



# **Abuse of Older Adults: Department of Justice Canada Overview Paper**

**June 2009**





# **ABUSE OF OLDER ADULTS: DEPARTMENT OF JUSTICE CANADA OVERVIEW PAPER**

## **Note to Readers**

This overview paper is part of the Department of Justice Canada series on family violence topics. The series is “anchored” by the Family Violence overview paper [<http://canada.justice.gc.ca/eng/pi/fv-vf/facts-info/fv-vf/index.html>], which provides introductory information about family violence that is relevant to all the other overview papers, as well as statistical information about family violence in general. Other overview papers in the series address:

- spousal abuse
- dating violence
- child abuse
- sexual abuse and exploitation of children and youth.

## **WHAT IS ABUSE OF OLDER ADULTS?<sup>1</sup>**

When defining abuse of older adults<sup>2</sup>, three circumstances in which abuse occurs are usually cited:

- abuse of older adults who are either living alone or with family members or others in private residences (including older adults receiving home care or community care);
- abuse of older adults who are living in institutions;
- self-neglect by older adults.<sup>3</sup>

In this overview paper, “abuse of older adults” refers to violence, mistreatment or neglect that older adults living in either private residences or institutions may experience at the hands of their spouses, children, other family members, caregivers, service providers or other individuals in situations of power or trust. The definition also includes older adults abused by non-family members who are not in a position of power or trust. This overview paper does not address self-neglect by older adults.<sup>4</sup>

Although a person may be abused at any life stage—childhood, adolescence, young adulthood, middle age or old age—the nature and consequences of abuse may differ depending on the person’s situation. Older adults’ experiences of abuse, for example, may be related to their living arrangement (they may be living alone, with family members or others, or in an institution).<sup>5</sup> Their experiences may also be linked to their level of reliance on others, including family members or other care providers, for

assistance and support in daily living. Some abuse that older adults experience may be related to their age, while other abuse may arise from unrelated factors, such as conflict in an intimate relationship.

For older adults living in private homes, abuse may relate to their level of financial or emotional dependence on others, or the abuse could relate to the level of emotional or financial dependence others have on older adults.

For older adults living in long-term care facilities, abuse may relate to the often-intimate processes requiring staff assistance, including feeding, bathing, dressing and moving as well as the provision of medication and other treatments.

### **Forms of Abuse of Older Adults<sup>6</sup>**

An older adult may be subjected to one or more forms of abuse, including:

- physical abuse;
- sexual abuse and exploitation;
- neglect;
- psychological or emotional abuse;
- economic or financial abuse; and
- spiritual abuse.

For a description of these forms of abuse, please see the “Forms of Abuse” section of the Family Violence overview paper. Each form of abuse can exist on its own or in combination with other forms. The abuse can occur once or over a prolonged period of time.

### **Role of the *Criminal Code***

In Canada, certain forms of abuse, such as fraud, assault, sexual assault, uttering threats and criminal harassment, are crimes under the *Criminal Code*. Some types of abuse are also offences under provincial and territorial legislation.

The *Criminal Code* also includes a provision (section 718.2) that requires the court, when delivering a sentence, to take into account evidence that the offence was motivated by age- or disability-based bias, prejudice or hate. The Court must also consider whether, in committing the offence, the offender abused a position of trust or authority.

### ***Physical and sexual abuse***

Physical abuse includes any intentional use of physical force that either injures or risks injuring someone. Physical abuse against older adults may involve the unnecessary use of or misuse of restraints (physical or pharmaceutical) or confinement. Sexual abuse includes forcing a person to participate in any unwanted, unsafe or degrading sexual activity. Some of the *Criminal Code* provisions that may apply include:

- manslaughter: ss. 234, 236
- murder: ss. 229–231, 235
- assault: ss. 265–268
- unlawfully causing bodily harm: s. 269
- sexual assault: ss. 271–273
- forcible confinement: s. 279 (2)

### ***Neglect***

Neglect, whether intentional or unintentional, is often chronic and usually involves repeated incidents that result in the failure to provide adequately for a dependent adult. Neglect may include failing to provide adequate nutrition, personal care, or a clean and safe living environment or withholding or improperly providing medications, medical aids, assistive devices or treatments. It may also include leaving incapacitated older adults alone for too long or abandoning them. Some forms of neglect are crimes in Canada. The following *Criminal Code* provisions could apply in some instances:

