

The Committee recommends:

24. That the federal government, in consultation with other levels of government, establish appropriate funding for emergency shelter in homes for the aged, in seniors complexes, and in existing shelters for use by seniors at risk.

VII LEGAL SAFEGUARDS FOR THE VULNERABLE OLDER PERSON

A. *Criminal Code*

Several witnesses told the Committee that there is enough existing legislation to address elder abuse; that we do have laws but we're not enforcing them. Committee members heard that elder abuse is a crime; that the *Criminal Code* and the common or civil law offer protection against many forms of abuse; and that more efforts must be made to enforce the laws currently in place.

Judith Wahl of the Advocacy Centre for the Elderly in Toronto stated: "We see elder abuse incidents as mostly crimes. They're *Criminal Code* offences. Whether somebody is 20 years old or 80 years old, theft is theft. Physical abuse is assault, or sexual assault or criminal negligence causing death, and not just abuse."⁹⁰ Michel Couture in a similar vein argued that: "The *Criminal Code* provides us with enough tools to go quite far. There is no point in developing new legislation. We are still not implementing all the legislation we have. What is missing is the will to intervene..."⁹¹

As the witnesses noted, the *Criminal Code* R.S.C. 1985, c.C-46 could provide protection against the four commonly used categories of abuse. Physical abuse could be covered by the sections that deal with assault, assault causing bodily harm, aggravated assault, unlawfully causing bodily harm, sexual assault and aggravated sexual assault. Psychological abuse could be addressed by sections on assault by means of threats or intimidation. Financial exploitation could be dealt with by theft, misuse of power of attorney, breach of trust, forgery, fraud, and

⁹⁰ Wahl, 5:21.

⁹¹ Couture, 4:28.