



HelpAge International submission on the normative content of the right of older persons to freedom from violence, abuse and neglect

9th Working Session of the Open-ended Working Group on Ageing, 2018

The right of older persons to freedom from violence, abuse and neglect

Affirmation of the right

1. Older persons have the right to freedom from violence, abuse and neglect.

Scope of the right

1.1 The right includes all forms of violence, abuse and neglect against older persons.

1.2 The right applies to violence, abuse and neglect in private and public settings.

1.3 States Parties are responsible for acts of violence against older persons and abuse and neglect of older persons committed by organs, officials and agents of the state at all levels, including private actors acting under the direction of or in accordance with the instructions of the state, or whose acts are otherwise attributable to the state.

1.4 States Parties are responsible in relation to the acts of non-state actors if the State Party fails to meet its obligation to take all reasonable measures to prevent, as well as to investigate, prosecute, punish and provide reparations for acts or omissions by non-state actors which involve acts of violence against older persons and abuse and neglect of older persons.

State obligations

2. States Parties shall take appropriate legislative and administrative and other appropriate measures to prevent violence, abuse and neglect of older persons in public and private settings by, inter alia:

- Raising awareness of, and sensitising society to, the different forms of violence, abuse and neglect in older age and how to identify and prevent them.
- Putting in place effective legislation and policies to ensure all forms of violence, abuse and neglect are identified, investigated and redressed
- Ensuring that measures to prevent violence, abuse and neglect are proportionate and compatible with the right to autonomy and independence
- Allocating sufficient resources for effective implementation
- Providing information to and raising awareness of older persons of their rights

- Providing training for all care and support providers, including family and other informal care and support providers, and other service providers, including law enforcement
- Ensuring a system of appropriate needs assessment and monitoring in all situations of care and support
- Ensuring that all facilities and programmes designed to serve older persons are effectively monitored by independent authorities
- Ensuring a comprehensive violence protection policy in all care and support settings, regardless of whether care and support is provided by state or non-state bodies. This shall include training of providers, a complaints system, protection of those reporting violence, and interventions procedures
- Paying specific attention to the intersectional and other determinants of violence, abuse and neglect.

3. States Parties shall ensure timely and effective access by older persons to a range of support services for victims, survivors and persons at risk of violence, abuse and neglect, including but not limited to:

- A full range of medical, social, psychosocial, rehabilitative and legal services
- Access to information about available support and services
- Access to appropriate support services for victims, survivors and persons at risk.

4. States Parties shall ensure timely access by older persons to effective remedies and redress by taking appropriate measures which include but which are not limited to:

- Investigating violations effectively, promptly, thoroughly and impartially and, where appropriate, taking action against those allegedly responsible in accordance with domestic and international law
- Providing older persons who claim to be victims of violence, abuse and neglect with equal and effective access to justice, irrespective of who may ultimately be the bearer of responsibility for the violation
- Ensuring timely access by older persons to support, where necessary, to make autonomous decisions about reporting acts of violence, abuse and neglect
- Providing effective remedies to victims and survivors, including reparation. Criminal justice responses, criminal offences and sentencing practices shall reflect the aggravated nature of offences against older persons. Prosecutorial action and compensatory damages shall not be limited by older age.

5. States Parties shall undertake to collect, disaggregate, analyse, utilise and make public at regular intervals appropriate information and statistical data on all forms of violence, abuse and neglect for all age cohorts. This shall take intersectionality into account and include prevalence and trends, risk factors, perpetrators, access to support services and effective remedies and redress. The process of all information collection, research and use of statistics shall comply with internationally accepted norms and ethical principles.

Annex: Normative basis of the right of older persons to freedom from violence, abuse and neglect

Content: Affirmation and Scope

1. Older persons have the right to freedom from violence, abuse and neglect.

1.1 The right includes all forms of violence, abuse and neglect against older persons.

1.2 The right applies to violence, abuse and neglect in private and public settings.

1.3 States Parties are responsible for acts of violence against older persons and abuse and neglect of older persons committed by organs, officials and agents of the state at all levels, including private actors acting under the direction of or in accordance with the instructions of the state, or whose acts are otherwise attributable to the state.

