Rights of Older Persons with Intellectual Disabilities: Responsive Advocacy to the United Nations Questionnaire

Submitted by:

in consultation with Inclusion International

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[listed alphabetically]

November 24, 2023

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Introduction

"Nothing About Us Without Us" – this foundational principle guides our work at both Inclusion Canada and Inclusion International as we present this response to the United Nations Questionnaire on the protection of the human rights of older persons. This ethos, emphasizing the direct involvement of people with intellectual disabilities and their families is in all decisions that impact their lives, and is central to our advocacy and action. We are pleased to be able to make this submission on behalf of our constituency due in part to the fact we are unaware if there have been any other responses to the UN Questionnaire by other advocacy organizations representing people with disabilities.

Inclusion Canada, a national federation committed to advancing and achieving the full inclusion and human rights of all persons with intellectual disabilities alongside their families, in accordance with the Convention on the Rights of Persons with Disabilities [*CRPD*]. Working tirelessly across Canada, we aim to build communities where everyone belongs and contributes, rooted in the belief that true inclusion and understanding emerge through advocacy including political action for legal change and fostering personal connections, underpinned by respect for each individual's inherent dignity.

Inclusion International, a global network advocating for the human rights, inclusion, and self-advocacy of people with intellectual disabilities, strives to create a world where these individuals live in dignity and participate fully in society. Our commitment aligns with the UN *CRPD*, advocating for the active participation of people with intellectual disabilities in shaping the policies and decisions that affect them.

Importantly, we want to ensure that the voices and needs of older persons with intellectual disabilities are comprehensively represented in our response to this UN initiative. Informed by in-depth discussions and shared experiences, our approach embodies the spirit of inclusive participation as championed in the *CRPD*. We firmly believe that sustainable solutions and effective policies must originate from the lived experiences of those most affected, respecting and amplifying their voices in every aspect of our advocacy.

As we delve into the various aspects of this questionnaire, our focus remains steadfast on ensuring that the voices of older persons with intellectual disabilities are heard, their rights are upheld, and their contributions to society are recognized and valued.

Identification of the Gaps

Equality and Non-Discrimination

1. Addressing Intersectional Marginalization:

Older persons with intellectual disabilities face a unique form of marginalization resulting from double discrimination due to both age and disability. This intersectionality often leads to compounded challenges in their lives. Individuals frequently encounter barriers in accessing

necessary supports like assistive technologies, inclusive adult continuing education, employment opportunities, appropriate housing and adequate health care. There is clearly a need to foster environments where individuals are equally valued and provided with supportive systems that recognize their unique needs as paramount.

2. Challenging Societal Misconceptions and Discrimination:

Individuals with intellectual disabilities, especially as they age, are often marginalized and excluded due to systemic ableism rooted in historical prejudice, misconceptions, and discrimination. There is a pressing need to counteract stigma and exclusion, encourage self-esteem and self-confidence, and promote a positive public perception of persons with intellectual disabilities, particularly as they age. This aligns with the *CRPD's* focus on dignity, individual autonomy, and the freedom to make one's own choices, as specified in the Preamble, Purpose, General Principles, General Obligations and Article 12 of the treaty.

3. Advocacy for Inclusive Policies and Practices:

Older individuals with intellectual disabilities must not just be physically included but are also given the opportunity to participate fully and meaningfully in all aspects of life. This requires a shift from traditional negative or devaluing views of persons with a disability to an approach which recognizes the inherent equal value and humanity of persons with disabilities, their human rights and with a focus on the individual's abilities and potential rather than their limitations.

4. Combating Economic Disparities:

Economic disparity is a significant issue for older persons with intellectual disabilities, as they often face higher rates of poverty and social isolation. There is a need for improved income support systems, including disability pensions, that continue to provide for these individuals beyond traditional age cut-offs, ensuring their economic security in later stages of life. This is particularly important at times of escalating cost of living because many of these individuals have been, and continue to be, excluded from the labour force, leading to lifelong financial vulnerability.

5. Encouraging Positive Representations in Media and Society:

Media and societal representations play a crucial role in shaping perceptions about persons with disabilities. Our respective organizations emphasize the importance of promoting accurate and positive representations of older persons with intellectual disabilities to challenge and eradicate the prevalent negative stereotypes and prejudices. Such efforts are essential in fostering a more inclusive and equitable society that values the contributions and dignity of all its members.