- criminal negligence causing bodily harm or death: ss. 219–221
- failure to provide the necessities of life: s. 215

### ***Psychological or emotional abuse***

Psychological or emotional abuse involves using words or actions to control, isolate, intimidate or dehumanize someone. Psychological and emotional abuse includes any act or omission that reduces an individual's sense of self-worth; damages his or her psychological and emotional integrity; or puts him or her at risk of behavioural, cognitive, emotional or mental disorders. For older adults, psychological/emotional abuse may include threatening to injure, abandon or institutionalize them, or making them fear that they will not receive the care they need. It may include socially isolating them, or withholding information from them. Demeaning older adults' language, religion or traditional practices, or not allowing them to make their own decisions and choose their own activities are also forms of abuse. Some of the *Criminal Code* provisions that may apply include:

- criminal harassment: s. 264
- uttering threats: s. 264.1
- harassing telephone calls: s. 372 (2) and (3)
- intimidation: s. 423
- counselling suicide: s. 241

### ***Economic or financial abuse***

Economic or financial abuse includes acting without consent in a way that financially benefits one person at the expense of another. This may include stealing or using older adults' money or property in a dishonest manner, or failing to use older adults' assets for their welfare. Taking unfair advantage of older adults by making them sign legal documents, pressuring them to provide financial support or care for others, or wrongfully using a power of attorney, are also examples of financial abuse. Some of the *Criminal Code* provisions that may apply include:

- theft: ss. 322, 328–332, 334
- theft by person holding power of attorney: s. 331
- misappropriation of money held under direction: s. 332
- criminal breach of trust: s. 336
- theft of, forgery of credit card: s. 342
- extortion: s. 346
- forgery: s. 366
- fraud: s. 380 (1)

### ***Institutional abuse***

Older adults living in institutional care facilities may experience institutional abuse. This type of abuse involves inadequate care and nutrition, low standards of nursing care, inappropriate or aggressive staff–client interactions, or substandard, overcrowded or unsanitary living environments. The misuse of physical or chemical restraints is also a form of abuse. In some cases, a facility's policies may be inappropriate for meeting an older adult's needs. For example, institutions may be operated to meet a goal that is in conflict with meeting residents' health and environmental needs.<sup>7</sup>

### **Role of Provincial and Territorial Legislation: Other Protective Measures**

The law has largely protected older adults' interests in terms of physical or mental deterioration through guardianship, health law, substitute decision-making and succession legislation.<sup>8</sup> Some offences, such as abuse of power of attorney or contravention of the *Trustee Act*, are offences within provincial/territorial jurisdiction.

Several jurisdictions in Canada have passed protection and guardianship laws<sup>9</sup> to protect older adults who are victims of physical or sexual abuse, mental cruelty or inadequate care or attention. In jurisdictions where adult protection and guardianship legislation is in place, there may be statutory adult-protection service programs that offer a combination of legal, health and social service interventions. Several jurisdictions in Canada have family violence legislation<sup>10</sup> and institutional abuse legislation<sup>11</sup> which may also offer protection to older adults. In Quebec, human rights legislation may also offer protection to older adults in situations of exploitation and abuse.<sup>12</sup> Balancing appropriate protection with the need to respect older adults' independence is an ongoing issue.

There are many ongoing challenges involved in having older adults' relationships understood through the law and ensuring that their rights and needs are respected in the justice system.<sup>13</sup> For services available in each province and territory, please see the *Government of Canada's Directory of Services and Programs Addressing the Needs of Older Adult Victims of Violence in Canada*. ([http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/pdfs/2004Seniors\\_e.pdf](http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/pdfs/2004Seniors_e.pdf)).

## **HOW WIDESPREAD IS ABUSE OF OLDER ADULTS IN CANADA?<sup>14</sup>**

This section provides key data on abuse of older adults in Canada. For an overview of reporting and disclosure issues and descriptions of key data sources on family violence, please see the "Reporting and Disclosure Issues" and the "National Studies, Surveys and Other Data Sources on Family Violence in Canada" sections of the Family Violence overview paper.