1.4 States Parties are responsible in relation to the acts of non-state actors if the State Party fails to meet its obligation to take all reasonable measures to prevent, as well as to investigate, prosecute, punish and provide reparations for acts or omissions by non-state actors which acts of violence against older persons and abuse and neglect of older persons.

Sources

International

Convention on the Rights of Persons with Disabilities, 2006

Article 16: Freedom from exploitation, violence and abuse

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

Madrid International Plan of Action on Ageing, 2002

Issue 3: Neglect, abuse and violence

107. Neglect, abuse and violence against older persons takes many forms — physical, psychological, emotional, financial — and occurs in every social, economic, ethnic and geographic sphere. The process of ageing brings with it declining ability to heal, so that older victims of abuse may never fully recover physically or emotionally from trauma. The impact of trauma may be worsened because shame and fear cause reluctance to seek help. Communities must work together to prevent abuse, consumer fraud and crimes against older persons. Professionals need to recognize the risk of potential neglect, abuse or violence by formal and informal caregivers both in the home and in community and institutional settings.

108. Older women face greater risk of physical and psychological abuse due to discriminatory societal attitudes and the non-realization of the human rights of women. Some harmful traditional and customary practices result in abuse and violence directed at older women, often exacerbated by poverty and lack of access to legal protection.

Committee on the Elimination of Discrimination Against Women's General Recommendation No. 27 on older women and protection of their human rights, 2010

Violence

38. State parties should pay special attention to the violence suffered by older women in times of armed conflict, the impact of armed conflicts on the lives of older women, and the contribution that older women can make to the peaceful settlement of conflicts and to reconstruction processes. States parties should give due consideration to the situation of older women when addressing sexual violence, forced displacement and the conditions of refugees during armed conflict. States parties should take into account relevant United Nations resolutions on women and peace and security when addressing such matters, including, in particular, Security Council resolutions 1325 (2000), 1820 (2008) and 1889 (2009).

General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 2017

24 (b) *Due diligence obligations for acts or omissions of non-State actors* Article 2 (e) of the Convention explicitly provides that States parties are to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.¹ That obligation, frequently referred to as an obligation of due diligence, underpins the Convention as a whole² and accordingly States parties will be held responsible should they fail to take all appropriate measures to prevent, as well as to investigate, prosecute, punish and provide reparations for, acts or omissions by non-State actors that result in gender-based violence against women,³ including actions taken by corporations operating extraterritorially. In particular, States parties are required to take the steps necessary to prevent human rights violations perpetrated abroad by corporations over which they may exercise influence,⁴ whether through regulatory means or the use of incentives, including economic incentives.⁵ Under the obligation of due diligence, States parties must adopt and implement diverse measures to tackle gender-based violence against women committed by non-State actors, including having laws, institutions and a system in place to address such violence and ensuring that they function effectively in practice and are supported by all State agents and bodies who diligently enforce the laws.⁶ The failure of a State party to take all appropriate measures to prevent acts of gender-based violence against women in cases in which its authorities are aware or should be aware of the risk of such violence, or the failure to investigate, to prosecute and punish perpetrators and to provide reparations to victims/survivors of such acts, provides tacit permission or encouragement to perpetrate acts of gender-based violence against women.⁷ Such failures or omissions constitute human rights violations.

1 General recommendation No. 28, para. 36.

2 Ibid., para. 13.

3 General recommendation No. 19, para. 9.

4 See Committee on the Rights of the Child, general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, paras. 43-44, and the Maastricht Principles on the Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights.

5 See, for example, Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000) on the right to the highest attainable standard of health, para. 39.