Violence, Neglect, and Abuse

1. Elevated Risk of Abuse and Violence:

Older individuals with intellectual disabilities are at a heightened risk of various forms of abuse, including physical, sexual, emotional, and financial exploitation. The degree of abuse and violence is likely to be higher for older persons with intellectual disabilities compared to those without such disabilities. This increased risk necessitates the development of targeted protection measures and support systems to identify, prevent, and respond to instances of abuse and violence effectively. Inclusion is the most powerful means of preventing or reducing the risk of abuse and violence in the lives of those with disabilities, in particular appropriate housing of the person's choice.

2. Challenges in Identifying and Addressing Abuse:

One of the critical issues highlighted is the difficulty in identifying abuse in individuals with intellectual disabilities, particularly as they age. There are challenges in diagnosing conditions like memory loss or dementia in individuals with intellectual disabilities, which can complicate the recognition of abuse or neglect, in addition to possible communication challenges. There is a need for specialized training for family, support systems, healthcare providers, and social workers to recognize signs of abuse and understand the unique needs of this population.

3. Inclusion Canada's Position on Safeguarding Rights:

We advocate for robust protections against abuse and neglect for individuals with intellectual disabilities. This includes ensuring that these individuals have access to legal and social support systems that can act swiftly and effectively in cases of suspected or confirmed abuse.

4. Need for Comprehensive Legal and Social Frameworks:

There is a need for comprehensive legal and social frameworks that specifically address the risks of violence, neglect, and abuse faced by older persons with intellectual disabilities. There should be a focus on preventive measures, including public awareness campaigns, education, and training programs that can help reduce the incidence of abuse and neglect. Additionally, these frameworks should include clear protocols for reporting, investigating, and addressing instances of abuse to ensure appropriate and equal access to the justice system.

5. Empowering Individuals and Families:

Empowering individuals with intellectual disabilities and their families to recognize and report abuse is critical. This includes providing them with the necessary tools and knowledge to understand their rights and the resources available to them. It is critical to involve individuals with intellectual disabilities and families in the development of policies and practices related to their protection, ensuring their voices are heard and their needs are adequately addressed.

6. Addressing Systemic Barriers to Protection:

There is a recognition of the systemic barriers that hinder the protection of older individuals with intellectual disabilities from violence, neglect, and abuse. These barriers include societal attitudes, lack of adequate funding for support services, inappropriate housing options, and insufficient training for professionals working with people with an intellectual disability. Tackling these barriers requires a concerted effort from all stakeholders, including government agencies, non-profits, and advocacy groups.

Long-Term and Palliative Care

1. Institutionalization in Long-Term Care:

Moving people with intellectual disabilities into long-term care facilities, often as a result of limited access to affordable housing, community living services, and home care, raises significant concerns. These settings, where individuals are isolated and segregated, contravene the rights of persons with disabilities to live and be included in the community, as stated by the UN Committee on the Rights of Persons with Disabilities. A shift towards publicly-funded community-based support, as opposed to institutional long-term care, is required which aligns with Canada's commitment to Article 19 *CRPD*.

2. Age-Appropriate Settings and Support:

The *CRPD* committee emphasizes that young persons with intellectual and other disabilities should not be placed in settings designed for elderly persons with disabilities and vice versa. This underscores the importance of developing age-appropriate long-term community-based solutions and strategies to reintegrate such younger persons with disabilities into the community with adequate support.

3. Ensuring Equitable and Non-Coercive Care:

It is imperative that long-term support is equitable, accessible, affordable, and non-coercive, particularly for older persons with intellectual disabilities who have a history of trauma related to institutionalization. There are many people across Canada who have been freed from institutionalization and, if later in life, they were to be at risk of being re-institutionalized in long-term care this will result in their being re-traumatized.

4. Assisted Suicide and Disability:

There are grave concerns about the expansion of assisted suicide to persons with disabilities whose natural death is not reasonably foreseeable. This expansion may unintentionally reinforce ableist and ageist assumptions about the value of life with a disability. The expansion of access to quality, person-directed home care is crucial to prevent individuals with disabilities from being driven towards medical assistance in dying due to inadequate care options.

5. Safeguards Against Discriminatory Impacts:

The need for safeguards is crucial to ensure that persons with intellectual disabilities do not choose assisted dying simply due to the absence of adequate community-based alternatives, palliative care, and disability services. The legislation should not be seen as a cost-reducing alternative to providing these essential services, in particular, adequate and inclusive palliative care. Furthermore, any assisted suicide legislation must be carefully crafted to avoid reinforcing negative stereotypes or prejudices about disability and aging. Extensive discussions with organizations representing persons with disabilities is essential in addressing these potentially grave concerns.