### **Key Data**

#### ***Abuse of older adults***

- According to the *1999 General Social Survey on Victimization*: Approximately 7 percent of the sample of more than 4,000 adults 65 years of age and older reported that they had experienced some form of emotional or financial abuse by an adult child, spouse or caregiver in the five years prior to the survey, with most committed by spouses. Emotional abuse was more often reported (7 percent) than financial abuse (1 percent). Only a small proportion of older adults (1 percent) reported experiencing physical or sexual abuse.<sup>15</sup>
- According to the *2004 General Social Survey*, older adults were less likely than younger adults to experience spousal violence. Less than one percent of all older adults with a current or previous spouse reported experiencing any type of violence by a partner in the 12 months preceding the survey, compared to two percent of those under the age of 65. Older adults were also least likely to report emotional or financial abuse: approximately eight percent of older adults with a current or previous spouse reported experiencing emotional or financial abuse in the five years preceding the survey, compared to 13 percent of those ages 55 to 64, and 31 percent of those in the youngest age group (15 to 24).<sup>16</sup>

According to data compiled from 149 police services, in 2006:

- A total of 6,033 incidents of violence against older adults were reported. Family members were the accused in 34 percent of these incidents.<sup>17</sup>
- Older adult victims of family-related violence were more likely to report being victimized by an adult child (32 percent) or current or former spouse (30 percent).<sup>18</sup>

- Among older adult victims of family-related violence, more than half (53 percent) of both male and female victims experienced common assault. About 20 percent experienced threats, and 14 percent experienced major assault.<sup>19</sup>

According to data compiled from 122 police services, in 2003:

- Most of the accused in family-related assaults against older adults were male family members (78 percent), including adult male children (33 percent), male spouses (current and former) (30 percent), and male members of the extended family, including uncles, brothers-in-law and brothers (15 percent).<sup>20</sup>

### ***Homicides committed by family members against older adults***

According to police-reported homicide data:

In 2006:

- A total of 30 homicides<sup>21</sup> were committed against older adults (18 males and 12 females) with one-half of the solved homicides against older adults committed by a family member.<sup>22</sup>

Between 1974 and 2000:

- Older adult homicides committed by family members were most likely to be committed by spouses (39 percent), adult children (37 percent) or extended family members (24 percent).<sup>23</sup>

### ***Family-related homicide-suicides involving older adults***

Between 1961 and 2003:

- There were 109 familial homicide-suicides involving those over the age of 65. The perpetrators included spouses (65 percent), sons or stepsons (21 percent), daughters (2 percent), brothers (2 percent) and other family members (10 percent).<sup>24</sup>

### ***An aging population***

The proportion of older adults in the population was 14 percent in 2006. The number of older adults is expected to exceed those under 15 years of age by 2015. The rate of growth will continue in the coming decades, with older adults projected to account for nearly one-quarter (24 percent) of the population by 2031.<sup>25</sup> The November 2007 National Seniors Council on Elder Abuse noted that “In the current demographic context of a rapidly increasing seniors’ population, it [*elder abuse*] is clearly an issue that requires attention.”<sup>26</sup>

## **WHAT FACTORS PLAY A ROLE IN ABUSE OF OLDER ADULTS?**



This section describes some of the factors that contribute to abuse of older adults. For an overview of the dynamics and causes of family violence and the experience of vulnerable groups, including Aboriginal peoples, please see the “What Factors Contribute to Family Violence?” section of the Family Violence overview paper.

### ***Gender***

The national data on incidents of abuse and assault provide the following information about gender:

According to police-reported data, in 2006:

- The proportion of older female victims (45 percent) who were victimized by a family member was almost twice that of older male victims (25 percent).<sup>27</sup>
- Older women victims were more likely than older men victims to be victimized by a spouse or ex-spouse (35 percent versus 21 percent). However, older men were more likely than their female counterparts to be victimized by an adult child (34 percent versus 31 percent), or by other family members (45 percent versus 34 percent).<sup>28</sup>

Data on homicide and homicide-suicides against older adults indicate that older women are also more likely than older men to be killed by a family member.

- Between 1996 and 2005, 63 percent of older women victims in solved homicides were killed by a family member,<sup>29</sup> most often by a spouse (40 percent) or an adult son (34 percent).<sup>30</sup>
- Between 1974 and 2000, older women were at higher risk of spousal homicide than older men. More than half (52 percent) of the older women victims of family homicide were killed by their spouses, compared with one-quarter (25 percent) of older male victims.<sup>31</sup>
- Between 1961 and 2003, most (94 percent) spousal homicide-suicide victims aged 65 and over were women.<sup>32</sup>

### ***Past history of abuse***

Some researchers have suggested that spousal abuse among older adults is a continuation of a long-standing pattern of spousal abuse, or “spouse abuse grown old.”<sup>33</sup> Homicide data from 1996 to 2005 provide some support for this theory:

- Between 1996 and 2005, 41 percent of individuals accused of committing a homicide against an older adult family member had a history of family violence with that victim.<sup>34</sup>

### ***Dependency***

Police-reported data for 2003 may provide some support for the theory that dependency issues between adult children and aging parents is a factor in abuse.

