A joint Council of Europe - European Commission - AGE Platform Europe - ENNHRI event to mark the 10th World Elder Abuse Awareness Day

**Tackling elder abuse in Europe: a renewed commitment or a missed opportunity?**

Policies and practices in implementing international and EU level human rights instruments

**Date: 15 -16 June 2015**

**Background Paper**

The 15th June was designated by the UN General Assembly as World Elder Abuse Awareness Day, serving as a yearly momentum to remind ourselves of the sufferings of older people and discuss ways to address their maltreatment and neglect. In 2015 its 10th anniversary will be celebrated by a high-level event in Brussels, co-organised by the Council of Europe, the European Commission, AGE Platform Europe and the European Network of National Human Rights Institutions.

This two-day conference seeks to take stock of Europe and international action to tackle elder abuse and better protect and promote the rights of older people. It will showcase examples of good practice from around Europe, emphasising how various countries and regions are using the European and international framework to challenge elder abuse and ensure equal participation of older people in their communities and also highlighting gaps in the policy framework for reducing elder abuse. The conference is of relevance to all actors in the field of elder abuse - EU policymakers, national, regional and local authorities, national human rights institutions (NHRIs), NGOs, academics, international institutions and the media.

**Introduction**

“Elder abuse refers to a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person.” (WHO 2008: 1). Elder abuse can occur through unintentional omission or neglect, as well as deliberate acts. As such, habits, routines or inadequate training may lead to poor quality of care, in turn impinging on older people’s human rights.

Abuse of older persons often goes undetected and information on the prevalence of elder maltreatment across the EU is incomplete. The WHO European report on elder
mistreatment give some estimates, based on existing studies: elder maltreatment leads to an estimated 2,500 (30%) annual homicides among older people; its prevalence in the community is high (about 3%) and may be as high as 25% for older people with high support needs. The main risk factors for abuse include gender, the need for care and support, and the unavailability of support services.

In recent years, there has been greater recognition of the need to prevent elder abuse in Europe, both in policy and practice. Many countries have applied innovative projects and policies to prevent elder abuse and the EU has developed a number of initiatives to reduce the risk of elder abuse. However, elder abuse remains a significant concern in all EU countries, and there is a need for more action to address it and safeguard the rights of older people in need of care.

Elder abuse is intrinsically linked with ageism and misconceptions about getting older. According to recent European surveys¹ age discrimination and ageism are the most commonly experienced forms of prejudice in Europe. Ageism is not only entrenched in societal attitudes but also public policies that neglect this group and fail to protect their rights and consequently foster age discrimination and abusive attitudes.

Elder abuse thus needs to be seen through the lens of equality in terms of tackling stereotypes. In addition, older people need to be afforded equal opportunities to participate in their communities and have equal access to systems of prevention. At the same time the risk of multiple discrimination and the intersection of various vulnerable situations need to be addressed, in particular the barriers of older people with disabilities and older women and the specific situation of people who live alone and/or in poverty.

Conference Overview: First day

The first day will consider how human rights standards can be implemented at national level, and especially how member states currently implement and use these standards when adopting laws and strategies to tackle elder abuse. The main instruments presented during the conference will be current EU policies, with an emphasis on equality, victims’ and consumers’ rights; the Council of Europe recommendation on the rights of older persons and the caselaw of the European Court of Human Rights; and the UN Convention on the Rights of persons with disabilities.

Introductory statements

- Ms. Rosa Kornfeld-Matte, UN Independent Expert on the enjoyment of all human rights by older persons, will give a video statement to mark the World Elder Abuse Awareness Day. Appointed in 2013, she is the first to hold the position. Her mandate gives her the authority to carry out fact-finding missions in order to evaluate and report on the state of older people’s rights throughout the world. In the course of

her activities, she has already visited two EU countries, Slovenia and Austria and is preparing reports on the challenges that older people in these countries face.

- **Mrs. Salla Saastamoinen**, Director for Equality, in DG Justice of the European Commission will outline the specific role of her DG in promoting older people’ rights and combatting age discrimination. In particular, DG JUST is responsible for implementing the Rights, Equality and Citizenship Programme 2014-2020, which will complement the objectives of tackling discrimination and inequalities central to the Europe 2020 Strategy.

**Setting the scene on elder abuse: introduction to key instruments and how they can be used to prevent and fight elder abuse**

This session introduces key international instruments from the Council of Europe, the UN (Convention on the Rights of People with Disabilities) and the European Commission and how they can be used to prevent and fight elder abuse.

- **The Council of Europe (CoE)’s Recommendation CM/Rec(2014)2**, a non-binding instrument on the promotion of the human rights of older persons, recommends a range of measures to be taken by Member States to combat discrimination based on old age. This recommendation complements other CoE binding treaties, including the European Convention on Human Rights and the revised European Social Charter.