6. Addressing Social Factors Influencing Decisions:

Persons with intellectual disabilities, particularly older individuals, are vulnerable to experiencing social factors such as loneliness, social isolation, and lack of quality support services. These factors could influence their decision to opt for assisted suicide. Ensuring access to comprehensive support services and fostering a positive legislative ecosystem is essential to combat ableism/agism and to promote the inherent value of life of a person with a disability as they age.

Autonomy and Independence

1. Recognizing Legal Capacity and Supported Decision-Making:

The equal recognition of legal capacity is central to the autonomy and inter-independence of persons with intellectual disabilities. This right emphasizes the recognition of an individual's right to make decisions, focusing not on cognitive ability but on respecting their rights to autonomy and personal choice. The Inclusion Canada position statement on legal capacity, in alignment with Article 12 of the *CRPD*, advocates for this recognition, challenging and dismissing the traditional medical model of disability and emphasizing the importance of supported decision-making models. These models can empower individuals to make their own choices with necessary supports, thereby enhancing their autonomy and inter-independence.

2. Overcoming Barriers to Exercising Legal Capacity:

Many individuals with intellectual disabilities face significant barriers in exercising their legal capacity. This includes being denied contracts or leases and facing discrimination in accessing services due to misconceptions about their decision-making abilities. A shift is needed towards an approach that aligns decision-making with a person’s will and preferences, recognizing the need to rely on the right to support in some situations. This approach should be incorporated into all aspects of law and policy to ensure the full exercise of legal capacity for all persons with intellectual disabilities.

3. The Need for Law Reform and Community-Based Supports:

Law reform is essential to ensure the equal right of individuals with disabilities to enjoy and exercise legal capacity, including the provision of support and accommodations. Collaborative efforts with legal, healthcare, and financial sectors are necessary to address the lack of knowledge and skills in supportive decision-making. Additionally, fostering community-driven solutions and long-term planning, such as insurance policies and financial strategies, can significantly aid in supporting individuals with intellectual disabilities to live inclusively in community and to make informed decisions.

4. Addressing the Intersection of Ageism and Ableism:

As individuals with intellectual disabilities age, they may encounter an intersection of ageism and ableism, impacting their ability to exercise autonomy and independence. It is important to recognize the inherent worth of each individual, regardless of age or disability, and ensure that societal structures do not perpetuate inequalities or exclusions based on these factors.

5. Safeguards to Support Autonomy in Decision-Making:

Implementing safeguards that protect individuals from undue influence and conflicts of interest is vital in supporting decision-making. This includes ensuring that the supporters are accountable and do not improperly influence decisions. These safeguards should be proportional and tailored to the individual, respecting their will and preferences and maximizing their right to legal capacity while safeguarding individuals from harm.

6. Empowering Through Technology and Innovative Solutions:

The role of technology in enhancing the autonomy and independence of individuals with intellectual disabilities should not be overlooked and, in fact, should be vigorously explored. The use of assistive technologies can play a crucial role in enabling individuals to communicate their will and preferences to make decisions more effectively, thereby supporting their autonomy and participation in society.

Social Protection and Security

1. Addressing Economic Insecurity and Social Isolation:

Older persons with intellectual disabilities often face heightened economic insecurity and social isolation. These individuals are more likely to experience higher rates of poverty and lack access to adequate social protection measures. Ensuring social protection systems are inclusive and sensitive to the needs of this population is vital. This includes enhancing income support systems and ensuring they continue beyond traditional age cut-offs and disallow provincial/territorial claw-backs, thereby providing stability and security in later life.

2. Ensuring Access to Essential Services:

Access to essential services such as healthcare, housing, employment support and continuing education is crucial for the social protection of older persons with intellectual disabilities. Services must be accessible, inclusive and tailored to the unique needs of this population, addressing barriers such as lack of affordable and accessible housing and systemic under-employment and structural unemployment.

3. Advocacy for Inclusive Social Policies:

Inclusive social policies that recognize and cater to the diverse needs of persons with intellectual disabilities are necessary. This includes developing policies and laws that counteract stigma and exclusion, encouraging self-esteem and self-confidence, and promoting positive public perceptions of persons with disabilities. Emphasizing the role of governments in actively protecting the equality rights of persons with disabilities, including intellectual disabilities, is essential.

4. Fostering Community Integration and Support:

Community inclusion plays a crucial role in enhancing social protection and security for older persons with intellectual disabilities. There is a need for more innovative and community-driven solutions to support these individuals, ensuring they are not isolated or excluded from society. This includes promoting long-term, individualized, personalized proactive person-centered planning with readily available funding and supports, including decision-making supports in all aspects of life.