- In 2003, about 8 out of 10 older victims of family violence were assaulted by an adult child with whom they were living.<sup>35</sup>

### ***Frustration, anger or despair***

Between 1997 and 2006, police-reported data shows that homicides committed by family members against older adults (65 years and older) are primarily motivated out of frustration, anger or despair (34%) followed by an argument (29%).<sup>36</sup>

### ***Psychological or mental factors***

Since 1997, police services have reported on the presence of a mental or developmental disorder (e.g., schizophrenia, dementia or developmental delays) in homicide-related incidents. According to data from the Homicide Survey, half (50 percent) of family members accused of killing an older adult in 2005 were suspected to have been suffering from a psychological or developmental disorder.<sup>37</sup>

### ***Environmental and systemic factors***

In caregiving environments and systems, many factors affect older adults' vulnerability to abuse.<sup>38</sup> Institutions may be situated far from residents' home communities, and they may not provide residents with access to community or traditional activities, including traditional food and language.<sup>39</sup> Care providers who are inadequately trained may lack the awareness, knowledge or skills to address or to avoid engaging in abusive behaviour. High levels of staff stress and burnout may contribute to abuse. Institutions may have procedures and policies that do not adequately protect against harmful situations, or they may poorly enforce institutional standards. At the systemic level, there may be a lack of comprehensive policies for dealing with the infirm. Some researchers express concern that built-in financial incentives in the long-term care system may contribute to poor quality care.<sup>40</sup>

## **WHAT ARE THE CONSEQUENCES FOR OLDER ADULTS WHO ARE VICTIMS OF ABUSE?**

For older adults who are victimized, physical injuries may worsen pre-existing or chronic health problems and make it more difficult for them to function independently.

### ***Data on Injuries***

According to police-reported data, in 2005:

- More than one-third (38 percent) of older victims sustained a minor injury from a violent offence perpetrated by a family member.<sup>41</sup>
- A smaller proportion (two percent) of older victims sustained a major physical injury that required professional medical attention at the scene or transportation to a medical facility.<sup>42</sup>

Abuse may also damage older adults' sense of self-worth and dignity and increase their social isolation. For some older adults—including those who have low incomes (just over three percent of older men and seven percent of older women in 2006)<sup>43</sup> and those who cope with disabilities, language barriers or geographic isolation—abuse compounds the effects of marginalization.

For a broad overview of the consequences of family violence for victims, their families and communities, perpetrators and society, please see the “What Are the Consequences of Family Violence?” section of the Family Violence overview paper.

## **PREVENTING AND RESPONDING TO ABUSE OF OLDER ADULTS**

Abuse of older adults is a serious issue with complex causes and serious effects. Effective responses and culturally appropriate solutions require the ongoing commitment and collaboration of community members, including older adults and their families, practitioners and policy makers across Canada and all levels of government. At the federal level, the National Seniors Council held regional consultations on issues concerning seniors, including abuse of older adults, and completed a report in November 2007.<sup>44</sup>

### **The Role of the Department of Justice Canada**

Justice Canada, together with its partners—including provincial and territorial governments, non-governmental organizations and the private sector—addresses abuse of older adults through strategies that include legal reform, public legal education and information, research, and support for programs and services. Justice Canada's efforts

include involvement in the federal government's Family Violence Initiative [http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/initiative\\_e.html](http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/initiative_e.html), in the Federal Elder Abuse Initiative, in the Government of Canada's Interdepartmental Committee on Seniors, and the Federal/Provincial/Territorial Working Group on Safety and Security for Seniors (which reports to Federal/Provincial/Territorial Ministers Responsible for Seniors).

### **Reforming the Law and Enhancing Its Implementation**

To date, much of the response to abuse of older adults has focused on the welfare and protection of older adults (see Other Protective Measures above). There are also many Criminal Code provisions that may be applicable in cases of abuse of older adults.