6 Goekce (deceased) v. Austria, para. 12.1.2, and V.K. v. Bulgaria, para. 9.4.

7 General recommendation No. 19, para. 9.

Regional

Inter-American Convention on Protecting the Human Rights of Older Persons, 2015

Article 2: Definitions

“Abandonment”: Lack of action, deliberate or not, to comprehensively care for an older person’s needs, which may jeopardize their life or physical, psychological, or moral integrity.

“Abuse”: A single or repeated act or omission to the detriment of an older person that harms their physical, mental, or moral integrity and infringes the enjoyment or exercise of their human rights and fundamental freedoms, regardless of whether or not it occurs in a relationship of trust.

“Negligence”: Involuntary error or unintentional fault, including, inter alia, neglect, omission, abandonment, and failure to protect, that causes harm or suffering to an older person, in either the public or the private sphere, in which normal necessary precautions proportional to the circumstances have not been taken.

Article 9: Right to safety and a life free of violence of any kind

Older persons have the right to safety and a life without violence of any kind, to be treated with dignity, and to be respected and appreciated regardless of their race, color, sex, language, culture, religion, political or other opinions, social origin, nationality, ethnicity, indigenous and cultural identity, socio-economic status, disability, sexual orientation, gender, gender identity, economic contribution, or any other condition.

Older persons have the right to a life without any kind of violence or mistreatment. For the purposes of this Convention, violence against older persons shall be understood as any act or conduct that causes death or physical, sexual, or psychological harm or suffering, either in the public or the private sphere.

Violence against older persons shall be understood to include, inter alia, different forms of financial, physical, sexual, and psychological abuse and mistreatment, expulsion from the community, and any form of abandonment or negligence that takes place within the family or household unit or that is perpetrated or tolerated by the State or its agents, regardless of where it occurs.

Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Older Persons in Africa, 2016

Article 8: Protection from Abuse and Harmful Traditional Practices

States Parties shall:

1. Prohibit and criminalise harmful traditional practices targeted at Older Persons; and
2. Take all necessary measures to eliminate harmful traditional practices including witchcraft accusations, which affect the welfare, health, life and dignity of Older Persons, particularly Older Women.

Article 9: Protection of Older Women

States Parties shall:

1. Ensure the protection of the rights of Older Women from violence, sexual abuse and discrimination based on gender;
2. Put in place legislation and other measures that guarantee protection of Older Women against abuses related to property and land rights; and
3. Adopt appropriate legislation to protect the right of inheritance of Older Women.

Protocol to the African Charter on Human and Peoples' Rights on the Rights of persons with Disabilities in Africa, 2018

Article 28: Older Persons with Disabilities

2 e) Ensuring older persons with disabilities are protected from neglect, violence, including violence on the basis of or perceptions of witchcraft

Council of Europe recommendation CM/Rec(2014)2

IV. Protection from violence and abuse

16. Member States should protect older persons from violence, abuse and intentional or unintentional neglect. Such protection should be granted irrespective of whether this occurs at home, within an institution or elsewhere.

Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, 2011

Article 5 – State obligations and due diligence

1. Parties shall refrain from engaging in any act of violence against women and ensure that State authorities, officials, agents, institutions and other actors acting on behalf of the State act in conformity with this obligation.
2. Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors.

Council of Europe recommendation CM/Rec(2014)2

IV. Protection from violence and abuse

20. Older persons who have suffered from abuse should receive appropriate help and support. Should member States fail to meet their positive obligation to protect them, older persons are entitled to an effective remedy before a national authority and, where appropriate, to receive adequate redress for the harm suffered in reasonable time.