5. Collaboration for Expanding Community-Based Options:

Collaboration with various stakeholders, including government agencies, non-profit organizations, and advocacy groups, is vital to address waitlists and arbitrary caps on the quality and quantity of publicly-funded supports to live inclusively in community. This collaboration is crucial to making aging at home a viable and accessible option for older persons with intellectual disabilities, thus enhancing their social protection and security.

6. Promoting Self-Directed Support and Autonomy:

Promoting self-directed support models that empower individuals with intellectual disabilities and their families to have control over their lives and decisions is essential for their social protection and security. This includes ensuring they have access to and control over personal support services, enabling them to live good lives and participate fully in their communities.

Education, Training, Lifelong Learning, and Capacity Building

1. Right to Inclusive Education:

The right to an inclusive education is a core principle emphasized in the submission by Inclusion Canada to the Special Rapporteur on the right to education. In Canada, despite recognition of the right to education, there is still a significant gap in providing inclusive education to children with intellectual disabilities. This issue is particularly relevant to older persons with disabilities who may have been denied inclusive educational opportunities earlier in life and to those who aspire to be life-long learners. The commitment to inclusive education must be extended to lifelong learning opportunities, ensuring that older persons with disabilities have access to educational and learning opportunities that meets their needs and aspirations, including opportunities to engage in post-secondary, on an equal basis with older persons who do not have disability.

2. Overcoming Systemic Barriers in Education:

Challenges in the Canadian education system include the fragmentation of responsibilities across federal, provincial and territorial governments, leading to inconsistencies in accessing inclusive education. There is a need to address systemic barriers that prevent full inclusion in continuing, post-secondary and adult education, such as segregated classrooms and programs that currently exist in some post-secondary settings. This is essential for older adults who seek educational opportunities later in life on an equal basis with their non-disabled counterparts.

3. Strengthening Support for Lifelong Learning:

Lifelong learning and capacity building for individuals with intellectual disabilities are crucial. Older adults with intellectual disabilities must have access to continuous learning opportunities, including adult education opportunities that are inclusive and address their specific needs and interests. This includes ensuring that educational materials and environments are accessible and that there are opportunities for meaningful engagement and skill development when appropriate.

4. Addressing Employment and Education Linkages:

The relationship between education and employment is critical, as highlighted in the joint submission on the right to work and employment. Educational programs should be designed to enhance employability and ensure that persons with intellectual disabilities are inclusively and meaningfully employed. This includes providing access to internships and on-the-job training.

5. Role of Transportation in Access to Education:

Accessible transportation is a significant barrier to both education and employment for persons with disabilities. Ensuring individuals have access to transportation that facilitates their participation in educational programs and job opportunities is essential. This includes

public or private transport systems that are affordable, accessible, inclusive and cater to the specific needs of persons with intellectual disabilities.

6. Fostering Inclusive and Supportive Educational Environments:

Creating inclusive educational environments that respect and cater to the diversity of learners, including those with intellectual disabilities, is key. This involves training adult educators to understand and support the unique learning needs of older adults with intellectual disabilities, providing necessary accommodations, and fostering a culture of inclusion and respect within educational institutions.

Right to Work and Access to the Labour Market

1. Overcoming Employment Barriers:

Older persons with intellectual disabilities face significant barriers in accessing the labour market. These challenges include stereotypes and negative perceptions by employers, which often result in high rates of unemployment and underemployment for this group. Efforts need to be intensified to dismantle these barriers and promote inclusive hiring practices. This includes addressing misconceptions about the capabilities of older persons with intellectual disabilities and ensuring that workplaces are adaptable and accommodating to their needs.

2. Supported Employment and Job Coaching:

Supported employment programs, including job coaching and workplace assistance, are vital for persons with intellectual disabilities. These programs can provide the necessary support to help individuals gain and maintain employment. The approach should be rights-based and quality-driven, viewing these supports not merely as accommodations but as integral to ensuring equal access to employment opportunities.

3. Inclusive Recruitment and Hiring Practices:

The recruitment and hiring process must be inclusive and accessible. This includes ensuring that job postings are understandable and accessible, interview processes are accommodating, and that there is a general awareness and acceptance of the diverse needs of older job applicants with intellectual disabilities. Employers should be encouraged and supported to adapt their hiring processes to be more inclusive. Aging adults with an intellectual disability are at increased risk of being dismissed or forced by employers or social support systems to leave the workforce when they wish to continue to work or be employed.

4. Addressing Wage Disparity and Employment Inequality:

Wage disparity and employment inequality are significant issues for persons with intellectual disabilities. Efforts should be made to ensure that individuals with disabilities are paid

equally and have access to the same benefits and protections as other workers. This includes addressing any legal or systemic issues that might allow for lower wages or fewer benefits for workers with disabilities.

