



## AGE Platform Europe's submission to call for inputs: Violence, abuse and neglect against older persons

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### For more information:

- [A Europe free of elder abuse](#)
- [Elder Abuse and the Rights of Older Persons](#), ASEM Global Ageing Center
- [World Awareness Day on Elder Abuse - AGE members stand up!](#)
- AGE Platform Europe's [contribution](#) to European Commission's initiative on Hate speech & hate crime – inclusion on list of EU crimes
- AGE Platform Europe's [contribution](#) to OEWG-A08 on Neglect, violence and abuse
- AGE Platform Europe's additional [contribution](#) to OEWG08 on Neglect, violence and abuse
- AGE Platform Europe's [contribution](#) to the Independent Expert on the Enjoyment of All Human Rights by Older Persons on the Human Rights of Older Women

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The Independent Expert kindly invites all interested stakeholders to share their views and provide information on any or all the following issues:

- 1. Legal, policy and institutional frameworks: is there a non-discrimination law that prohibits discrimination based on age? Is there a legislation on violence against persons and/or domestic violence that includes violence, abuse and/or neglect of older persons? Does the law establish a specialised independent body receiving complaints of discrimination based on age? Is there a national plan, policy or strategy to address violence against older persons, that is overseen by a national mechanism to monitor and implement it? Please provide detailed information and relevant documents, if applicable.**

In the European Union (EU), the [Employment Framework Directive](#) covers age discrimination, including harassment and instruction to discriminate in the field of employment and occupation. However, EU anti-discrimination law does not cover other fields outside employment. Neither does an explicit legislation on violence, abuse and/or neglect of older persons exist. EU Member States often address elder abuse indirectly under other forms of violence, including domestic violence or gender-based violence, but most of them do not have specific legislation relating to elder abuse and/or, including financial abuse.

Some broad provisions in instruments of EU law exist, such as the [Charter of Fundamental Rights of the European Union](#), which enshrines the right to integrity of the person (Article 3) and the prohibition of torture and inhuman or degrading treatment or punishment (Article 4). The UN Convention on the Rights of Persons with Disabilities, which was ratified by the EU covers exploitation, violence and abuse of persons with disabilities, but the EU Disability Strategy has not paid any attention to elder abuse despite the correlation of ageing and disability. The [Victims' Rights Directive](#) establishes minimum standards on the protection of victims of crime. Despite violence, abuse, and neglect of older persons not being explicitly mentioned, the Directive binds EU Member States to ensure that all victims, regardless of their condition, can access information regarding support and prosecution. Additionally, Member States must offer special protection measures to victims of all kinds of abuse and violence in close relationships – including “economic violence” – which might be seen as to include violence and abuse against older persons. Nevertheless, 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.

EU Member States' legislation do not protect from hate speech and hate crime on the basis of age, although some countries have extended or are now considering extending the list of protected grounds in their legislation to cover age discrimination.

The [2014 Council of Europe Recommendation on the promotion of human rights of older persons](#) addresses violence and abuse by recommending Member States to improve the prevention of abuse and protect older persons who are at risk of abuse and violence.

The first Principle of the [Proposal for a Council Recommendation on access to affordable high-quality long-term care](#) of the EU Care Strategy is about respect for people in need of long-term care, their families and carers.

Equality bodies promote equal treatment by assisting victims of discrimination, including on matters related to age discrimination. However, these independent bodies have a limited mandate when it comes to receive complaints based on age discrimination, limited to the



Employment Equality Directive (2000/78/EC), in the field of employment. Some national equality bodies have extended the scope of their mandate<sup>1</sup>.

**2. Manifestations of violence: what forms of violence, abuse and neglect are older persons facing? In which settings does it happen? Please provide detailed information.**

Elder abuse may include physical, psychological, sexual, and financial abuse and violence. Victims are most often older persons with disabilities, particularly those in vulnerable situations across all settings: at home, in residential settings and in public spaces.

