



AGE Platform Europe's response to the consultation on the roadmap on *Hate speech & hate crime – inclusion on list of EU crimes*

Brussels, 20 April 2021

AGE welcomes the EU initiative, which aims to expand the list of EU crimes to include hate speech and hate crime. Older persons, in particular those facing multiple forms of discrimination, such as women and persons with disabilities, are at higher risk of being victims of hate speech, violence, abuse and harassment.

Prevalence of violence, abuse and other hate crimes against older persons

Elder abuse, a category that can cover both hate speech and hate crime towards older people, remains a hidden reality despite the worrying levels of prevalence across Europe. According to WHO, about 3% of older persons in Europe suffer maltreatment in the community, and this can affect up to 25% of older persons with high care needs¹. One study about the situation in seven European countries found out 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 injury². Worldwide, estimations indicate that 1 in 10 older people suffer abuse every month³. The consequences of elder abuse are dramatic and long-lasting. Older persons suffering abuse experience a decline in physical and mental capacities and can develop feelings of rejection and exclusion. In the most serious cases, abuse and maltreatment can also lead to death. According to WHO, among the 8500 annual homicides of older persons in Europe, about one third (2500) are the result of elder maltreatment⁴. Scientific evidence confirms that elder maltreatment is associated with increased mortality⁵.

Ageism is often the driver of abuse, but also leads to overlooking the consequences it has on older people and not addressing it with the same level of seriousness and determination as other forms of crime and human rights violations. Based on the [2019 Eurobarometer Report on Discrimination in the EU](#), age discrimination - alongside gender discrimination- is the most frequently experienced form of discrimination in the EU. Over 40 % of individuals believe that age discrimination is widespread in their

¹ [European report on preventing elder maltreatment \(who.int\)](#), 2011

² Abuse and health among elderly in Europe, ABUEL project, 2010; the study covered Germany, Greece, Italy, Lithuania, Portugal, Spain and Sweden

³ Fact sheet on [Elder abuse \(who.int\)](#)

⁴ [European report on preventing elder maltreatment \(who.int\)](#), 2011

⁵ Lachs, M. S. et al.: "The Mortality of Elder Maltreatment", in Journal of the American Medical Association, 1998





country. The first [UN Global Report on ageism](#) shows that in Europe, more than one in three people over 65 reported having been a target of ageism (p.34).

The portrayal of older persons as a “burden” on society and as inevitably frail and less deserving of consideration undermines older persons’ dignity and has an impact on the way they are treated, notably when they require long-term health and social care. Abuse and maltreatment are the ultimate and most harmful expressions within a continuum of societal ageism that violate the human rights of older persons. In addition, other types of discrimination interact with ageism and put some older persons at an even higher risk: older people living with dementia, older women, older migrants, older LGBTI individuals and older people with disabilities, among others, are at higher risk of being victims of abuse. A 2011 European study in several EU countries revealed that over the months analysed in a sample 28.1% of older women had experienced some form of violence or abuse⁶.

Lack of awareness, information and reporting

Despite these estimations, the full extent of elder abuse and other hate crimes based on age, remains largely unknown⁷. The OSCE database on hate crime does not include age as a potential bias that can lead to violence, abuse, exploitation and other hate crimes⁸. Based on research, only 1 in 24 cases of elder abuse are actually reported⁹. Older victims are less likely to know their rights and how to file a complaint, or they may fear that the crime will not be considered as serious. In particular, in cases of elder abuse, fear of shame, loss of affection, implications and more abuse, lead to under-reporting, especially when the perpetrator is the caregiver or someone close to the victim. Older people experiencing violence and abuse are less likely to be taken seriously by police and justice enforcement bodies. There is also evidence that social workers are less likely to label a case as abuse and offer help if the victim is older¹⁰. As a result, a great majority of breaches in which older people are involved are tolerated or suppressed. **The lack of awareness of age as ground that might incite hate crimes contributes to this invisibility and lack of protection of older victims.**