Content: Prevention

2. States Parties shall take appropriate legislative and administrative and other appropriate measures to prevent violence, abuse and neglect of older persons in public and private settings by, inter alia:

- **Raising awareness of, and sensitising society to, the different forms of violence, abuse and neglect in older age and how to identify and prevent them.**
- **Putting in place effective legislation and policies to ensure all forms of violence, abuse and neglect are identified, investigated and redressed**
- **Ensuring that measures to prevent violence, abuse and neglect are proportionate and compatible with the right to autonomy and independence**
- **Allocating sufficient resources for effective implementation**
- **Providing information to and raising awareness of older persons of their rights**
- **Providing training for all care and support providers, including family and other informal care and support providers, and other service providers, including law enforcement**

Sources

International

Convention on the Rights of Persons with Disabilities, 2006

Article 16: Freedom from exploitation, violence and abuse

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.

3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, 1984 and its Optional Protocol

[The Optional Protocol to the Convention Against Torture (OP-CAT) establishes the Sub-Committee for the Prevention of Torture (SPT) and National Prevention Mechanisms (NPM) and sets out their mandate to visit any place where persons are deprived of liberty⁸. Social care institutions are listed as one of the places of detention that the SPT can visit⁹. This creates the potential for independent inspections of long-term/residential care facilities.]

⁸ A/RES/57/199

⁹ *The SPT in Brief*, Office of the High Commissioner for Human Rights, <http://www.ohchr.org/EN/HRBodies/OPCAT/Pages/Brief.aspx> (11 May 2016)

Madrid International Plan of Action on Ageing, 2002

110. Objective 1: Elimination of all forms of neglect, abuse and violence of older persons.

Actions

- (a) Sensitize professionals and educate the general public, using media and other awareness-raising campaigns, on the subject of elder abuse and its various characteristics and causes;
- (b) Abolish widowhood rites that are harmful to the health and wellbeing of women;
- (c) Enact legislation and strengthen legal efforts to eliminate elder abuse;
- (d) Eliminate harmful traditional practices involving older persons;
- (e) Encourage cooperation between Government and civil society, including non-governmental organizations, in addressing elder abuse by, inter alia, developing community initiatives;
- (f) Minimize the risks to older women of all forms of neglect, abuse and violence by increasing public awareness of, and protecting older women from, such neglect, abuse and violence, especially in emergency situations;

Committee on the Elimination of Discrimination Against Women's General Recommendation No. 27 on older women and protection of their human rights, 2010

Violence

37. States parties have an obligation to draft legislation recognizing and prohibiting violence, including domestic, sexual violence and violence in institutional settings, against older women, including those with disabilities. States parties have an obligation to investigate, prosecute and punish all acts of violence against older women, including those committed as a result of traditional practices and beliefs.

Regional

Inter-American Convention on Protecting the Human Rights of Older Persons, 2015

Article 9: Right to safety and a life free of violence of any kind

States Parties undertake to:

- a. Adopt legislative, administrative, and other measures to prevent, investigate, punish, and eradicate acts of violence against older persons, as well as those that would enable reparation for harm occasioned by such acts.
- b. Produce and disseminate information in order to generate diagnostic assessments of possible situations of violence with a view to developing prevention policies.
- c. Promote the creation and strengthening of support services to address cases of violence, mistreatment, abuse, exploitation, and abandonment of older persons. Foster access for older persons to such services and provide them with information about them.
- d. Establish or strengthen mechanisms for preventing any form of violence in the family or household unit, facilities that provide older persons with long-term care services, and society at large, with a view to effectively protecting the rights of older persons.
- e. Inform and sensitize society as a whole about the various forms of violence against older persons and about how to identify and prevent them.
- f. Train and sensitize government officials, social workers, and health care personnel responsible for attending to and caring for older persons in long-term care facilities or at home about the different forms of violence, in order that they are treated with dignity and to prevent negligence, violence, and mistreatment.
- g. Develop training programs for family members and persons providing home care services, in order to reduce violence in the home or household unit.

- h. Promote appropriate and effective complaint mechanisms for cases of violence against older persons and strengthen legal and administrative mechanisms for dealing with such cases.
- i. Actively promote the elimination of all practices that generate violence and affect the dignity and integrity of older women.

