful identify older adults as a vulnerable group.

The Ontario Crown Prosecution manual mentions that assistance can be provided to victims who may have difficulty accessing the justice system, with one of the factors being age.²³ There is also a brief statement regarding how Crown Counsel has a responsibility for young or vulnerable witnesses preparation and treatment within court.²⁴ The British Columbia Crown Counsel Policy Manual includes different sections regarding charge assessment guidelines, victims of crime information, as well as information specifically for vulnerable witnesses. Vulnerable witnesses include older adults; however, there is limited information on how to address situations where mental capacity comes into question.²⁵ The Alberta Domestic Violence Handbook for Police and Crown Prosecutors discusses elder abuse quite extensively but does not extend this information to witness capacity policies.²⁶ In the other Canadian jurisdictions, there is no mention of older adults specifically. In fact, age is a factor that is often only discussed in regard to youth witnesses.

Consistent, clear Crown Counsel policy is required in order for *Criminal Code* provisions to be impactful. More research must be done in order to create comprehensive policies for Crown Counsel to accommodate for witnesses with capacity concerns. With a greater focus on combating elder abuse, specifically through the *Criminal Code*, more robust policies must be in place to accommodate for witness and victims who may have capacity issues. Without this, prosecution against abusers will likely fail. This work on witnesses and capacity aligns with the National Dementia Strategy commitment to addressing the human rights issues of people living with dementia.²⁷

Further, little is known about how testimonial aids can be used to assist vulnerable adult witnesses in providing testimony in Canada.²⁸ There is research which illustrates that vulnerable witness aids vary extensively across Canadian jurisdictions and there is an inherent presumption that adults do not need a testimonial aid.²⁹ More extensive research is required to potentially create a national standard or set of guidelines in order to better combat elder abuse through prosecution of criminal offenses.

²³ Ontario Criminal Law Division – Ministry of the Attorney General “Crown Prosecution manual” (2017) at 22, online (pdf): *Ministry of the Attorney General* <files.ontario.ca/books/crown_prosecution_manual_english_1.pdf>.

²⁴ Province of Ontario Ministry of the Attorney General, “Crown Policy Manual” (2005) at 1, online (pdf): *Ministry of the Attorney General* <www.attorneygeneral.jus.gov.on.ca/english/crim/cpm/2005/Witnesses.pdf>.

²⁵ British Columbia Prosecution Service, “Crown Counsel Policy Manual” (2021) at 1, online (pdf) *Ministry of the Attorney General* <www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/vul-1.pdf>.

²⁶ Alberta Justice and Solicitor General Criminal Justice Division, “Domestic Violence Handbook for Police and Crown Prosecutors in Alberta” (2013), online (pdf): *Alberta Justice and Solicitor General* <open.alberta.ca/dataset/9e285e5c-e42f-4fe8-89d6-91a909561dde/resource/f2e7f929-c171-41d9-b566-29298e5db4be/download/domesticviolencehandbook-full.pdf>.

²⁷ Respect for human rights is one of the 5 principles of the National Dementia Strategy. See Government of Canada, *A Dementia Strategy for Canada: Together we Aspire* (June 2019), online (pdf): Public Health Agency of Canada <www.canada.ca/content/dam/phac-aspc/images/services/publications/diseases-conditions/dementia-strategy/National%20Dementia%20Strategy_ENG.pdf>.

²⁸ Pamela M Hurley, “Vulnerable Adult Witnesses: The perceptions and experiences of Crown Prosecutors and Victim Services Providers in the use of testimonial support provisions” (2013), online (pdf): *Research and Statistics Division Department of Justice Canada* <www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rr13_15a/rr13_15a.pdf>.

²⁹ *Ibid.*

Crown Counsel policy development related to elder abuse prosecution and support of older adult victims and witnesses is an area calling for national leadership. The Government of Canada can support research and policy development in this area, perhaps by bringing back the Federal Elder Abuse Initiative, which has supported the development of excellent resources in Canada. The Government could also support inter-jurisdictional knowledge exchange on this topic through the Federal / Provincial / Territorial Working Group on Seniors Issues.