5. Collaboration with Unions and Labour Organizations:

Collaboration with unions and labour organizations is essential to advance the inclusion of older persons with intellectual disabilities in the workforce. Unions should be encouraged to support modifications and accommodations in the workplace and labour agreements that facilitate the employment of older persons with intellectual disabilities. It is important to work with labour groups to ensure that these accommodations are seen not as concessions but as steps towards creating equitable opportunities for all workers.

6. Role of Post-Secondary Education:

All avenues of post-secondary education play a crucial role in preparing individuals with intellectual disabilities for the labour market and older adults are increasingly seeking these opportunities. These programs should be inclusive, providing skills and knowledge that align with the current demands of the job market or a person's interests. It is also important to ensure that these programs are accessible and cater to the varied learning styles and needs of individuals with intellectual disabilities.

7. Promotion of Inclusive Economic Development:

Inclusive economic development strategies should be prioritized to ensure that persons with intellectual disabilities are considered from the onset of economic planning and development. This includes avoiding segregated employment practices and ensuring that economic opportunities are open and accessible to all, regardless of disability. Attention needs to be paid to the fact that past circumstances may make it more difficult for older adults with an intellectual disability to become inclusively employed later in life particularly when either their educational opportunities or previous employment was segregated and congregated rather than inclusive.

Access to Justice

1. Recognizing and Addressing Barriers in the Justice System:

Older persons with intellectual disabilities face significant barriers within the justice system, including prejudice, lack of understanding by legal professionals, and inadequate support services. These barriers can prevent them from accessing justice on an equal basis with others. Inclusion Canada's Position Statement on access to justice emphasizes the need for comprehensive training for professionals within the justice system and the development of accessible legal information and support services.

2. Ensuring Equal Treatment and Non-Discrimination:

Equal treatment and non-discrimination are fundamental rights that must be upheld in the justice system. Persons with intellectual disabilities often encounter discrimination and biases that can lead to unequal treatment which can be compounded as they age. It is crucial to develop legal frameworks and practices that ensure fair treatment and respect the rights and dignity of aging individuals with intellectual disabilities.

3. Facilitating Supported Decision-Making in Legal Matters:

Supported decision-making is a critical aspect of ensuring access to justice for older persons with intellectual disabilities as it is for those aging who do not have disabilities, though often aging is viewed as a disability. This involves providing appropriate supports to enable individuals to understand, participate in, and make decisions about legal matters affecting them. The concept of supported decision-making should extend to legal matters, ensuring that individuals with intellectual disabilities are empowered to be active participants in legal processes that concern them.

4. Addressing Communication Barriers:

Communication barriers can significantly hinder the ability of older persons with intellectual disabilities to access justice. It is essential to provide accessible communication tools and methods, including plain language resources and appropriate interpretive services, to ensure individuals can understand, be understood and participate fully in legal settings, in particular the criminal justice system.

5. Increasing Public Awareness and Education:

Raising public awareness and educating the broader community about the rights of persons with intellectual disabilities within the justice system, regardless of age, is crucial. This includes educating law enforcement, legal professionals, and the general public to foster a more inclusive and understanding approach to justice issues affecting this population.

6. Creating Inclusive and Accessible Legal Environments:

Legal environments, including courts and legal service offices, must be inclusive and accessible to persons with intellectual disabilities. This involves physical accessibility as well as the provision of services and resources that accommodate the unique needs of individuals with intellectual disabilities.

7. Strengthening Advocacy and Legal Representation:

Ensuring that older persons with intellectual disabilities have access to effective legal representation and advocacy is key to safeguarding their rights within the justice system. Legal representatives should be equipped with the knowledge and skills to effectively represent and advocate for the rights of their clients with intellectual disabilities.

Contribution to Sustainable Development

1. Recognizing the Contributions of Persons with Intellectual Disabilities:

Persons with intellectual disabilities have unique perspectives and skills that can significantly contribute to sustainable development. It's important to recognize and value their contributions in various sectors, including education, employment, and community development. This involves challenging stereotypes and promoting a culture that appreciates the diverse abilities of all individuals.

2. Inclusive Policies and Practices:

Inclusive policies and practices in sustainable development are crucial. This includes ensuring that older persons with intellectual disabilities are included in decision-making processes and that their needs and preferences are considered in the planning and implementation of sustainable development projects.