Neglect manifests itself in the lack of capacity or willingness of the social environment, including carers – both formal and informal carers such as the family, friends, and neighbours – to provide older persons with the assistance, attention, and material goods to live a life of dignity. 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. This is for example the case of guardians who may perpetuate control, violence, abuse and neglect against older persons under guardianships. In care, only a minority of cases of abuse is intentional, meaning involving a deliberate attempt to cause harm. In most cases, abuse, violence and neglect are the result of (1) the work overload of formal and informal care providers – because of cuts in funding for services, the subsequent understaffing, lack of respite and the lack of quality professional services – and (2) the lack of understanding of and disrespect for the needs and preferences of older persons who require care and support. Lack of human resources and ageist institutional practices may also lead to the deployment of physical and chemical restraints, increasing both physical and emotional despair.

During the COVID-19 pandemic, there has been a rise of hate speech and hate crimes against older persons. Ageist comments and language were also used by the media and some governments, which contributed to further stigmatising older persons and picturing them as frail, vulnerable and a burden to our society.

Financial abuse is another relatively common manifestation of violence and occurs when an older person is financially exploited by relatives and or professionals.

**3. Intersectionality: how does violence, abuse and neglect affect specific groups of older persons (e.g. older women, older LGBTI persons, older persons belonging to ethnic and indigenous groups, older refugees and internally displaced persons, older persons with disabilities, etc.) Please provide detailed information.**

Specific groups of older persons may experience multiple and intersecting forms of discrimination, based on the grounds of age, gender, sexual orientation, disability, cognitive status, and ethnicity. The intersection between such types of discrimination and ageism increases the risk of suffering from violence, abuse, and neglect and puts victims in particularly vulnerable situations, as they face additional structural barriers in accessing sufficient support and protection.

Older persons with disabilities can face violence, abuse and neglect in institutional settings. Ageist and ableist attitudes lead to lower quality or fewer options of social and care services, different levels of support and abusive practices, such as delayed, refused, inadequate or undignified treatment. In addition, older persons with disabilities might see their legal capacity undermined

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<sup>1</sup> For more information: <https://equineteurope.org/what-are-equality-bodies/>

as explained in the [FRA paper](#) on Legal capacity of persons with intellectual disabilities and persons with mental health problems.

Older persons with lower incomes, living in rural areas with scarce availability of (social) services and isolated may encounter greater problems in accessing the quality care they need and are therefore exposed to a greater risk of suffering from violence, abuse, and neglect.

Intimate partner violence affects large numbers of older women and is principally driven by gender-based violence. However, older women often remain silent as they may feel ashamed and resigned when they report violence. They also 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.

Older LGBTI persons face a greater risk of abuse. Because they have faced a lifetime of harassment and violence, they are more likely to have experienced domestic and sexual violence, rejection from their family members, thus being more reliant on care professionals in older age. In addition, experiencing prejudice, stigma and violence in care settings may oblige them 'to go back to the closet'. This is even more so for transgender and intersex people who face further forms of discrimination.

Older persons in situations of risk and humanitarian emergencies, have their rights only specifically covered in Article 11 of the United Nations Convention on the Rights of Persons with Disabilities, limiting the availability of and access to aid and support older people can receive. In the war in Ukraine, older persons in Ukraine and refugees may face elder abuse, without any possibility to report it.

**4. Data: are data available at national and local level about violence, abuse and neglect of older persons? Are national surveys about violence including experiences of older persons? If available, please provide figures and data.**

Data on the causes and on what works to prevent and/or reduce violence, abuse and neglect against older persons is relatively scarce at EU level, notably in institutional settings. When data on older persons is collected and analysed, there is often an age limit that is excluding them. For example, the [Fundamental Rights Agency \(FRA\) survey on violence against women](#) has an upper age limit of 74 years old, and thus exclude many older women, notably older women who may experience violence in care settings. There is a chapter that is dedicated to the experience of violence in childhood, but not a chapter on the experience of violence in older age. Another striking example is the 2021 [FRA survey on LGBTI people](#), that contains a chapter on hate-motivated violence and harassment. Although data is disaggregated by different age groups, there is only data on older people aged 55+ years old, which does not reflect the diversity of older people.