Recommendation 4: The Government of Canada fund research, policy development, and inter-jurisdictional knowledge exchange regarding Crown Counsel policy, including:

- Prosecution of elder abuse case;
- Support for witness and victims with mental capacity issues and preservation of their evidence; and
- Testimonial aids to support the participation of vulnerable older adult witnesses.

3. Other Important Elder Abuse Issues within the Federal Jurisdiction

While punishment can be important, the criminal law has limited impact in supporting older adult victims of crime. There are three main reasons why criminal law provisions can have limited impact in regard to elder abuse. These include:

1. The focus of criminal law penalties often is not about the victim or their restoration but rather focused on penalizing the perpetrator;
2. Criminal law often has high burdens of proof that must be met, which can be particularly difficult to meet when dealing with elder abuse; and
3. Criminal law and the associated procedures take extended amounts of time, which can cause complications for older victims who may experience capacity problems or even death prior to the trial.³⁰

3.1 Supporting Vulnerable Populations in Canada

We encourage the Committee to apply a victim and survivor centered lens to policy development and consider the unique needs of various vulnerable populations. This approach highlights many critical aspects of policy reform and federal spending which are beyond *Criminal Code* reform but clearly both within the federal jurisdiction and integral to effective elder abuse response. The 2012 Report of the House of Commons Standing Committee on the Status of Women stressed the need to provide additional supports to vulnerable communities:

[T]he Committee heard that several groups among the general population of older women are at greater risk of abuse and/or may have less access to either the supports to report elder abuse or services to assist them in escaping abuse. While more details are provided about these groups throughout the report, the

³⁰ Fowler, *supra* note 5 at 4.

terms “at-risk” or “target groups” include the following groups: Aboriginal women, recent immigrant women and their children, women with disabilities, rural women, and women whose first language is either a minority language or a non-official language.³¹

While this study focused on older women, this vulnerability applies across gender. A number of populations who are particularly vulnerable to abuse fall under the federal jurisdiction, for example, Indigenous peoples as well as immigrants and refugees. Both groups require better support when they experience abuse or neglect. Sponsored immigrants are tremendously vulnerable to abuse and neglect due to dependency on the sponsor, lack of English language skills, and lack of knowledge of legal rights and options.³²

Indigenous populations have survived significant abuse, including through colonization and institutional abuse. When we consulted with Indigenous older women about elder abuse and neglect response, they described the erosion of family and tradition resulting from colonization, residential schools system, and mass child apprehensions, and identified recognition of inter-generational trauma and racism as critical to elder abuse response.³³ They were also very concerned about the over-representation of Indigenous people in the criminal justice system, and not keen on greater prosecution of abuse of older people among their families and communities.³⁴ Although matters related to reconciliation and self-government may seem initially peripheral to the mandate of the Justice and Human Rights Committee, any federal policy response to elder abuse must include Indigenous people, and any criminal law approach must recognize the legacy of colonization.

Recommendation 5: The Government of Canada’s law and policy response to elder abuse and neglect must recognize the unique needs of vulnerable populations such as Indigenous peoples, immigrants, and refugees.

3.2 Lack of Adequate Transitional Housing for Older People

In Canada, there is only one transition house developed to meet the specific needs of older women. In many communities the only emergency housing option for male survivors is a homeless shelter. These shelters are designed for people experiencing homelessness; support for survivors of family violence is not available, and older adults may be required to leave the facility during the day.

This lack of appropriate temporary housing for older adults in Canada has been identified in many reports. It was highlighted in the Atira Report,³⁵ and also in the 2012 Report of the House of Commons Standing Committee on the Status of Women, which recommended “[t]hat shelters consider the needs of older women, including greater accessibility for mobility impairments.”³⁶ The same Committee report also noted that “witnesses told the Committee that a lack of housing alternatives and/or fear of being institutionalized could be deterrents in reporting abuse.”³⁷ A more recent report of the House of Commons Standing

³¹ House of Commons, *supra* note 6 at 1.

³² Charmaine Spencer, Immigration, Abuse and Capacity Issues Background Paper, online (pdf): Canadian Centre for Elder Law <www.bcli.org/sites/default/files/Immigration_abuse_and_capacity_issues_background_paper.pdf>.