- **The UN’s Convention on the Rights of People with Disabilities (CRPD)** elaborates on states’ obligations to guarantee equal enjoyment of all human rights to persons with disabilities. It is particularly relevant to older people, a high proportion of whom have age-related disabilities. The CRPD specifies many salient issues relating to the rights of older people with disabilities: autonomy and legal capacity (including their right to access support in exercising those rights), their right to reside in the place of their choice and to receive adequate support to be able to live independently. It also mentions that states should prevent and tackle the abuse of people with disabilities, including those who acquire impairments in later life.

- **The European Commission** has developed several initiatives aiming to tackle directly or indirectly elder abuse in Europe. The EU is bound by the Charter of Fundamental Rights of the European Union, which was made legally binding following the adoption of the Lisbon Treaty in 2009, prohibits discrimination based on age and enshrines the rights of older people. The European Commission is also responsible for implementing key EU legislation such as the Victims’ Directive (to be transposed by November 2015 by Member States) and the Consumers Rights’ Directive. Finally, it funds large anti-discrimination networks as well as a specific programme aiming to fight violence including against older people. In the framework of its activities in the field of long-term care, the European Commission is engaged in supporting national governments to develop high-quality long-term care systems which promote dignity, active ageing, rehabilitation and the use of technology to promote ageing in place. The Commission established a funding stream in 2012 for pilot projects seeking to prevent elder abuse, and in 2014 released a joint European Commission-Social Protection Committee report on ‘adequate social protection for long-term care needs’ which
explicitly calls for the development of activities in the field of human rights in care.

**ENNHRI Project on Human Rights of Older Persons & Long-term Care**

Debbie Kohner, Secretary General of the European Network of National Human Rights Institutions (ENNHRI), will present the organisation’s project on the *Human Rights of Older Persons and Long-term Care*, a project that seeks to improve the human rights situation of older persons in receipt of long-term care. Funded by a grant from DG Employment, Social Affairs and Inclusion, the project will investigate how well the human rights of older persons are upheld in a sample of care homes in six representative EU countries. It will then seek to raise awareness of the benefits of a human-rights based approach to care, a model in which care providers seek to respect and protect care recipients’ rights, who are themselves supported to participate in decisions about their lives and care.

**Opening the debate on national experiences, panel discussion**

In the first panel discussion, high-level experts will be invited to explain how they implement or plan to use the instruments explained in the first session. Representatives from Ministries and from national organisations from Slovenia, Ireland, Germany will provide country-related information. The session will conclude with an overview of how current victim support organisations address older people’s rights in Europe and the challenges older people face.

**Older people as rights-holders in consumers relations, panel discussion**

This panel aims to identify how older people can enjoy their human rights, particularly when they are considered as ‘consumers’ of care services. It will moreover discuss the particular challenges related to financial abuse, for example when older people sign contracts for goods or services. The panel will seek to highlight how older people’s rights, including equal access to health and long-term care services and equal support to live independently, need to be protected also when services are provided by private actors. It will moreover address how the broader human rights framework can improve understanding of older people’s challenges in market relations and how state policies, standards and private practices can be adapted to avoid inequalities and abuse.

The first day’s events will close with an address by Anne-Sophie Parent, Secretary General of AGE Platform Europe. AGE has carried out many initiatives that have sought to raise awareness of elder abuse and promote the rights of older people. Besides working closely with the UN, Council of Europe, European Parliament, Council and Commission to feed into the development of new laws and policies, AGE has also led and participated in projects seeking to improve the human rights situation of older persons in Europe, including the EUSTaCEA, WeDO and WeDO2 projects (developing a European Charter for the rights and responsibilities of older people in need of care, a European quality framework for long-term care and related educational tools for stakeholders).
Conference Overview: Second day

On the second day, the event will aim to exchange experiences on tackling elder abuse at local, regional and national level, by building links between EU and international instruments and their implementation. It seeks to provide guidelines to develop effective policies to tackle this growing phenomenon. The day starts with a welcome by the day’s host, the Committee of the Regions (CoR), which published a study in 2014 on the role of local and regional authorities in protecting fundamental rights.

Following a summary of the previous day’s events, Silvia Perel Levin, Chair of the UN NGO committee on Ageing, will showcase innovative policies and practices to tackle elder abuse at different levels.

Her presentation will be followed by a panel discussion highlighting regional initiatives to tackle elder abuse in Europe. This includes presentations and discussion on:

- **Preventive measures** with two training initiatives: one on quality care by Liesbeth De Donder, VUB, Belgium, and one on the human rights of older persons in care homes from Cathy Asante of the Scottish Human Rights Commission
- **Protocols of action and multiagency cooperation**, with the example of an organization specialized on elder abuse in Flanders, Belgium and of a specific protocol of action implemented in the Biscaye province in Spain
- **Victims’ protection services**, introduced by Mervyn Taylor of SAGE, an advocacy service for older people in Ireland, providing information to care home staff, managers and older people themselves.

