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Normative content of the right of older persons to freedom from violence, abuse and neglect

AGE Platform Europe input

This short answer is submitted in reply to the call of the Chair 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 from organisations of older people in several EU Member States, oral debate in the frame of our Council of Administration where representatives from 24 countries¹ and 6 European organisations/federations² sit as well as reflections shared during an expert seminar on the human rights of older persons co-organised by AGE.

Separate answers covering normative elements on equality and non-discrimination, and questions on autonomy & independence and long-term & palliative care are 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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¹ All EU countries with the exception of Croatia, Latvia, Luxembourg and Slovakia

² FIAPA, ESU, NOPO, EURAG, EDE, OWN Europe



Understanding of the right

The provision shall include a definition of violence, abuse, neglect and exploitation against older people.

Scope of the right

- The right covers all forms of violence, abuse, neglect and exploitation against older persons
- The right applies in private and public settings.
- The right covers both relationships of trust and cases of violence, abuse, neglect and exploitation on account of old age outside relationships of trust, regardless of whether they are against an individual or are systemic, structural, customary or part of an institutional practice
- The right covers acts committed by state actors and by non-state actors to the extent that State Parties fail 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 constitute acts of violence against older persons and abuse, neglect and exploitation of older persons

State obligations

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:

- Adopting effective legislation covering all forms of violence, abuse, neglect and exploitation of older persons, which includes the duty to prevent, identify, investigate and redress for acts of violence, abuse, neglect and exploitation and a duty to protect and support victims and survivors; such legislation should not only cover deliberate or intentional abuse but also structural abuse.
- Measures shall be proportionate and compatible with older persons' ability to live independently and autonomously.
- Ensuring that older persons are adequately protected in legislation, policies and measures that address other types of violence, such as gender-based violence
- Developing effective independent monitoring mechanisms to detect violence, abuse, neglect and exploitation of older persons at home, in residential settings and in the community.
- Allocating sufficient resources for the care and support of older persons, including by providing support for informal carers, as means to prevent violence, abuse, neglect and exploitation in care settings.
- Providing training for all care and support providers, including family and other informal care and support providers, and other service providers, including law enforcement agents to better identify violence, abuse, neglect and exploitation and protect victims and survivors.
- Raising awareness of, and sensitising society to, the different forms of violence, abuse, neglect and exploitation in older age and how to identify and prevent them.
- Providing information to and raising awareness of older persons of their rights

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, including assistance to file complaints and report violence, abuse, neglect and exploitation.

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 and, where relevant and possible, to extra judicial redress such as mediation and restorative justice, which should be available also in cases where prosecution is not possible or preferable by the victim or survivor.
- 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.

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, neglect and exploitation for all age cohorts and genders. 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.