

Guiding Questions: Neglect, violence and abuse

1) In your region, are there specific studies or surveys (from governmental, nongovernmental or academic sources) on violence, abuse and neglect experienced by older persons?

Up to date, there are several interventions towards older person mistreatment in the Latin America and the Caribbean countries. Most of the surveys and reports that were already administered have added an item regarding older persons. As a result, the countries are beginning to register data in each country.

Most of the programs on violence, abuse and neglect experienced by older persons consist of preventive campaigns to increase awareness of the issue of elder abuse and assist in the development of appropriate responses when cases of such abuse come to light. Also, there are several training initiatives. One of the most innovative areas is the services of legal orientation towards mistreatment, as those existing in Peru and Uruguay.

In the region much work remains to be done to properly address and respond to actual or alleged cases of abuse when they occur.

2) (a) What forms of violence, abuse and neglect (e.g. physical, psychological, sexual, financial, or other) are registered? What is the setting in which they occur (i.e. residential and nonresidential)? Is there information about the type of perpetrators?

In the region, one of the most common detected violence is the family abuse, in the form of negligence in care, psychological violence and financial abuse. The main perpetrators are frequently sons and daughters, followed by the spouse or partner, other relatives or friends and then informal caregivers who provide the care.

Progress on building a response to elder abuse in family life has been difficult, as the issue is shrouded in secrecy, denial and guilt. There is also an unspecified level of abuse occurs in institutional settings. Only a small number of cases currently go to prosecution.

Financial abuse is also very common and includes theft from social welfare pension, threatening the older person if money is not given, convincing the older person to share resources, intimidation to sign over property and the changing of wills.

Detection and registry of these forms of violence is carried out through reports to agencies or call centers. In Colombia, the Instituto Nacional de Medicina Legal y Ciencias Forenses gathers all the reports. Other countries as Costa Rica have agencies that receive reports on family violence as well as violence in public transport.

Perpetrators who abandon older persons in Ecuador, for example, are punished with prison, and penalties that vary according to the case. Other countries hold a registry of older persons abuse and violence as well as an mandatory notification from the police, social services and health care services. Bermuda's domestic law includes abuses perpetrated by care givers, family or any other person.

(b) Does violence, abuse and neglect particularly affect specific groups of older persons? If so, which groups and how?

Violence, abuse and neglect do not particularly affect any specific groups of older persons but there are risk factors which can increase their vulnerability to abuse, such as being a woman, or being poor or belonging to an ethnic minority. Also being institutionalized, or being dependent increase the risk of being abused or mistreated.

3) Does your region legislation explicitly address issues of violence, abuse and neglect against older persons? If not, what legislation applies to such issues in the context of older persons? Does this legislation sufficiently address the full range of violence against older persons?

Some countries have general legislation which do not explicitly address issues of violence, abuse and neglect against older persons. Such is the case of Brazil (Law N°10.741) and El Salvador (Law N°717).

Other countries legislation explicitly addresses issues of violence, abuse and neglect against older persons. For instance, in Chile Law 20.427 (2010) includes the abuse of older persons in the National Legislation. In Argentina, the National Ministry of Social Development under resolution 215/07 delegates on the National Direction for Social Policies for the Aged the responsibility for taking over the policies of Mistreatment towards the older population. Also the city of Buenos Aires has issued Law N° 5.420 that protects older persons from violence, abuse and neglect.

According to Mexico's penal code the perpetrators of violence against the elderly are to be charged and prosecuted.

Bolivia's domestic legislation also has a Law against interfamilial and domestic violence as a part of the National Plan on Ageing.

4) What legislation exists to protect older persons specifically against financial abuse, including inheritance abuse?

Financial abuse is difficult to detect and is closely related to the legal framework. There is no appropriate legislation in most of the countries regarding financial abuse itself and in most cases complaints and allegations are covered by the domestic violence laws, which are not necessarily sensitive to the needs of older people who may be suffering from financial abuse.

In the case of Costa Rica, the Law N°7935 on Older People and Law 7586 mention that "persons with sixty years or more" are specific subject of violence. In Peru, Law N° 30364, prevents and eradicates violence against women and the members of the family. Nicaragua's Law 720 states Senior's rights to live with dignity and security, and free of exploitation and physical or mental abuse

Most of the financial abuse focuses on actual appropriation of an older person's property and cash. This behavior can include theft from social welfare pension, threatening the older person if money is not given, convincing the older person to share resources, intimidation to sign over property and the changing of wills.