3. Accessibility and Universal Design:

Accessibility and universal design principles should be integral to sustainable development initiatives. This ensures that infrastructure, technologies, and services are accessible to all, including all persons with intellectual disabilities. Adopting these principles contributes to creating a more inclusive and sustainable society.

4. Employment Opportunities in Sustainable Industries:

Encouraging and creating employment opportunities for older persons with intellectual disabilities in sustainable industries is a key aspect of their contribution to sustainable development. This can be achieved through supported employment, post-secondary and continuing education, and partnerships with businesses and adult education institutions committed to inclusive employment practices.

5. Community Participation and Leadership:

Facilitating the participation and leadership of older persons with intellectual disabilities in community initiatives related to sustainable development is essential. Their involvement ensures that development projects are more representative and meet the diverse needs of the community.

6. Education for Sustainable Development:

Integrating the principles of sustainable development into educational programs for persons with intellectual disabilities who are aging is important. This includes providing them with the knowledge and skills necessary to contribute to and benefit from sustainable development efforts.

7. Advocacy for Environmental Justice:

Persons with intellectual disabilities, regardless of age, can be effective advocates for environmental justice. Supporting their involvement in advocacy and awareness campaigns related to environmental issues helps to ensure that these campaigns are inclusive and address the needs of all segments of the population.

8. Research and Innovation:

Involving older persons with intellectual disabilities in research and innovation related to sustainable development can lead to more inclusive and effective solutions. Their perspectives and the experience that comes with age can inspire innovative approaches to addressing environmental and social challenges.

9. Building Resilient Communities:

The inclusion of persons with intellectual disabilities and their families in disaster risk reduction and resilience-building efforts is crucial. Their participation ensures that these efforts are truly inclusive and address the vulnerabilities and capabilities of all community members.

Economic Security

1. Addressing Economic Vulnerabilities:

Older persons with intellectual disabilities often face unique economic vulnerabilities. These include a higher likelihood of poverty, limited access to stable income sources, and a lack of financial planning resources tailored to their needs. It is crucial to address these vulnerabilities by developing social protection systems that are inclusive and tailored to their specific needs.

2. Ensuring Sustainable Income Support:

Sustainable income support systems are vital for ensuring the economic security of older persons with intellectual disabilities. These systems should provide adequate financial resources that continue beyond traditional retirement age, reflecting the lifelong support needs of individuals with intellectual disabilities.

3. Access to Affordable Housing and Community-Based Services:

Access to affordable housing and community-based supports plays a significant role in the economic security of persons with intellectual disabilities. Legislation and policies should be geared towards increasing the availability of affordable, accessible, inclusive housing and providing a range of community-based supports that enable social inclusion.

4. Employment Opportunities and Workplace Inclusion:

For those who can and want to work, creating meaningful employment opportunities is crucial for economic security for all older persons, including aging people with an intellectual disability. This involves promoting inclusive hiring practices, providing workplace accommodations, and supporting the development of skills and competencies that match labour market demands and individual interests.

5. Financial Literacy and Planning:

Enhancing financial literacy and providing opportunities for personalized financial planning are essential for economic security. Older persons with intellectual disabilities should have access to financial education programs and planning tools that cater to their learning styles and support their long-term financial well-being.

6. Protection from Financial Exploitation:

Protecting older persons with intellectual disabilities from financial exploitation is a key aspect of ensuring their economic security. This includes implementing legal safeguards, raising awareness about financial abuse, and ensuring that individuals have access to trusted financial management support.

7. Collaboration with Financial Institutions:

Collaboration with financial institutions to develop accessible financial products and services is important. These services should be designed to meet the unique needs of persons with intellectual disabilities, ensuring that they have equitable access to banking, savings, and credit facilities.

8. Advocacy and Representation in Economic Policies:

Advocacy and representation of older persons with intellectual disabilities in economic policy development are essential. Their perspectives and experiences and those of their families should inform the creation of policies and programs aimed at improving economic security for all.

9. Social Insurance and Benefits Accessibility:

Ensuring social insurance programs and benefits are easily accessible to aging persons with intellectual disabilities is crucial. This includes simplifying application processes, providing assistance with navigating the system, and ensuring that eligibility criteria do not unfairly exclude those with intellectual disabilities.

Right to Health and Access to Health Services

1. Addressing Healthcare Accessibility:

Ensuring that older persons with intellectual disabilities have full access to healthcare services is critical. This includes removing attitudinal and physical barriers in the provision of healthcare, providing accessible information about health services, and training healthcare professionals to understand and respond to the specific and general health needs of individuals with intellectual disabilities as they age. Attitudinal barriers and devaluing perceptions of persons with disabilities can lead to healthcare systems dismissing healthcare needs by not looking beyond the person's disability. Geriatric specialists need to be trained in responding to the healthcare needs and challenges of older adults with an intellectual disability.