### **Other Strategies to Prevent and Respond to the Abuse of Older Adults**

#### ***Public Legal Education and Information***

Public legal education and information is a key strategy for addressing abuse of older adults. This includes providing older adults, family members, caregivers and service providers with plain-language, accessible information about older adults' legal rights and the criminal justice system.

Justice Canada supports public legal education and information programs across Canada to educate the public about family violence, including abuse of older adults. For example, Justice Canada provided funding to A.S.H. (Aboriginal Survivors For Healing) Inc. to hold three workshops as part of its project entitled "Let's Talk About It!—The Risk of Elder Abuse of Residential School Survivors—What You Should Know, Where You Can Go for Help!" Another resource, which has been sponsored by Justice Canada, is a series of Canadian Legal Frequently Asked Questions, which includes questions and answers about elder abuse. The series is available online at: <http://www.law-faqs.org/elder/index.html>

#### ***Research, Data Collection and Information Sharing***

Justice Canada collaborates with Statistics Canada on the design and analysis of national survey data on abuse of older adults. In 1999, data from the General Social Survey provided insight into the extent and impacts of this type of abuse. This information may be used by various organizations to enhance policies and programs that prevent and respond to abuse of older adults.

#### ***Support for Program and Service Delivery***

Through the Justice Partnership and Innovation Fund—Family Violence Initiative, Justice Canada supports initiatives to address the criminal justice response to abuse of older adults. These projects may include awareness-raising activities, peer counselling programs, advocacy programs, or the establishment of professional and community-based networks to consult and take action on abuse of older adults. Justice Canada also supports

the efforts of Aboriginal communities in developing culturally appropriate approaches to addressing family violence and abuse.

## **SUGGESTED RESOURCES ON ABUSE OF OLDER ADULTS**

- [spousal abuse](http://canada.justice.gc.ca/eng/pi/fv-vf/facts-info/sa-vc.html) (canada.justice.gc.ca/eng/pi/fv-vf/facts-info/sa-vc.html)
- [dating violence](http://canada.justice.gc.ca/eng/pi/fv-vf/facts-info/dati-freq.html) (canada.justice.gc.ca/eng/pi/fv-vf/facts-info/dati-freq.html)
- [child abuse](http://canada.justice.gc.ca/eng/pi/fv-vf/facts-info/child-enf.html) (canada.justice.gc.ca/eng/pi/fv-vf/facts-info/child-enf.html)
- [sexual abuse and exploitation of children and youth](http://canada.justice.gc.ca/eng/pi/fv-vf/facts-info/sex_abu.html) (canada.justice.gc.ca/eng/pi/fv-vf/facts-info/sex\_abu.html)
- [The Department of Justice Family Violence website](http://canada.justice.gc.ca/eng/pi/fv-vf/index.html) (canada.justice.gc.ca/eng/pi/fv-vf/index.html)
- [National Clearinghouse on Family Violence \(NCFV\)](http://www.phac-aspc.gc.ca/ncfv-cnivf/index-eng.php) (www.phac-aspc.gc.ca/ncfv-cnivf/index-eng.php)
- [Seniors Canada](http://www.seniors.gc.ca) (www.seniors.gc.ca)

## ENDNOTES

<sup>1</sup> Please note that many different definitions of “abuse of older adults” are used in Canada. The National Seniors Council on Elder Abuse and the World Health Organization use the following definition of elder abuse, developed by Action on Elder Abuse in the United Kingdom: “A single or repeated act, or lack of appropriate action, occurring within a relationship where there is an expectation of trust, which causes harm or distress to an older person.” National Seniors Council on Elder Abuse, *Report of the National Seniors Council on Elder Abuse* (November 2007). Submitted to the Minister of Human Resources and Social Development, the Minister of Health and the Secretary of State (Seniors). Available online at:

[http://www.seniorscouncil.gc.ca/en/research\\_publications/elder\\_abuse/2007/hs4\\_38/page01.shtml](http://www.seniorscouncil.gc.ca/en/research_publications/elder_abuse/2007/hs4_38/page01.shtml).

World Health Organization, *World Report on Violence and Health*, 2002: 126.

[http://www.who.int/violence\\_injury\\_prevention/violence/world\\_report/en/full\\_en.pdf](http://www.who.int/violence_injury_prevention/violence/world_report/en/full_en.pdf). See also Marie Beaulieu, Robert M Gordon, and Charmaine Spencer, “The Abuse and Neglect of Older Canadians: Key Legal and Related Issues” in Soden, Ann. *Advising the Older Client* (Canada: Lexis Nexis, 2005) at p. 200.