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, 2016

Article 8: Protection from Abuse and Harmful Traditional Practices

States Parties shall:

- 3. Prohibit and criminalise harmful traditional practices targeted at Older Persons; and
- 4. Take all necessary measures to eliminate harmful traditional practices including witchcraft accusations, which affect the welfare, health, life and dignity of Older Persons, particularly Older Women.

Council of Europe recommendation CM/Rec(2014)2

IV. Protection from violence and abuse

17. Member States should provide for appropriate awareness-raising and other measures to protect older persons from financial abuse, including deception or fraud.

18. Member States should implement sufficient measures aimed at raising awareness among medical staff, care workers, informal carers or other persons who provide services to older persons to detect violence or abuse in all settings, to advise them on which measures to take if they suspect that abuse has taken place and in particular to encourage them to report abuses to competent authorities. Member States should take measures to protect persons reporting abuses from any form of retaliation.

Content: Support

3. States Parties shall ensure timely and effective access by older persons to a range of support services for victims, survivors and persons at risk of violence, abuse and neglect, including but not limited to:

- **A full range of medical, social, psychosocial, rehabilitative and legal services**
- **Access to information about available support and services**
- **Access to appropriate support services for victims, survivors and persons at risk.**

Sources

International

Convention on the Rights of Persons with Disabilities, 2006

Article 16: Freedom from exploitation, violence and abuse

4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.

Madrid International Plan of Action on Ageing, 2002

111. Objective 2: Creation of support services to address elder abuse.

Actions

- (a) Establish services for victims of abuse and rehabilitation arrangements for abusers;
- (b) Encourage health and social service professionals as well as the general public to report suspected elder abuse;
- (c) Encourage health and social service professionals to inform older persons suspected of suffering abuse of the protection and support that can be offered ;
- (d) Include handling of elder abuse in the training of the caring professions;
- (e) Establish information programmes to educate older persons about consumer fraud.

Regional

Inter-American Convention on Protecting the Human Rights of Older Persons, 2015

Article 9: Right to safety and a life free of violence of any kind

States Parties undertake to:

c. Promote the creation and strengthening of support services to address cases of violence, mistreatment, abuse, exploitation, and abandonment of older persons. Foster access for older persons to such services and provide them with information about them.

Council of Europe recommendation CM/Rec(2014)2

IV. Protection from violence and abuse

20. Older persons who have suffered from abuse should receive appropriate help and support. Should member States fail to meet their positive obligation to protect them, older persons are

entitled to an effective remedy before a national authority and, where appropriate, to receive adequate redress for the harm suffered in reasonable time.

Content: Remedies and redress

4. States Parties shall ensure timely access by older persons to effective remedies and redress by taking appropriate measures which include but which are not limited to:

- Investigating violations effectively, promptly, thoroughly and impartially and, where appropriate, taking action against those allegedly responsible in accordance with domestic and international law
- Providing older persons who claim to be victims of violence, abuse and neglect with equal and effective access to justice, irrespective of who may ultimately be the bearer of responsibility for the violation
- Ensuring timely access by older persons to support, where necessary, to make autonomous decisions about reporting acts of violence, abuse and neglect
- Providing effective remedies to victims and survivors, including reparation. Criminal justice responses, criminal offences and sentencing practices shall reflect the aggravated nature of offences against older persons. Prosecutorial action and compensatory damages shall not be limited by older age.

Sources

International

Convention on the Rights of Persons with Disabilities, 2006

Article 16: Freedom from exploitation, violence and abuse

5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

Committee on the Elimination of Discrimination Against Women's General Recommendation No. 27 on older women and protection of their human rights, 2010

Violence

37. States parties have an obligation to draft legislation recognizing and prohibiting violence, including domestic, sexual violence and violence in institutional settings, against older women, including those with disabilities. States parties have an obligation to investigate, prosecute and punish all acts of violence against older women, including those committed as a result of traditional practices and beliefs.