The European Institute for Gender Equality does not disaggregate their statistics by age, only by sex, nor have they developed a specific section on elder abuse, despite having a [webpage](#) on gender-based violence that encompasses physical, sexual, psychological, economic and intimate partner violence.

It is essential that consistent data be disaggregated by different smaller age groups at EU level, as to represent the diversity of older persons and their specificities in different areas.

**5. Access to justice: how does the State fulfil its obligations to ensure older persons' access justice, and to obtain remedies and reparations, when their human rights have been violated as a result of violence, abuse and neglect?**

Underreporting of cases of elder abuse is a major concern. This is partly because victims of elder abuse might feel ashamed and fear the consequences that this might have on the support and care they receive, and the relationships with their caregivers, notably from their relatives. Victims are locked into abusive patterns and settings, where they do not want to/cannot go against the family members and/or their carers, on whom they might be relying for care and support. Another dimension of underreporting is internalised ageism meaning that older persons who receive abusive treatment are likely to accept it as normal practice. Additionally, there is some evidence that social workers are less likely to report abuse against older people<sup>2</sup>. Moreover, lack of awareness of rights and available complaint mechanism hinder access to justice and redress. To make a complaint is only possible when victims have trust in the institution/people dealing who will deal with their complaints. However, in the case of elder abuse, many older persons will not place their trust in their care providers (informal and formal carers) since they are the ones committing violence, abuse and neglect. In France and in Poland, special commissions in hospitals exist. In Poland, there is also a specific patients' rights Ombudsperson to which older people can make complaints. Prosecutorial action and compensatory damages shall not be limited by older age. Extra judicial redress such as mediation and restorative justice should also be available in cases where prosecution is not possible., or preferable by the victim and/or survivor.

**6. Access to information: How do you raise awareness about violence against older persons in the public? How does information about access to essential services (e.g. healthcare, legal assistance, social services, access to shelters) is made accessible and available for older persons?**

Principle 20 of the [European Pillar of Social Rights](#) states that "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." Despite information being a human right, older persons often lack equal access to information.

Bearing in mind the lack of State action in raising awareness of and preventing elder abuse, the role of NGOs is crucial Membership organisations of older persons represent their voices and are an essential mechanism in advancing the rights of older persons.

**7. Please provide examples of good practices for preventing, monitoring and address violence and abuse against older persons.**

Provide mandatory training to informal and formal carers, and the general public should be developed and implemented across all EU Member States. *Senior Montessori* (Belgium) accompanies and trains carers who will provide assistance to older persons. One of their [social programmes](#) aims to transform care in institutional settings, using a person-centred and human rights-based approach.

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<sup>2</sup> Yechezkel, Rachely and Ayalon, Liat (2013) : 'Social Workers' Attitudes towards Intimate Partner Abuse in Younver vs. Older Women'. In: Journal of Family Violence No. 28, pp. 381-391.

<https://link.springer.com/article/10.1007/s10896-013-9506-0>

The [Wellbeing and Dignity for Older people \(WeDO\) project \(2010-2012\)](#) was a project that aimed to enable all interested stakeholders to discuss, exchange experiences and good practice both at national and EU level and develop a collaborative and pro-active approach to care based on commonly agreed fundamental principles.

*Garance* (Belgium) has developed a [programme](#) that aims to prevent violence against older women, by organising free activities to older women aged 55+ years old, to empower them and tackle the risk factors that they will encounter when facing violence, notably in public spaces. Meetings and activities between younger and older women are also organised to foster intergenerational solidarity. Instead of waiting for violence to happen, *Garance's* main objective is to work with older women to prevent this violence to happen.

In 2022, Czech Republic has proposed a new 116-XXX number for harmonized services of social value to the European Commission. The proposed number would be *116 100* and should be European-wide available and free-of-charge to older persons. This social service would provide equal access to information, offering the possibility to find the right and reliable information, reduce the risk of social isolation and provide assistance in cases of elder abuse.

Thank you for sharing any relevant information about violence, abuse and neglect against older persons **before 1 March 2023**, in English, French or Spanish in attachment (max. 1,500 words) by email to [hrc-ie-olderpersons@un.org](mailto:hrc-ie-olderpersons@un.org).

