New Brunswick
Seniors' Advocate

Défenseur des aînés
du Nouveau-Brunswick
Measuring and Enforcing the Human Rights of Older Persons

Christian Whalen
Deputy Advocate and Senior Legal Counsel
Office of the Senior’s Advocate

Presentation to the AGEWELL Policy Rounds session of April 8th, 2021
“You don’t stop laughing when you grow old, you grow old when you stop laughing.”
George Bernard Shaw

Overview

- The Advocate’s mandate for Seniors and Vulnerable Adults
- Staff, functions and operations
- The Human Rights of older persons
- A proposed measurement tool for enforcement of the Human Rights of Older Persons
The Role of the Advocate

• Protecting the rights and interests of seniors and vulnerable adults;
• Ensuring that their opinions are heard and considered in matters which affect them;
• Ensuring that they have access to the services to which they are entitled and any complaints about access to service are addressed effectively;
• Providing advice to government regarding the rights and interests of seniors and vulnerable adults and their access to services;
• Educating New Brunswickers about the rights and interests of seniors and vulnerable adults;
• Acting generally as an advocate for the rights and interests of New Brunswick seniors and vulnerable adults.
A new small office

- A new mandate conferred in 2017
- 10 staff assisting with this mandate, but only two dedicated full time
- Education, Communications and Outreach and Systemic Investigations Staff are shared with Child and Youth mandate
- One of three offices of its kind in Canada, along with BC and Newfoundland& Labrador
A Human Rights Approach to Defending Seniors

The global march for the rights of older persons:

• 1982 World Assembly on Ageing produces *The International Plan on Aging*

• 1991 UN Principles for Older Persons adopted by UN General Assembly

• 2002 Second World Assembly on Ageing produced the *Madrid International Plan of Action on Ageing*

• 2010 Open-Ended Working Group on Ageing for the Purpose of Strengthening the Protection of the Human Rights of Older Persons (OEWGA)
A Human Rights Approach to Defending Seniors

United Nations Principles for Older Persons, 1991:

• Independence
• Participation
• Care
• Self-Fulfilment
• Dignity

• In 2017 the Head of the OHCHR offered her support for the establishment of a UN Convention on the Rights of Older Persons.
• The UN Open-ended Working Group on Ageing is finally moving ahead on this work.
• It is expected that by 2050 the demographic of persons over 60 will surpass the child & youth demographic globally for the first time
A Human Rights Approach to Defending Seniors

• The Charter of Rights and Freedoms
• The Two Covenants: ICCPR and ICESCR
• UN Convention on the Rights of Disabled Persons
  • Adopted in 2006
  • Inspired by the Americans with Disabilities Act
  • Ratified by 186 member States of the UN
  • Ratified by Canada in 2010
UNCRPD General Principles:

(a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
(b) Non-discrimination;
(c) Full and effective participation and inclusion in society;
(d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
(e) Equality of opportunity;
(f) Accessibility;
(g) Equality between men and women;
(h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.
A proposed measurement tool for enforcement of the Human Rights of Older Persons

An Annual State of the Older Person’s Report
• National in scope
• Defining and measuring the human rights of older person’s in Canada
• Using the OHCHR’s Structure-Process-Outcome (SPO) methodology for human rights indicator selection
• Drawing upon the experience of NB’s State of the Child Report and the CIHR GlobalChild platform of Dr. Ziba Vaghri
• Proposal being developed for the Healthy Seniors Pilot Project funding – partnerships welcome.
“Instead of possibilities, I have realities in my past, not only the reality of work done and of love loved, but of sufferings bravely suffered. These sufferings are even the things of which I am most proud, though these are things which cannot inspire envy.”

Viktor E. Frankl, Man's Search for Meaning