This session will include a discussion with the participants on how human rights instruments and EU initiatives can concretely be implemented on the field, and which further action is needed at policy level to support them.

The conference will conclude with some comments from Ralf Jacob, DG EMPL and Johan Ten Geuzendam, DG JUST on what remains to be done at EU level to tackle elder abuse.

**Cross-cutting conference themes**

While it is clear that much work has been done at regional, national, European and international level to tackle elder abuse, the conference will also seek to highlight a number of key barriers to abuse prevention and victim support, which continue to put older Europeans at risk of abuse.

**Policy and legal framework**

International human rights law, which seeks to protect the rights of older people is extremely complex. Binding legislation drawn up by various international bodies (UN, CoE, EU) rarely explicitly addresses older people and can lead to contradictions between various documents and confusion for states and older people as to which instrument applies and how. In addition, the rights of older people are often overlooked by governments and international bodies. Not only does this give the message that equal opportunities for older people and
elder abuse prevention and detection is not a high priority, it also increases the challenges that victims of elder abuse face in having their voices heard and their rights equally protected.

To date the EU equality framework only covers age discrimination in employment, training and occupation. Nevertheless, several initiatives and directives can have an impact on older people’s rights, and how elder abuse can be effectively tackled: the Victims’ Directive, the Services Directive, as well as the debate on personal and household services. These instruments however do not specifically address older people and elder abuse. The work of the European Commission on an adequate social protection for long-term care needs (see the EC-SPC report for long-term care) is an encouraging first step in that direction. To achieve greater results and make sure that they are concretely improving older citizens’ lives, more needs to be done to bring coherence at EU level and make sure that national and local authorities concretely implement human rights treaties and promote equal opportunities in order to tackle elder abuse.

Economic crisis

The economic crisis in Europe creates additional pressure on social and health systems, which often fail to deliver appropriate care. It also prevents older persons from claiming and enjoying their rights. The pressure is particularly acute as national governments prepare for a growth in the older population; increasing the supply of high quality services and goods accessed by older people requires significant resources, which are currently limited. To partly answer this challenge, private actors enter the European market to provide services and support to the growing older population. However, these are sometimes inadequately monitored, while ongoing quality management, abuse prevention processes and protocols are underdeveloped. In addition, individualisation of essential services entail a risk of lack of affordability for many older people who survive in low pensions. In sum, there seems to be a discrepancy between an adequate implementation of human rights obligation by the States, and the growing ‘consumer rights’ approach to care services. The failure to deliver services, or the lowering of quality standards, may lead to inequalities or a structural form of elder abuse, an issue which requires due consideration.

Detection, under-reporting, monitoring and resolving cases

As noted earlier, the prevalence of elder abuse in Europe, and elsewhere, is difficult to calculate. Elder abuse is under-reported for a vast number of reasons. Elder abuse victims are often isolated from social networks, and so may not have the opportunity to report it, either to family and friends, or to statutory agencies. Victims can also be afraid or ashamed to report abuse, either because of the psychological effects of the abuse itself or because they fear that they will be stigmatised. They may also assume the act is a normal part of ageing. Some victims also have diminished capacity to report abuse. Victims, and advocates of older people, can also fail to understand elder abuse, for example assuming that intent is required for an act to be considered abuse. The economic downturn has also left many countries with inadequate resources for systematic detection services, for following up on allegations and for implementing abuse prevention programmes. The lack of trained and valued professionals in that sector is also a key issue.
Resolving cases of elder abuse can also be challenging. Abuse resolution requires a set of concrete actions such as a well-developed national programme involving highly-trained case workers, protocols, helplines, and a specific agency to deal with such cases - a programme absent in many Member States. Furthermore, given that cases can be context-dependent, e.g. because carers, both paid and unpaid, can be overworked, undertrained and under severe pressure, prosecuting can be an inappropriate response.

**Elder Abuse and Stereotyping**

Ageism is widely spread in our societies, at all levels. Ageist stereotypes can serve to justify differential treatment of people towards the end of their lives, for example accepting abusive behaviour, isolation and diminishment of older people as normal forms of elder care. In addition, policies and interventions seeking to minimise elder abuse can perpetuate ageist stereotypes of older people as helpless and “victims”. As such, it is important to remember the key value of equal participation in society, operationalised through empowerment and autonomy, as central to policy and practice-based solutions.

**More information**

- Link to event’s webpage
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**Selected resources**