⁶ <https://repositorium.sdum.uminho.pt/bitstream/1822/16541/1/avow%20study%20-%20final%20report.pdf>

⁷ The absence of accurate data already is emphasized by the UN Independent Expert on the enjoyment of all human rights by older persons in her report on data gaps (see points 18, 27, and 60 to 64): <https://undocs.org/A/HRC/45/14>

⁸ <https://hatecrime.osce.org/>

⁹ Fact sheet on [Elder abuse \(who.int\)](#)

¹⁰ 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>



Hate speech, abuse and hate crime during COVID-19

Since the outbreak of the COVID-19, we have witnessed an unprecedented amount of ageism and hate speech¹¹, which has been denounced by civil society and also by United Nations' Independent Expert on the Enjoyment of all Human Rights by Older Persons¹². Almost a quarter of twitter posts concerning older people and COVID-19 has been classified as ageist.¹³ The pandemic has been called an opportunity to remove¹⁴ or cull older people,¹⁵ with some voices literally welcoming the virus as a "remover" of older persons. The rhetoric of influential decision-makers has been ageist,¹⁶ and we have seen the wilful pitting of generation against generation in claims that responses to the pandemic are harming the young in order to save the old, and that older persons should be taxed to pay for sacrifices younger generations have made.¹⁷ Elsewhere the lives and deaths of older persons have not been afforded the same value as younger people.¹⁸ Casting all older people as highly vulnerable and frail creates an attitude that we have no obligation to prevent their deaths.¹⁹ Older persons have also been stigmatized, verbally abused and physically assaulted²⁰, as well as financially targeted: fraud and theft has become easier during the pandemic with many isolated older persons being targeted due to their perceived vulnerability.

Lockdown measures have put older persons at increased risk of violence, abuse and neglect. There has been an increase in violence, abuse and neglect in the community²¹ and an increase in calls by

¹¹ <https://www.petitsfreresdespauvres.fr/informer/nos-actualites/coronavirus-des-reactions-choquantes-sur-les-reseaux-sociaux>; https://metro.co.uk/2020/03/11/telegraph-journalist-says-coronavirus-cull-elderly-benefit-economy-12383907/?ito=social&fbclid=IwAR2uRxlIusSLyXT1sN_P2UKVXwjSAPV6He3A87wXdGYa2fpVfAvNn6m2RyQ; <https://academic.oup.com/psychsocgerontology/advance-article/doi/10.1093/geronb/gbaa051/5820621>; <https://www.cambridge.org/core/journals/international-psychogeriatrics/article/there-is-nothing-new-under-the-sun-ageism-and-intergenerational-tension-in-the-age-of-the-covid19-outbreak/E14BB8E757B3861FFB198E8C0CDB38DA>

¹² <https://undocs.org/A/75/205>

¹³ <https://www.ncbi.nlm.nih.gov/pubmed/32338787>

¹⁴ <https://www.newsweek.com/boomer-remover-meme-trends-virus-coronavirus-social-media-covid-19-baby-boomers-1492190>

¹⁵ <https://twitter.com/gretermcr/status/1238501622919114753?s=20>

¹⁶ <https://www.hrw.org/news/2020/05/05/why-brazils-president-needs-change-his-tune-about-older-people>

¹⁷ <https://www.lesoir.be/300796/article/2020-05-14/un-economiste-belge-propose-une-taxe-corona-uniquement-pour-les-personnes-agees>

¹⁸ <https://m.tagesspiegel.de/politik/boris-palmer-provoziert-in-coronavirus-krise-wir-retten-moeglicherweise-menschen-die-in-einem-halben-jahr-sowieso-tot-waeren/25782926.html>

¹⁹ <https://eachother.org.uk/ageism-in-the-age-of-covid-19/>

²⁰ https://www.theguardian.com/uk-news/2020/mar/23/three-teenagers-held-for-allegedly-coughing-at-elderly-couple-hertfordshire?CMP=share_btn_link

²¹ <https://bc.ctvnews.ca/tenfold-increase-in-elder-abuse-during-covid-19-pandemic-advocates-say-1.4896176>

older persons to violence and abuse helplines²² and the police.²³ Older women are at particular risk where ageism intersects with gender inequalities.

