



HelpAge

Canada



Elder Abuse
Prevention
Ontario



Fédération Nationale
des Retraités

Joint

Submission to the OHCHR call for Inputs on the general framework, architecture, and guiding principles of a legally binding instrument on the human rights of older persons.

*This paper is submitted by the **International Longevity Centre of Canada** a human rights-based organization focused on older persons, with ECOSOC status since 2022, and **HelpAge Canada** an organization dedicated to partnering with community organizations to improve ageing equity and well being. It is further supported by the following major Canadian non-governmental organizations: **Canadian Network for the Prevention of Elder Abuse, CanAge, Council of Senior Citizens' Organizations of B.C., Elder Abuse Prevention Ontario, National Institute on Aging, and the National Pensioners Federation.***

This paper offers a response to the OHCHR's request for input regarding the framework and guiding principles of a legally binding instrument (LBI) dedicated to the human rights of older persons. Drawing inspiration from recent discussions within the Intergovernmental Working Group (IGWG), this submission aims to highlight both the necessity and the practical design of such an instrument¹.

1. Foundational Approach

The proposed LBI must be firmly anchored in the international human rights system, emphasizing the universality and interconnectedness of all rights. While existing treaties theoretically cover everyone, the specific needs and rights of older persons are frequently overlooked or inconsistently protected. The new instrument must address these gaps by redefining or clarifying rights that are especially relevant in later life. Ageism, which often underpins barriers to rights, should be explicitly explained and rendered legally unacceptable.

The central objective is to recognize older persons as equal bearers of rights, not merely recipients of care. Their rights span civil, political, economic, social, and cultural spheres and require protection through the proposed LBI as evidenced by the examples of rights violations experienced by older Canadians including:

- A long term care system that has been exposed as inadequate in multiple reports over 30 years with little or no programmatic responses, even after the horrific death rate during COVID.
- The needlessly high death rate (79%) of older persons in the 2021 heat dome in B.C., which clearly illustrated the need for a focus on older persons in emergencies.
- An increase in homelessness of older persons which requires a special focus that overrides traditional shelters, which do not work for older people.

- An increase in complex incidents of elder abuse, neglect, exploitation, family violence, and mistreatment, without the proper resources to support older persons needs and without the ability to intervene effectively.
- Unjust hiring practices, inequitable health care and access, and policies reinforced by stereotypes and exclusion from technology, to name a few.

The LBI must make clear that such practices are violations of human rights, requiring states to take binding action. The meaningful involvement of older persons and their organizations in the negotiation process is essential¹.

2. Guiding Principles

For the LBI to be effective, it must be underpinned by clear, general principles that guide interpretation and implementation. These should include:

- Equality and non-discrimination
- Autonomy and independence
- Meaningful participation
- Income security to address economic vulnerability
- Respect for diversity, dignity, and inclusion
- Gender equality
- Intersectionality
- Accessibility
- Alignment with existing human rights standards
- Disaggregated data collection and accountability
- Dementia-informed and disability inclusive

The instrument should redefine “older persons” as a social construct, not an arbitrary age threshold. Explicit principles are needed to address:

- Ageism and discrimination, such as mandatory retirement or exclusion from employment and education.
- Autonomy and legal capacity, ensuring decisions are not made for older persons without their consent.
- Protection from abuse, neglect, exploitation mistreatment, and violence including family violence, with strategies for prevention and remedy.
- Participation, ensuring older persons are consulted on all decisions affecting them, including the policies, programs and systems that impact their lives.

Although current treaties touch on these areas, the lack of explicit reference to older age has led to gaps. The new LBI must reaffirm rights and clarify their application to older persons, including those facing multiple disadvantages¹.

3. Structural Elements

A well-structured treaty is crucial for legal clarity and practical impact. The LBI should mirror other UN conventions and be accessible in various formats, including easy-to-read versions. Key components should include:

- **Preamble:** Recognizing persistent ageism, demographic shifts, and the contributions of older persons.
- **Purpose and Scope:** Promoting and protecting the full enjoyment of human rights by older persons.
- **Definitions:** Clear terms to prevent restrictive interpretations.
- **General Principles:** As outlined above.
- **General Obligations:** Mandating states to review and amend discriminatory laws and practices.
- **Substantive Rights:** Clarifying obligations in areas such as freedom from violence, abuse, neglect, exploitation and mistreatment, equal access to care and technology, independent living, social protection, lifelong education, and access to justice.
- **Implementation and Monitoring:** Ensuring accountability through a treaty body committee with active participation from older persons and regular state reporting.
- **Administrative Matters:** Establishing guidelines for the committee and conferences of state parties.

This structure, as highlighted in recent discussions, would enhance visibility, coherence, and accountability, making the LBI a practical tool for implementation¹.

4. Final Thoughts

A robust human rights framework for older persons, including older people in all decisions affecting them and their quality of life with clear principles, operational guidance, and effective implementation, is essential to address longstanding gaps and affirm the full entitlement of older persons to all human rights¹.