

extortion. Neglect could be provided for by the section imposing a duty to provide necessities of life to a person under one's charge if that person is unable by virtue of age, illness or other cause.⁹²

However, in spite of the presence of the *Criminal Code*, there was a perception by the public and by many professionals that the law did not currently provide help for victims of abuse. Part of this was explained by Wahl who noted that elder abuse is "not just a criminal matter. Obviously this is a very difficult and delicate social issue, particularly when we see that many of the abusers are in fact family members or close friends."⁹³ Pearl McKenzie reported that police officers have told her that judges don't want old men brought into court. The result is that "if an elderly husband is battering his wife, police officers have the belief that they can't charge elderly men for assaulting their wives, that the judge would really look at that as being inappropriate."⁹⁴

Police, lawyers and judges were asked to consider ways that the legal system could be made more responsive to the needs of older Canadians in abusive situations. These included: clearer guidelines for police, lawyers and judges on possible charges under existing laws; options for removing the abuser, not the abused from a home; a quicker response to alleged or suspected abuse; initiatives to remove the burden for laying charges from elderly adults to the police; a separate court system for abuse of the elderly along with other family violence cases.

The Committee heard a strong message that the *Criminal Code* can provide the necessary protection for older people who have been abused.

The Committee recommends:

25. That the federal government, through the Minister of Justice, work with the provinces to educate members of the police, the legal community and the general public that the existing provisions in the *Criminal Code* are applicable to abuse of older Canadians and are to be enforced.

⁹² P. Lynn McDonald *et al.*, *Elder Abuse and Neglect in Canada*, Toronto: Butterworth, 1991, pp. 37-39.

⁹³ Wahl, 5:21.

⁹⁴ McKenzie, 8:14.