Older persons have also been victims of serious crimes of neglect and abuse in care homes. In some cases, older residents have been abandoned and left to die. Reports in several countries point to those challenges, as well as refusal to admit older people to hospitals, lack of personal protective equipment and testing, radical non-visitor policies that aggravated isolation and a true de-prioritisation in the management of the crisis²⁴. There is still lack of comprehensive data about the extent of violence, neglect and abuse in care institutions and older persons and their families face several difficulties in reporting such crimes.

Home settings were also hardly hit by the pandemic. The over-reliance on informal care aggravated as professional care services became unavailable, which may have increased the risk factors of elder abuse, which include isolation and lack of support services²⁵. Reports in the UK point to an increase in 37% in the reported cases of elder abuse²⁶, a figure that may be similar in the EU, where confinement measures were similar.

AGE recommendations

Protection from hate speech and hate crime on the basis of age across EU member states is largely missing, even though some countries have extended or are now considering extending the list of protected grounds in their penal codes to cover also age²⁷. In addition, not all EU member states offer comprehensive protection on harassment on the basis of age²⁸. The lack of recognition of age as a ground that incites hate speech and crime and the lack of sanctions for related offenses leads to lower reporting and lack of information on the extent of hate speech and hate crime against older persons.

AGE calls on the EU to:

²² See for example <https://www.abc.net.au/news/2020-04-29/coronavirus-queensland-elder-abuse/12188668> ; <https://news.trust.org/item/20200511102348-9pf06> ; <https://www.abc.net.au/news/2020-04-29/coronavirus-queensland-elder-abuse/12188668> ; <https://bc.ctvnews.ca/tenfold-increase-in-elder-abuse-during-covid-19-pandemic-advocates-say-1.4896176>

²³ <https://www.helpage.org/newsroom/latest-news/neglect-and-abuse-of-older-people-around-the-world-intensified-by-covid19/>

²⁴ <https://euobserver.com/opinion/148637>

²⁵ <https://www.euronews.com/2021/03/15/covid-19-pandemic-sparks-rise-in-elder-abuse-across-europe>

²⁶ <https://www.telegraph.co.uk/news/2020/05/17/silent-scandal-elderly-abused-lockdown/>

²⁷ https://www.65ymas.com/sociedad/gobierno-reformara-codigo-penal-incluir-edadismo-como-delito-odio_16162_102.html

²⁸ [Age discrimination law outside the employment field - Publications Office of the EU \(europa.eu\)](https://ec.europa.eu/justice/anti-discrimination-law-outside-the-employment-field)



- Extend the list of EU crimes to cover hate speech and hate crime beyond the grounds currently covered by Framework Decision 2008/913/JHA. The list of EU crimes and EU legislation and initiatives to combat hate speech and hate crime should also cover the ground of age, among other discrimination grounds included under Article 19 TFEU.
- Collect data on ageism and age discrimination and hate speech and hate crime, disaggregated by age and other grounds (at a minimum gender and disability as aggravating factors)
- Involve representative organisations of older persons and victims of hate speech and hate crime in the design, implementation, monitoring and assessment of initiatives related to combatting hate speech and hate crime and in the design, delivery, monitoring and evaluation of victim support services
- Raise awareness of the prevalence of ageism and how it may act as a driver for hate speech, violence, abuse and neglect and other forms of hate crime. This should be the key goal of an EU Age Equality Strategy, which would help address age discrimination systematically in all EU policies.
- Ensure that the revision of the 2012 EU Directive on Victims' Rights, as well as the EU Victims' Rights Strategy 2020-2025, address the barriers older people experience to access justice, which include ageist attitudes in law enforcement and justice systems, as well as hate speech and pervasive societal ageism.