<sup>2</sup> Please note that although age 65 and over is one of the more common ages used to define “older adults” other organizations may use different age ranges.

<sup>3</sup> Public Health Agency of National Clearinghouse on Family Violence. *Abuse and Neglect of Older Adults: A Discussion Paper*. Prepared by L. McDonald and A. Collins for the Family Violence Prevention Unit, Health Canada. Ottawa: Health Canada, 2000.

<sup>4</sup> The National Clearinghouse on Family Violence (NCFV) has published a number of resources on abuse of older adults including a fact sheet on self-neglect by older adults. This fact sheet and other relevant resources are available online: [http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/resources\\_e.html](http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/resources_e.html).

<sup>5</sup> Health Canada. National Clearinghouse on Family Violence. *Preventing and Responding to Abuse in Long-Term Care Facilities: Lessons Learned from the Evaluation of the Abuse Prevention in Long-Term Care Project (APLTC)*. Report prepared by Wanda Jamieson and Liz Hart, JHG Consulting (Ottawa: National Clearinghouse on Family Violence, 2003).

<sup>6</sup> Much of the information in this section is drawn from the following sources: Judith Wahl and Sheila Purdy, *Elder Abuse: The Hidden Crime* (Toronto: Advocacy Centre for the Elderly and Community Legal Education Ontario, 2005); M.J. Stones, “Scope and Definition of Elder Abuse and Neglect in Canada” in Michael J. MacLean, *Abuse and Neglect of Older Canadians: Strategies for Change*, edited by Michael J. MacLean (Ottawa: Canadian Association on Gerontology & Toronto: Thompson Educational Publishing, Inc., 1995); Health Canada, *Abuse and Neglect of Older Adults: A Discussion Paper*. Prepared by L. McDonald and A. Collins for the Family Violence Prevention Unit (Ottawa: Health Canada, 2000); Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2002* (Ottawa: Statistics Canada; Cat. No. 85-224, 2002); Charmaine Spencer, “Abuse and Neglect of Native Elders” *Stopping the Violence, Changing Families, Changing Futures*, edited by Mary Russell et al. (Vancouver: British Columbia Institute Against Family Violence, 1996).

<sup>7</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2005* (Ottawa: Statistics Canada; Cat. No. 85-224 XIE, 2005): 81.

<sup>8</sup> Marie Beaulieu and Charmaine Spencer, “Older Adults’ Personal Relationships and the Law in Canada: Legal, Psycho-Social and Ethical Aspects” prepared for the Law Commission of Canada, September 1999.

<sup>9</sup> See for example, Alberta: *Dependent Adults Act*, R.S.A. 2000, c. D-11; British Columbia: *Adult Guardianship Act* (Part Three), R.S.B.C. 1996, c. 6; Manitoba: *Vulnerable Persons Living with a Mental Disability Act*, C.C.S.M., c. V90; New Brunswick: *Family Services Act* Part III, Protection Services, S.N.B. 1980, c. F-22; Newfoundland and Labrador: *Neglected Adults Welfare Act*, R.S.N.L., c. N-3; Nova Scotia: *Adult Protection Act*, R.S.N.S. 1989, c. 2; Prince Edward Island: *Adult Protection Act*, R.S.P.E.I. 1988, c. A-5; Yukon: *Decision Making Support and Protection to Adults Act* (which includes Schedule A, *Adult Protection and Decision-Making Act*, Part 4 Adult Protection) S.Y. 2003, c. 21;

<sup>10</sup> Alberta: *Protection Against Family Act*, R.S.A. 2000, c. P-27; Manitoba: *The Domestic Violence and Stalking Act*, C.C.S.M., c. D 93; Prince Edward Island: *Victims of Family Violence Act*, R.S.P.E.I. 1988, c. V-3.2; Saskatchewan: *The Victims of Domestic Violence Act*, S.S. 1994, c. V-6.02; Newfoundland and

Labrador: *Family Violence Protection Act*, S.N.L. 2005, c. F-3.1; Northwest Territories: *Protection Against Family Violence Act*, S.N.W.T. 2003, c. 24; Nova Scotia: *Domestic Violence Intervention Act*, S.N.S. 2001, c. 29; Nunavut: *Family Abuse Intervention Act*, S.Nu. 2006, c. 18; Yukon: *Family Violence Prevention Act*, R.S.Y. 2002, c. 84.