³³ Canadian Centre for Elder Law, *We are not All the Same: Law, Policy and Practice Strategies for Improving the Lives of Older Women in the Lower Mainland* (March 2017) at 38, online (pdf): <www.bcli.org/wordpress/wp-content/uploads/2017/03/OlderWomenDialogueReportMarch_2017Web.pdf>.

³⁴ *Ibid* at 36.

³⁵ Atira Report, *supra* note 3.

³⁶ House of Commons, *supra* note 6 at 9 (Recommendation 8).

³⁷ *Ibid*, at 8.

Committee on the Status of Women focused more broadly on “challenges faced by senior women” again identified a need for the federal government to take leadership in ensuring that “culturally and age-appropriate services, including shelters and transition houses as well as legal aid, are available for all senior women who experience any form of violence, regardless of where they live.”³⁸ Our latest study paper on elder abuse response in British Columbia identified a lack of development of safe housing models for older people fleeing abuse as one policy area where no progress had occurred in the last twelve years.³⁹

These circumstances point to a critical gap in elder abuse response capacity in Canada: in most communities there is essentially nowhere to go except long-term care, for which there may be a waitlist, and which many older people know to be the place people go to end their lives. This lack of progress in housing development is particularly problematic given the recently passed *National Housing Strategy Act*, which codified a human right to housing in Canada.⁴⁰ The *National Housing Strategy Act* requires the responsible federal minister to develop and maintain a national housing strategy that addresses persons most in need of housing, which includes, according to Canada’s National Housing Strategy, both seniors and people fleeing violence.⁴¹ The UN Special Rapporteur on the Right to Housing has called for national-level leadership in realizing the right to housing for vulnerable populations.⁴² We encourage the Government of Canada to seize this moment of focus on elder abuse response to take action to address this housing issue.

Recommendation 6: The Government of Canada fund the development of appropriate and accessible transition housing for older adults in communities across Canada.

3.3 Applying a Gender-Based+ Analysis to Elder Abuse Policy

The 2012 Report of the House of Commons Standing Committee on the Status of Women comments that the criminal justice system often fails older adults when responding to domestic violence. It states that women are often caught between two systems: those services that address domestic violence and those that address elder abuse more generally. The Government of Canada has a general commitment to applying a gender-based+ analysis to its work. We encourage the Justice and Human Rights Committee to extend this commitment to elder abuse response, including criminal law reform. Our experience is that gender has a significant impact on aging, and gender-neutral approaches to law and policy reform fail women and trans people. Recommendation 8 of the 2012 Committee Report states: “That conversations between the domestic violence and elder abuse support services be facilitated.” We encourage the Committee to apply this approach to its work.

Recommendation 7: The Government of Canada apply a gender based+ analysis to law and policy development regarding elder abuse and neglect prevention and response.

³⁸ House of Commons, “Report of the Standing Committee on the Status of Women” (June 2019) (Chair: Karen Vecchio) at 38 (Recommendation 27).

³⁹ Update on the Provincial Strategy Document, *supra* note 1.

⁴⁰ *National Housing Strategy Act*, SC 2019, c 29, s 313.

⁴¹ Canada, “National Housing Strategy: A place to call home” (2018) at 6, online (pdf): *National Housing Strategy* <placetocallhome.ca/-/media/sf/project/placetocallhome/pdfs/canada-national-housing-strategy.pdf>

⁴² *Guidelines for the Implementation of the Right to Adequate Housing: Report of the Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context*, UNGA Human Rights Council, 43rd Sess, UN Doc A/HRC/43/43 at para 63 [*Guidelines for the Implementation of the Right to Adequate Housing*].

We appreciate this opportunity to provide a brief to the Committee. We strongly encourage the Government of Canada to:

1. Fund or undertake further comparative legal research prior to embarking on *Criminal Code* reform;
2. Fund and support Infrastructural investments that will enable criminal law reform to have greater impact on abuse and neglect response, particularly to inform Crown Counsel and police practice; and
3. Address related critical prevention and response issues within the federal jurisdiction, such as policy development and spending to support Indigenous, immigrant and refugee victims of abuse and neglect, and funds for the development of accessible and appropriate transition housing for older adult survivors of violence and abuse.

These activities would form part of a robust pan Canadian elder abuse strategy.

Yours respectfully,

A handwritten signature in black ink, appearing to read 'K. James', is written over a light grey rectangular background.

Krista James
National Director