General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 2017

D. Prosecution and punishment

32. The Committee recommends that States parties implement the following measures with regard to prosecution and punishment for gender-based violence against women:

(a) Ensure effective access for victims to courts and tribunals and that the authorities adequately respond to all cases of gender-based violence against women, including by applying criminal law and, as appropriate, ex officio prosecution to bring alleged perpetrators to trial in a fair, impartial, timely and expeditious manner and imposing adequate penalties.¹⁰ Fees or court charges should not be imposed on victims/survivors;¹¹

¹⁰See, among others, *Vertido v. Philippines*, *S. V. P. v. Bulgaria* and *L.R. v. Republic of Moldova*.

¹¹General recommendation No. 33, para. 17 (a).

(b) Ensure that gender-based violence against women is not mandatorily referred to alternative dispute resolution procedures, including mediation and conciliation.¹² The use of those procedures should be strictly regulated and allowed only when a previous evaluation by a specialized team ensures the free and informed consent of victims/survivors and that there are no indicators of further risks to the victims/survivors or their family members. Procedures should empower the victims/survivors and be provided by professionals specially trained to understand and adequately intervene in cases of gender-based violence against women, ensuring adequate protection of the rights of women and children and that interventions are conducted with no stereotyping or revictimization of women. Alternative dispute resolution procedures should not constitute an obstacle to women's access to formal justice.

E. Reparations

33. The Committee recommends that States parties implement the following measures with regard to reparations:

(a) Provide effective reparations to victims/survivors of gender-based violence against women. Reparations should include different measures, such as monetary compensation, the provision of legal, social and health services, including sexual, reproductive and mental health services for a complete recovery, and satisfaction and guarantees of non-repetition, in line with general recommendation No. 28, general recommendation No. 30 and general recommendation No. 33. Such reparations should be adequate, promptly attributed, holistic and proportionate to the gravity of the harm suffered;¹³

(b) Establish specific funds for reparations or include allocations in the budgets of existing funds, including under transitional justice mechanisms, for reparations to victims of gender-based violence against women. States parties should implement administrative reparations schemes without prejudice to the rights of victims/survivors to seek judicial remedies, design transformative reparations programmes that help to address the underlying discrimination or disadvantaged position that caused or significantly contributed to the violation, taking into account the individual, institutional and structural aspects. Priority should be given to the agency, wishes, decisions, safety, dignity and integrity of victims/survivors.

Regional

Inter-American Convention on Protecting the Human Rights of Older Persons, 2015

Article 9: Right to safety and a life free of violence of any kind

States Parties undertake to:

a. Adopt legislative, administrative, and other measures to prevent, investigate, punish, and eradicate acts of violence against older persons, as well as those that would enable reparation for harm occasioned by such acts.

f. Promote appropriate and effective complaint mechanisms for cases of violence against older persons and strengthen legal and administrative mechanisms for dealing with such cases.

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, 2016

Article 8: Protection from Abuse and Harmful Traditional Practices

¹²As indicated in general recommendation No. 33, para. 58 (c).

¹³See footnote 5 above and general recommendation No. 33, para. 19.

States Parties shall:

1. Prohibit and criminalise harmful traditional practices targeted at Older Persons; and
2. Take all necessary measures to eliminate harmful traditional practices including witchcraft accusations, which affect the welfare, health, life and dignity of Older Persons, particularly Older Women.

Council of Europe recommendation CM/Rec(2014)2

IV. Protection from violence and abuse

19. Member States shall carry out an effective investigation into credible claims that violence or abuse against an older person has occurred, or when the authorities have reasonable grounds to suspect that such ill-treatment has occurred.

20. Older persons who have suffered from abuse should receive appropriate help and support. Should member States fail to meet their positive obligation to protect them, older persons are entitled to an effective remedy before a national authority and, where appropriate, to receive adequate redress for the harm suffered in reasonable time.