<sup>11</sup> See for example, Alberta: *Protection for Persons in Care Act*, R.S.A. 2000, c. P-29; British Columbia: *Adult Care Regulations*, B.C. Reg. 536-80 (pursuant to the *Community Care and Assisted Living Act*, S.B.C. 2002, c. 75; Manitoba: *Protection for Persons in Care Act*, C.C.S.M., c. P144; Nova Scotia: *Protection for Persons in Care Act*, S.N.S. 2004, c. 33; Ontario: *Nursing Homes Act*, R.S.O. 1990, c. N.7.

<sup>12</sup> *Charte des droits et libertés de la personne*, R.S.Q. c. C-12.

<sup>13</sup> Marie Beaulieu and Charmaine Spencer, “Older Adults’ Personal Relationships and the Law in Canada: Legal, Psycho-Social and Ethical Aspects” prepared for the Law Commission of Canada, September 1999.

<sup>14</sup> This section presents the available national data on abuse of older adults. It is important to note, however, that, overall, older adults in Canada are less likely than other age groups in the population to be victims of violence in general. According to the 2004 General Social Survey, the violent victimization rate reported by older adults was almost four times lower than for 55 to 64 year olds and almost 20 times lower than for 15 to 24 year olds. Lucie Ogrodnik. *Seniors as Victims of Crime 2004 and 2005* (Ottawa: Statistics Canada. Canadian Centre for Justice Statistics 2007. Cat. No. 85F0033MIE, no.14): 8. According to police-reported data for 2006, consistent with previous years, individuals 65 years of age and older were the group least likely to be victims of crime in 2006. Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2008* (Ottawa: Statistics Canada; Cat. No. 85-224-X, 2008): 35.

<sup>15</sup> Statistics Canada. *Family Violence in Canada: A Statistical Profile 2000* No. 85-224 (Ottawa: Statistics Canada; Cat. No. 85-224, 2000): 6, 27-28. Note: The General Social Survey (GSS) is a telephone survey and therefore may not reach individuals who do not have a telephone, are infirm, have hearing difficulties, or are isolated in other ways. The GSS only interviews individuals living in private households; interviews with residents of institutions are not conducted in this survey. There is no national data on abuse of older adults in institutions: see Charmaine Spencer *et al.* “National Snapshot: Preventing Elder Abuse of Older Adults in Institutions”. Prepared for the national project A Way Forward: Promoting Promising Approaches to Abuse Prevention in Institutional Settings, May 2008. See also: Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2002* (Ottawa: Statistics Canada; Cat. No. 85-224, 2002): 27; Health Canada. *Abuse and Neglect of Older Adults: A Discussion Paper*. Prepared by L. McDonald and A. Collins for the Family Violence Prevention Unit (Ottawa: Health Canada, 2000): 18.

<sup>16</sup> Ogrodnik, Lucie. *Seniors as Victims of Crime 2004 and 2005* (Ottawa: Statistics Canada. Canadian Centre for Justice Statistics. 2007 Cat No. 85F0033MIE, no. 14): 14.

<sup>17</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2008* (Ottawa: Statistics Canada; Cat. No. 85-224-X, 2008): 35, Table 3.1, 37.

<sup>18</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2008* (Ottawa: Statistics Canada; Cat. No. 85-224-X, 2008): 35.

<sup>19</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2008* (Ottawa: Statistics Canada; Cat. No. 85-224-X, 2008): Table 3.2, 37.

<sup>20</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2005* (Ottawa: Statistics Canada; Cat. No. 85-224 XIE, 2005): 80.

<sup>21</sup> There were 605 police-reported homicides in Canada in 2006. Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2008* (Ottawa: Statistics Canada; Cat. No. 85-224-X, 2008): 41.

<sup>22</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2008* (Ottawa: Statistics Canada; Cat. No. 85-224-X, 2008): 41.

<sup>23</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2002* (Ottawa: Statistics Canada; Cat. No. 85-224-2002): 30.

<sup>24</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2005* (Ottawa: Statistics Canada; Cat. No. 85-224 XIE, 2005): 65.

<sup>25</sup> Statistics Canada. *Age and Sex Highlight Tables, 2006 Census* (Ottawa: Statistics Canada; Cat. No. 97-551-XWE, 2007), cited in Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2007* (Ottawa: Statistics Canada; Cat. No. 85-224 XIE, 2007): 32.

