



March 3, 2011

The Honourable Rob Nicholson,  
Minister of Justice and Attorney General of Canada

Dear Minister:

Thank you for your response to a media question on Tuesday regarding CARP's call for possible legislative action to combat elder abuse. [Media references follow]

The issue of elder abuse has found its way into the headlines this week but as you know, it is not a new issue. There is a need to review the criminal law and prosecutorial capacity to determine whether more can be done to prevent elder abuse.

It is generally accepted that approximately 10 percent of older Canadians face some form of elder abuse. Indeed when we polled CARP members, some 9 percent self-identified as having suffered elder abuse but 30 percent said they knew of someone who had been abused. This suggests significant under-reporting. Based on the current population of 4.6 million Canadians over 65, there are potentially 460,000 people confronting elder abuse. In 10 years, it is estimated that the 65-plus population will grow to 7.9 million and if nothing is done to reduce the prevalence, some 790,000 will confront elder abuse.

But even one case, like the recent case in Toronto, is one too many.

CARP advocates for more public education about elder abuse, training of front line workers, and social support agencies as well as support and expertise to help families care for loved ones facing medical and cognitive challenges at home. Such measures go a long way in preventing elder abuse.

However, the law has an important role to play in embodying societal values and in the wake of this case and too many others like it, must be examined to determine whether the law and the administration of justice have adequately reflected our abhorrence of such behaviour or has had the desired deterrent effect.

Specifically, we are calling for the following:

1. Elder Abuse Hot Line – a single point of first contact: 911 or 1-800 line – widely known across the country, with the capacity to re-direct to local service agencies, and sensitive to diverse cultural and linguistic needs. 911

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already has this capability but needs to be assigned this mandate and local service agencies must exist and be properly resourced.

2. Duty to Report - modeled on child abuse and spouse abuse protocols, bearing in mind that the elder is an adult and this is contingent on there being professional investigative capacity to respond to such reporting
3. Specialized Investigative Support for existing criminal offences.
4. Use of the Exacerbated Sentencing Provision for hate crimes already in the Criminal Code
5. New Criminal Offence of Elder Abuse if warranted following review
6. Victim Support Services and elder shelters.

While some of the items fall within the jurisdiction of the provinces to provide, dedicated funding could be allocated in the upcoming federal budget to accelerate the provision of such support or services.

You will also be aware that the US Senate is considering the Elder Abuse Victims Act, a bill that would improve the law enforcement community's ability to target and combat abuse and exploitation of older Americans.

Specifically, the Elder Abuse Victims Act would establish a robust portfolio of grant programs at the U.S. Department of Justice (DOJ) for courts and law enforcement officials in states and localities to establish specially designated elder justice positions or units, and to provide support for prosecutorial training on laws regarding abuse of the elderly. The bill also provides funding for elder abuse victims' advocacy groups. Additionally, the measure requires DOJ to establish more uniform procedures to improve the identification and handling of elder justice matters, and to thoroughly study state and local practices of enforcement of elder abuse laws, including those on mandatory reporting and financial exploitation.

We would respectfully suggest that the Ministry of Justice is best positioned to review Canadian legislation and to recommend funding to establish such resources, training and services at both the federal and provincial levels.

We look forward to an early opportunity to elaborate on our recommendations with you.

Sincerely,

Susan Eng,  
Vice-President, Advocacy

c.c. the Honourable Julian Fantino,  
Minister of State for Seniors

Video clip of Minister Rob Nicholson:

Cantonese Edition

[http://link.brightcove.com/services/player/bcpid441621469001?bckey=AQ~~,AAAAFOzDiwE~,6Yig\\_ZA7wqvXpOGxcyLtlidxPIV\\_qGbl&bclid=424690587001&bctid=808284230001](http://link.brightcove.com/services/player/bcpid441621469001?bckey=AQ~~,AAAAFOzDiwE~,6Yig_ZA7wqvXpOGxcyLtlidxPIV_qGbl&bclid=424690587001&bctid=808284230001)

CARP Media Release – March 1, 2011:

<http://www.carp.ca/advocacy/adv-article-display.cfm?documentID=5592>

US Senate Bill – The Elder Abuse Victims Act

[http://leahy.senate.gov/press/press\\_releases/release/?id=5e029950-0df8-409f-a5c3-d32581538740](http://leahy.senate.gov/press/press_releases/release/?id=5e029950-0df8-409f-a5c3-d32581538740)