

**Joint submission by AGE Platform Europe, HelpAge International, The Law in the Service of the Elderly and the National Association of Community Legal Centres Australia
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Normative content on the right of older persons to freedom from violence, abuse and neglect

Authors

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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, and research and use of statistics shall comply with internationally accepted norms and ethical principles.