- <sup>26</sup> National Seniors Council on Elder Abuse. *Report of the National Seniors Council on Elder Abuse* (November 2007). Submitted to the Minister of Human Resources and Social Development, the Minister of Health and the Secretary of State (Seniors). Available online at: [http://www.seniorscouncil.gc.ca/en/research\\_publications/elder\\_abuse/2007/hs4\\_38/page01.shtml](http://www.seniorscouncil.gc.ca/en/research_publications/elder_abuse/2007/hs4_38/page01.shtml)
- <sup>27</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2008* (Ottawa: Statistics Canada; Cat. No. 85-224-X, 2008): Table 3.1, 37.
- <sup>28</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2008* (Ottawa: Statistics Canada; Cat. No. 85-224-X, 2008): Table 3.1, 37.
- <sup>29</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2007* (Ottawa: Statistics Canada; Cat. No. 85-224 XIE, 2007): 35.
- <sup>30</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2008* (Ottawa: Statistics Canada; Cat. No. 85-224-X, 2008): 41.
- <sup>31</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2002* (Ottawa: Statistics Canada; Cat. No. 85-224 XIE, 2002): 30.
- <sup>32</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2005* (Ottawa: Statistics Canada; Cat. No. 85-224 XIE, 2005): 65.
- <sup>33</sup> Health Canada, *Abuse and Neglect of Older Adults: A Discussion Paper*. Prepared by L. McDonald and A. Collins for the Family Violence Prevention Unit (Ottawa: Health Canada, 2000): 30.
- <sup>34</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2007* (Ottawa: Statistics Canada; Cat. No. 85-224, XIE, 2007): 35.
- <sup>35</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2005* (Ottawa: Statistics Canada; Cat. No. 85-224 XIE, 2005): 80.
- <sup>36</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2008* (Ottawa: Statistics Canada; Cat. No. 85-224-X, 2008): 41, Table 4.6, 46.
- <sup>37</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2007* (Ottawa: Statistics Canada; Cat. No. 85-224 XIE, 2007): 36.
- <sup>38</sup> Systemic abuse refers to institutional procedures and processes that result in or maintain harmful situations. Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2002* (Ottawa: Statistics Canada; Cat. No. 85-224, XIE, 2002): 26.
- <sup>39</sup> Charmaine Spencer, "Abuse and Neglect of Native Elders," in *Stopping the Violence, Changing Families, Changing Futures*, edited by Mary Russell et al. (Vancouver: British Columbia Institute Against Family Violence, 1996):24
- <sup>40</sup> Marie Beaulieu and Lise Bélanger, "Interventions in Long-Term Care Institutions with Respect to Elder Mistreatment," in *Abuse and Neglect of Older Canadians: Strategies for Change*, edited by Michael J. Maclean (Ottawa: Canadian Association of Gerontology & Toronto: Thompson Educational Publishing Inc., 1995): 28-32. Health Canada. *Abuse and Neglect of Older Adults: A Discussion Paper*. Prepared by L. McDonald and A. Collins for the Family Violence Prevention Unit (Ottawa: Health Canada, 2000): 21.
- <sup>41</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2008* (Ottawa: Statistics Canada; Cat. No. 85-224-X, 2008): 36, Table 3.3, 38.
- <sup>42</sup> Statistics Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2008* (Ottawa: Statistics Canada; Cat. No. 85-224-X, 2008): Table 3.3, 38.
- <sup>43</sup> Statistics Canada. Canadian Centre for Justice Statistics, *Income in Canada* (Ottawa: Statistics Canada; Cat. No. 75-202-X, 2006): 89. Note: For unattached individuals aged 65 years and over, 14 percent of men and 16.1 percent of women had low incomes after tax in 2006. (see Table 11-1 Persons in Low Income After Tax (92—LICOs base), showing prevalence and estimated number—Canada at 89).
- <sup>44</sup> National Seniors Council on Elder Abuse. *Report of the National Seniors Council on Elder Abuse* (November 2007). Submitted to the Minister of Human Resources and Social Development, the Minister of Health and the Secretary of State (Seniors). Available online at: [http://www.seniorscouncil.gc.ca/en/research\\_publications/elder\\_abuse/2007/hs4\\_38/hs4\\_38.pdf](http://www.seniorscouncil.gc.ca/en/research_publications/elder_abuse/2007/hs4_38/hs4_38.pdf)