2. Comprehensive Health Coverage:

Comprehensive health coverage that includes preventive care, treatment, rehabilitation services, and mental health support tailored to the needs of persons with intellectual disabilities as they age is essential. Policies should focus on providing a holistic approach to healthcare that considers the unique challenges faced by this population.

3. Mental Health Services:

Access to mental health services is particularly important for persons with intellectual disabilities, as they are often at a higher risk of mental health issues. Services should be inclusive, accessible, and provide support tailored to their specific needs. This includes therapy, counselling, and psychiatric care that is sensitive to the complexities of intellectual disabilities.

4. Informed Consent and Supported Decision-Making in Healthcare:

Upholding the rights of older persons with intellectual disabilities to informed consent in healthcare decisions is crucial. This includes supportive decision-making processes through accessible information and communication methods and respecting their choices regarding healthcare interventions.

5. Addressing Specific Health Needs:

Recognizing and addressing the specific health needs of older persons with intellectual disabilities, such as higher risks for certain conditions and the need for regular health screenings, is important for ensuring their right to health. Healthcare providers should be equipped with the knowledge and resources to offer appropriate care and interventions.

6. Training and Education for Healthcare Professionals:

Training and education for healthcare professionals on the needs of persons with intellectual disabilities as they age are essential. This training should cover understanding intellectual disabilities, the aging process as it pertains to persons with intellectual disabilities, effective communication strategies, and providing respectful and dignified care.

7. Prevention and Early Intervention:

Emphasizing prevention and early intervention in healthcare for older persons with intellectual disabilities can significantly improve their health outcomes. This includes regular health check-ups, early detection of health issues, and prompt intervention.

8. Collaboration with Families, Friends, Paid Support Staff, and Support Networks:

Collaborating with the person, their family, and support networks is key to providing effective healthcare. This involves recognizing the role of families, friends and support staff in supporting the health of persons with intellectual disabilities and involving them appropriately in healthcare planning and decision-making processes.

9. Research and Data Collection:

Conducting research and collecting data on the health needs and outcomes of aging persons with intellectual disabilities is important for improving healthcare services. This data can help in identifying gaps in healthcare provision and developing targeted interventions to meet their specific health needs.

Social Inclusion

1. Fostering Inclusive Communities:

Promoting full inclusion of older persons with intellectual disabilities involves creating communities where they are actively included and valued. This includes facilitating their participation in cultural, recreational, and social activities, and ensuring that community spaces and events are accessible and welcoming to all.

2. Combating Isolation and Marginalization:

Efforts must be made to combat the isolation and marginalization of older persons with intellectual disabilities. This involves providing opportunities for social interaction, community engagement, and building relationships, which are crucial for their emotional and social well-being.

3. Inclusive Education and Lifelong Learning:

Inclusive adult education and opportunities for lifelong learning play a vital role in social inclusion. Ensuring that adult educational settings are inclusive and cater to the diverse needs of older learners with an intellectual disability helps in their social development and prepares them for active participation in society.

4. Support for Families:

Supporting the families of persons with intellectual disabilities as they themselves age, as well as their family members with an intellectual disability, is essential for promoting social inclusion and well-being. This includes providing them with resources, training, and support services that enable them to better assist in enabling their family members to live a fully inclusive life.

Accessibility, Infrastructure, and Habitat

1. Accessible Public Spaces and Buildings:

Ensuring that public spaces and buildings are fully accessible to persons with intellectual disabilities as they age is crucial. This includes implementing universal design principles in infrastructure development, providing clear signage, and ensuring that public transportation systems are accessible, inclusive and user-friendly.

2. Inclusive Housing Solutions:

Providing inclusive housing solutions that cater to the needs of persons with intellectual disabilities as they age is vital. This involves ensuring that housing is affordable, accessible and located within inclusive communities that support the interdependence and inclusion of all residents.

3. Emergency Preparedness and Accessibility:

Emergency preparedness plans must include specific considerations for older persons with intellectual disabilities whose capacities and abilities may decrease with age. This includes ensuring that emergency services are accessible and that individuals with intellectual disabilities are included in emergency planning and response strategies.

Participation in Public Life and Decision-Making Processes

1. Inclusive Political Participation:

Encouraging and facilitating the participation of older persons with intellectual disabilities in political processes, such as voting and advocacy, is essential for their inclusion in public life. This includes providing accessible voting facilities and materials, and ensuring that political forums are inclusive and receptive to their participation.