Content: Data and statistics

5. States Parties shall undertake to collect, disaggregate, analyse, utilise and make public at regular intervals appropriate information and statistical data on all forms of violence, abuse and neglect. This shall take intersectionality into account and include prevalence and trends, risk factors, perpetrators, access to support services and effective remedies and redress. The process of all information collection, and research and use of statistics shall comply with internationally accepted norms and ethical principles.

Sources

International

Convention on the Rights of Persons with Disabilities, 2006

Article 31 - Statistics and data collection

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

- (a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;
- (b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.

3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 2017

F. Coordination, monitoring and data collection

34. The Committee recommends that States parties implement the following measures with regard to coordination and monitoring and the collection of data regarding gender-based violence against women:

- (a) Develop and evaluate all legislation, policies and programmes in consultation with civil society organizations, in particular women's organizations, including those that represent women affected by intersecting forms of discrimination. States parties should encourage cooperation among all levels and branches of the justice system and the organizations that work to protect and support victims/survivors of gender-based violence against women, taking into account their views and expertise.¹⁴ States parties should encourage the work of human rights organizations and women's non-governmental organizations;¹⁵
- (b) Establish a system to regularly collect, analyse and publish statistical data on the number of complaints about all forms of gender-based violence against women, including technology-mediated violence, the number and type of orders of protection issued, the rates of dismissal and withdrawal of complaints, prosecution and conviction and the amount of time taken for the

¹⁴*Yildirim v. Austria* and *Goekce (deceased) v. Austria*.

¹⁵General recommendation No. 28, para. 36.

disposal of cases. The system should include information on the sentences imposed on perpetrators and the reparations, including compensation, provided to victims/survivors. All data should be disaggregated by type of violence, relationship between the victim/survivor and the perpetrator, and in relation to intersecting forms of discrimination against women and other relevant sociodemographic characteristics, including the age of the victim/survivor. The analysis of the data should enable the identification of failures in protection and serve to improve and further develop preventive measures, which should, if necessary, include the establishment or designation of observatories for the collection of administrative data on the gender-based killings of women, also referred to as “femicide” or “feminicide”, and attempted killings of women;

(c) Undertake or support surveys, research programmes and studies on gender-based violence against women in order to, among other things, assess the prevalence of gender-based violence against women and the social or cultural beliefs exacerbating such violence and shaping gender relations. Studies and surveys should take into account intersecting forms of discrimination, on the basis of the principle of self-identification;

(d) Ensure that the process of collecting and maintaining data on gender-based violence against women complies with established international standards¹⁶ and safeguards, including legislation on data protection. The collection and use of data and statistics should conform to internationally accepted norms for the protection of human rights and fundamental freedoms and ethical principles;

(e) Set up a mechanism or body, or mandate an existing mechanism or body, to regularly coordinate, monitor and assess the national, regional and local implementation and effectiveness of the measures, including those recommended in the present recommendation and other relevant regional and international standards and guidelines, to prevent and eliminate all forms of gender-based violence against women;

(f) Allocate appropriate human and financial resources at the national, regional and local levels to effectively implement laws and policies for the prevention of all forms of gender-based violence against women, provision of protection and support to victims/survivors, investigation of cases, prosecution of perpetrators and provision of reparations to victims/survivors, including support to women’s organizations.

Madrid International Plan of Action on Ageing

110. Objective 1: Elimination of all forms of neglect, abuse and violence of older persons.

Actions

(g) Encourage further research into the causes, nature, extent, seriousness and consequences of all forms of violence against older women and men and widely disseminate findings of research and studies.

Regional

Inter-American Convention on Protecting the Human Rights of Older Persons, 2015

Article 9: Right to safety and a life free of violence of any kind

States Parties undertake to:

b. Produce and disseminate information in order to generate diagnostic assessments of possible situations of violence with a view to developing prevention policies.

For further information contact Bridget Sleaf, HelpAge International bsleaf@helpage.org

¹⁶General Assembly resolution [68/261](#) on the Fundamental Principles of Official Statistics.