



5th May 2017

## AGE Platform Europe input on neglect, violence and abuse

This short answer is submitted in reply to the call of the Chair-designate of the Open-Ended Working Group on Ageing (OEWG) to NGOs. AGE Platform Europe (AGE) has ECOSOC status and is accredited to the OEWG since 2012.

As the largest European network of self-advocacy organisations of older people, our position aims to reflect the situation at EU level and to provide a comparative overview of the EU Member States on behalf of the 40 million older citizens represented by our members. Our contribution is based on written answers received by organisations of older people in 16 EU Member States<sup>1</sup>, oral debate in the frame of our Council of Administration where representatives from 24 countries<sup>2</sup> and 6 European organisations/federations<sup>3</sup> sit as well as desk research<sup>4</sup>.

Our answer will be complemented at a later stage with more detailed input, which will be submitted as written NGO contribution to the 8<sup>th</sup> session of the OEWG.

A separate answer covering questions on equality and non-discrimination is also submitted.

Further resources:

- [On quality long-term care and fight against elder abuse](#)
- [Older persons' self-advocacy handbook](#)
- [Toolkit on the dignity and wellbeing of older persons in need of care](#)

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<sup>1</sup> Poland, Malta, Spain, Netherlands, Austria, Belgium, Portugal, France, Greece, Sweden, Slovenia, Slovakia, United Kingdom, Denmark, Czech Republic, Italy.

<sup>2</sup> All EU countries with the exception of Croatia, Latvia, Luxembourg and Slovakia

<sup>3</sup> FIAPA, ESU, NOPO, EURAG, EDE, OWN Europe

<sup>4</sup> In particular publications of the World Health Organisation, EU projects on elder abuse and the project of the European Network of National Human Rights Institutions (ENNHRI) on Long-Term Care.



### **Question 1: Studies and surveys on violence, abuse and neglect experienced by older people**

Compared to other forms of violence, relatively few studies focus specifically on the forms and prevalence of violence, abuse and neglect experienced by older people. Despite some notable exceptions, such as the 2011 World Health Organization (WHO) European report on elder maltreatment<sup>5</sup> and some European projects, overall cross-national studies are largely missing, whereas national data are not always readily available. Moreover, there are serious gaps in data, such as on the prevalence of abuse in residential settings and relating to older people with severe cognitive impairment, which remain largely unknown. In addition, a key obstacle in developing robust data is the very high level of underreporting of elder abuse, which, according to WHO, can reach up to 80% of all cases.

Some studies on gender-based violence may indirectly address elder abuse, but methodological issues and age limits do not always allow capturing violence at the intersection of ageing and gender. For example, the largest EU survey on violence against women<sup>6</sup> had an age limit at the age of 74, did not include women in residential settings and mainly targeted inter-partner violence, failing to capture cases of institutional abuse and neglect in elder care or financial abuse. Available data<sup>7</sup> from 2010 point to a prevalence of 19.4% for mental abuse, 2.7% for physical abuse, 0.7% for sexual abuse, 3.8% for financial abuse and 0.7% for injury. A 2011 study<sup>8</sup> showed a prevalence of 28.1% in some form of abuse and/or neglect in the previous 12 months of women across 5 EU countries.

The lack of data results in a lack of awareness of the dimension of the phenomenon, which hinders the capacity of victim support, police and legal services to reach out to victims and intervene in cases of abuse. Another direct consequence is the weak presence of elder abuse in policy agendas.

Whereas available evidence shows that abuse, violence and neglect of older persons is widespread, more data are urgently needed to measure more accurately the extent of the phenomenon covering all forms of abuse and in all settings. States should have a duty to develop better monitoring mechanisms and common methodologies and indicators to measure violence, abuse and neglect of older persons, at home, in residential settings and in the community. They should also address the very high level of underreporting, through the adoption of measures to raise awareness, inform and empower those at risk of abuse and through training victim support services, health and care professionals, police and legal systems to better identify and protect victims.

### **Question 2:**

#### **(a) Forms of violence, abuse and neglect; settings and perpetrators**

Elder abuse may include physical, psychological, sexual and financial abuse and violence, and victims are most often older persons in need of care and assistance. Neglect manifests itself in the lack of capacity or willingness of the social environment, including carers – professional and informal (family, friends, neighbours) – to provide older persons with the assistance, attention and material goods they need to have dignified lives.

Violence, abuse and neglect particularly affect older persons in situations of dependency, and these occur across all settings – at home, in residential settings and in public spaces. Informal carers offer most care for those older persons who live at home, and are therefore the most likely perpetrators in that setting, whereas care professionals are more likely the perpetrators in residential settings. Individuals in contact with older persons in the framework of their professional activities – law enforcement, transport, financial services, sales, public administration, etc. – are also involved in episodes of abuse and neglect.

When it comes to care, studies highlight that only in a minority of cases abuse is intentional, meaning involving a deliberate attempt to cause harm. In most cases abuse, violence and neglect are the result of the overburden of care providers – often a consequence of cuts in funding for services and the subsequent understaffing and lack of quality professional services – and the lack of understanding of the needs and preferences of older persons who require care and support. Informal and formal carers are often unaware of the ways they can respect their human rights and dignity when caring and assisting them. Tackling elder abuse entails challenging negative images around ageing, promoting the dignity of older persons and adopting a rights-based approach to care and assistance.