2. Representation in Decision-Making:

Persons with intellectual disabilities as they age should continue to be represented in decision-making processes, particularly those that directly affect them. This includes

involvement in policy development, service design, and community planning, ensuring that their voices are heard and their perspectives considered.

3. Leadership and Advocacy Opportunities:

Providing opportunities for leadership and advocacy roles for persons with intellectual disabilities as they age allows them to actively contribute to society and advocate for their rights and needs. Support and training should be provided to enable their effective participation in these roles.

Options on How Best to Address the Gaps

1. Please state how your organization has engaged with international and regional human rights mechanisms specifically with regard to older persons.

- **Inclusion Canada,** leveraging our ECOSOC status, actively engages in the UN parallel report process, leading and contributing to several articles. Our involvement in these reports, especially on issues faced by older persons with intellectual disabilities, is a reflection of our commitment to advocating for disability rights through platforms like the *CRPD*, both in Canada and globally.

- Alongside our engagement in the parallel report process, we also contribute to general comments under the *CRPD* and regularly participate in the Conference of State Parties. Our involvement highlights the importance of inclusive policies and practices that truly reflect the lived experiences of older persons with intellectual disabilities.

- **Inclusion International** represents a network of over 200 organisations globally. As part of our work, we support our members to submit or contribute to parallel reports during the States Parties reviews processes. We ensure that whether they are self-advocacy groups or family based organisations, particular issues faced by persons with intellectual disabilities are highlighted and included. This includes particularities of children, women and older persons with intellectual disabilities.

- In addition, one key advocacy area of our organisations is deinstitutionalisation. Among the survivors of institutions, there are older persons with intellectual disabilities. We try to ensure their voices are heard in national, regional and global policy and decision-making platforms so they can advocate for closing institutions by sharing their experiences and the trauma institutions have caused to them.

2. Have those engagement resulted in positive impact in strengthening the protection of the human rights of older persons?

- Our engagements have heightened awareness of the unique challenges faced by older persons with intellectual disabilities. By advocating within the framework of the

CRPD, we have influenced policies and practices enhancing the protection of the human rights of older persons.

- The collaborative efforts between Inclusion Canada and Inclusion International have led to more inclusive policy development, reflecting the diverse needs of this population, especially in terms of social protection systems and benefits.

- Our contributions to various UN mechanisms have marked progress in acknowledging the rights and needs of older persons with intellectual disabilities. This progress is pivotal in ensuring they receive necessary support and recognition, thereby fortifying their protection and well-being.

3. What other options can be considered to strengthen the protection of older persons?

- Establishing self-representative bodies for older persons with disabilities is crucial for ensuring their voices are directly represented. We believe in balancing autonomy with safeguarding measures, advocating for older persons to have a say in matters impacting their lives.

- Encouraging the full participation of older persons with intellectual disabilities in public life and advocacy groups is essential. This empowers them to actively contribute to policy discussions and decision-making processes, reflecting our commitment to their engagement and representation.

4. If applicable, what is your assessment on the protection of the human rights of older persons according to regional and international instruments?

- Rights of older persons, including those with disabilities, are recognized in international human rights instruments like the *CESCR* and *CRPD*. However, there is a need for more robust measures to fully recognize and address their rights, especially in the context of social protection systems and access to benefits.

- When reviewing the concluding observations from the CRPD Committee since 2011, the mention of older persons with disabilities is mentioned 14 times to 11 countries out of 99 countries reviewed. All these mentions concern the risks of poverty and the lack of access and exclusion of older persons with disabilities to social protection systems and benefits, linked to article 28 on adequate standard of living and social protection.

- Some reviews of the *CESCR* also refer to older persons regarding the right to adequate housing and the right to social security. However, these are far from being sufficient in recognizing the rights of older persons including older persons with

disabilities.

- Inclusion Canada's assessment, in conjunction with Inclusion International, recognizes that while the rights of older persons are acknowledged in international human rights instruments like the *CESCR* and *CRPD*, there is a need for more robust and specific measures. The limited mentions of older persons with disabilities in CRPD Committee reviews indicate a need for more comprehensive approaches to recognize and address their rights, particularly in the context of social protection systems and access to benefits. **Given the growing number of older persons worldwide and the limited attention this population has received in existing international instruments, it is crucial that if the UN decides to move forward with a stand-alone Convention on the Rights of Older Persons, Inclusion Canada and Inclusion International must be actively involved and engaged. Our involvement will ensure that the rights of persons with intellectual disabilities and their families are given prominence, and that their perspectives are integral to the negotiations and deliberations of the Convention.**