

20170510 contribution to questions on neglect violence and abuse

Information on the situation at European Union level, provided by the European Commission (DG Justice and Consumers)¹

Guiding Questions: Neglect, violence and abuse

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

(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 occurs (i.e. residential and non-residential)? Is there information about the type of perpetrators?

At EU level there are no official data about the levels of prevalence of elder abuse. According to WHO figures from 2011, about 3% of older persons in Europe suffer maltreatment (physical abuse) in the community. (*European report on preventing elder maltreatment*, Regional Office for Europe of the World Health Organization (WHO), 2011. As to different forms of abuse this Report refers to a prevalence of 19.4% for mental abuse, 2.7% for physical abuse, 0.7% for sexual abuse, and 3.8% for financial abuse (based on a study about the situation in seven European countries).

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

As women make up most of the victims of violence, several more recent studies on elder abuse tend to focus on women (EIGE). Male elder abuse is likely to be more under-recognized, under-detected and under-reported. Older persons with high care needs, whether female or male, have a substantially higher risk (up to 25%) of suffering abuse. *The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) is considered the most important and comprehensive legally binding instrument on violence against women in the EU. The Convention entered into force on 1 August 2014, has been signed by all 28 Member States and ratified by 14. On 4 March 2016, the European Commission adopted two proposals for a Council Decision on the signing of the Istanbul Convention on behalf of the European Union; after ratification, the implementation of the Convention will improve the measurement of the extent and consequences of gender-based violence and domestic violence as it provides for common definitions.*

Although not all Member States have specific laws on violence against women, the majority have criminalised most forms of violence against women.

2) Does your country's 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?

EU Charter of Fundamental Rights

Human dignity, freedom, democracy, equality, the rule of law and respect for human rights are the core values of the EU. Since 2009, the EU's Charter of Fundamental Rights brings all these rights

¹ Individual EU Member States give in their own contributions information on the situation and legislation at the level of their country.

together in a single document. The EU's institutions are legally bound to uphold them, as are EU governments whenever they apply EU law. Relevant Articles in TITLE I ("DIGNITY") are:

Article 1

"Human dignity: Human dignity is inviolable. It must be respected and protected."

Article 3

Right to the integrity of the person

"1. Everyone has the right to respect for his or her physical and mental integrity."

Article 4

Prohibition of torture and inhuman or degrading treatment or punishment

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment".

The three quoted articles provide protection irrespective of age as there are no upper age limits.

**European Pillar of Social Rights (EU Commission Recommendation of 26/04/2017)ⁱ,
from the Chapter on Social protection and Inclusion:**

15. Old age income and pensions

a. Workers and the self-employed in retirement have the right to a pension commensurate to their contributions and ensuring an adequate income. Women and men shall have equal opportunities to acquire pension rights.

b. Everyone in old age has the right to resources that ensure living in dignity.

16. Health care

Everyone has the right to timely access to affordable, preventive and curative health care of good quality.

18. Long-term care

Everyone has the right to affordable long-term care services of good quality, in particular home-care and community-based services.

20. Access to essential services

Everyone has the right to access essential services of good quality, including water, sanitation, energy, transport, financial services and digital communications. Support for access to such services shall be available for those in need.

More specific relevant legislation exists at the national level in many Member States.

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

The relevant legislation is at the national level.

ⁱ This is a general policy document, adopted as a Recommendation by the European Commission. It has also been proposed for inter-institutional proclamation by the European Parliament and by the European Council as it contains broadly supported policy principles, but it has not yet been adopted by the EU Member States.