#### **(b) Groups particularly affected**

Elder abuse affects older persons in situations of dependency and with care needs very particularly. The higher support needs the greater the risk of experiencing abuse, violence and neglect. Older persons with lower incomes, living in rural areas with scarce availability of services and living in isolation might encounter greater

<sup>5</sup> [European report on preventing elder maltreatment](#), Regional Office for Europe of the World Health Organization (WHO), 2011

<sup>6</sup> [Violence against women: an EU-wide survey](#), European Union Agency for Fundamental Rights (FRA), 2014

<sup>7</sup> [Abuse and health among elderly in Europe](#), ABUEL project, 2010; the study covered Germany, Greece, Italy, Lithuania, Portugal, Spain and Sweden

<sup>8</sup> [Prevalence Study of Abuse and Violence against Older Women](#), European report, DAPHNE programme, 2011; the study covered Austria, Belgium, Finland, Lithuania and Portugal

problems in accessing the quality care they need and are therefore exposed to a greater risk of suffering maltreatment and neglect. Informal carers in such situations, when available, may face a greater care burden that can lead to abuse and violence.

Specific groups of older persons are at risk of suffering violence, abuse and neglect at the intersection between age and one or more other grounds of discrimination: gender, disability, cognitive status, sexual orientation, ethnic background. The interaction between such types of discrimination and ageism increases the risk of suffering abuse and violence and puts victims in particularly vulnerable situations, as they generally face additional obstacles in accessing sufficient support and protection. As an illustration, intimate partner violence affects large numbers of older women and is principally driven by gender-based discrimination; however, older victims often remain silent as a consequence of feelings of shame and resignation and, when they report violence, face greater difficulties in accessing protection and support from mainstream gender-based support services as a result of ageist attitudes and the lack of awareness driven by ageism.

For AGE, States should have the duty to adopt a comprehensive definition of elder abuse: all forms of abuse (physical, psychological, sexual, financial, neglect) and in all settings (private/domestic and public), including structural abuse, should be covered. Moreover, protection should extend both to relationships with and without an expectation of trust, such as in access to goods and services. States should have the duty to enforce the right to access quality and dignified care and assistance for older persons through investment in quality professional care services. They should also develop services to support informal carers, as means to reduce the care burden and prevent abuse and violence at home. The promotion and enforcement of the human rights and dignity of older persons in need of care should be an integral part of the training of professionals and the development of care policies. States should also have the duty to offer effective support and protection to all older victims of the different forms of violence, abuse and neglect, regardless of the setting and the perpetrator, including to older persons in especially vulnerable situations. Such obligation includes training victim support services, health and care professionals as well as police and legal officers on the specific needs of older victims in order to prevent and address elder abuse.

### **Questions 3 & 4: Legislation explicitly addressing abuse, violence and neglect; protection against financial abuse**

At European Union level there is no law that explicitly addresses abuse, violence and neglect against older persons. A number of EU-funded projects have developed voluntary frameworks to prevent elder abuse, such as the European Charter of the rights and responsibilities of older people in need of long-term care and assistance<sup>9</sup> and the European Quality Framework for long-term care services<sup>10</sup>, but there is no European Union policy addressing this issue. Member states of the EU often address elder abuse indirectly under other forms of violence, including domestic violence, but most do not have specific legislation relating to elder abuse and/or do not extend to financial abuse. There are some broad provisions in instruments of EU law, such as the Charter of Fundamental Rights of the European Union, which enshrines the right to the integrity of the person and the prohibition of torture and inhuman or degrading treatment. However, there is lack of clarity of how such provisions apply to situations of abuse, violence and neglect and which are the related state obligations.

An EU Directive of 2012 established minimum standards on the protection of victims of crime. Abuse, violence and maltreatment of older persons are not explicitly mentioned; however, the directive binds EU member states to ensure that all victims, regardless of their condition, can access information regarding support and prosecution. It also binds states to offer special protection measures to victims of all kinds of abuse and violence in close relationships – including “economic violence” – which might be seen to include abuse and violence against older persons. However, there has been little action in promoting these rights among older persons and in exploring how they can apply to older persons at risk of abuse and violence.

Further, the 2014 Council of Europe Recommendation on the promotion of human rights of older persons addressed violence and abuse by recommending States to improve the prevention of abuse and protect older persons who are at risk of abuse and violence.

Member states should have a duty to elaborate specific legislation to address violence, abuse and neglect of older persons, which should include the duty to prevent abuse and protect victims; such legislation should include not only deliberate or intentional abuse but also structural abuse. States also need to make sure that older persons are fully included in legislation that addresses other types of violence, such as gender-based violence. Specific public policies are needed to ensure that legal instruments are fully enforced, and this must include consulting organisations of older persons about experiences of the situation at grassroots level, and raising awareness of available rights and guarantees.

<sup>9</sup> [European Charter of the rights and responsibilities of older people in need of long-term care and assistance](#), EUSTACEA project, 2010

<sup>10</sup> [European Quality Framework for long-term care services](#), WeDO project, 2012