



**Workshop on the protection and support
for victims of elder abuse on the occasion of the 12th World Elder Abuse
Awareness Day**

**Organised jointly with the Council of Europe, the European Commission and Victim
Support Europe at the Brussels Office of the Council of Europe, Wednesday, 14 June 2017**

REPORT

Contents

Objectives..... 2

Findings 2

1. Setting the framework: elder abuse within the broader victims issues..... 2

 1.1 Victims: general, offence-specific and individual needs..... 2

 1.2 Elder abuse: forms and prevalence..... 2

 1.3 Needs of victims of elder abuse and access to tailored support and protection 3

 1.4 The 2012 Victims’ Rights Directive and elder abuse: the stakes around the
recognition as a crime and access to rights..... 3

2. Interventions to protect and support victims of elder abuse 4

 2.1 The role of helpline services..... 4

 2.2 Possibilities offered by restorative justice 4

 2.3 Other issues regarding reporting and possible interventions..... 5

Policy and advocacy pointers..... 5

Objectives

- Raise awareness of elder abuse and the specific needs of victims.
- Discuss how the 2012 European Union Victims' Rights Directive can contribute to improving support and protection.
- Explore the possible interventions to support and protect victims and share good practices.

Findings

1. Setting the framework: elder abuse within the broader victims issues

1.1 Victims: general, offence-specific and individual needs

- All victims have 5 common needs:
 1. **Recognition** that you are a victim.
 2. **Know what their rights are** not to increase the impact of victimisation. Victim support services play a key role here.
 3. **Access to justice**, which means seeing that the perpetrator brought to justice
 4. **Protection** stands for the prevention of re-victimization and secondary victimisation, intimidation (for instance in the Court).
 5. **Compensation**, strongly linked to recognition.
- On top of those, victims have **some specific needs** according to the type of crime/violence/abuse they have suffered: victims of elder abuse have some common needs.
- Finally, victims have **individual** needs according to their own individual circumstances.
- Victim support organisations and services (which can be governmental, from civil society or a mix) play a key role in **informing and supporting** victims, especially those in vulnerable situations such as older people suffering abuse. To perform such work, it is essential that those services **cooperate** with organisations that know specifically the group concerned (in this case, organisations of/for older people). The creation of large victim support organisations that have the capacity to deliver specialist services might be a good option to facilitate access.
- Some victims, especially in complex cases such as elder abuse, **do not go to the police**, which shows the particularly important role to be played by victim support organisations. **All victims need to access support and protection even before they know whether the harm they suffered is considered a crime or not.**

1.2 Elder abuse: forms and prevalence

- Elder abuse is **defined and named differently** across the world (varies across cultures) and may include different forms of abuse and violence.
- **Types of abuse:** physical, psychological, financial, sexual, emotional and neglect.
- Elder abuse takes place **in all settings**, but there are many **gaps in data**, especially about the situation in residential care/care homes.

- Regarding the causes, **stress among informal carers is a reality** (they are the offenders in many cases, most times involuntarily, and clearly lack support) **but is not the only factor**; some other factors increase the stress of carers (employment, housing, lack of care services, etc.) which can lead to abuse. Caregiving stress and sympathy towards such a reality should not impede looking more deeply into the situation, for example through a discussion with the victim.
- Older persons with high care needs or at the intersection between age and other grounds of discrimination (gender, sexual orientation, disability, etc.) are at **greater risk of abuse**.

1.3 Needs of victims of elder abuse and access to tailored support and protection

- There is **lack of information/awareness** about where abuse is reported, what mechanisms exist in terms of protection and what remedies are in place. Older people lack information about their rights and the support that is available.
- People need sufficient **time and information** to disclose situations. Some situations may not be recognised or stated in the same way by older people.
- Awareness raising campaigns, through posters, brochures, etc. may have a positive impact, and should be **tailored to the local culture and preferences**. Example: [Mind the Gap](#) project materials.
- Responses are appropriate if they take into account the **needs of the victim**. Solutions for domestic violence such as shelters might not be appropriate for older women, for instance. Also, the capacity of older victims to redress may not be the same as that of a younger victim. For many older people, there may be feeling of shame, guilt and resignation about the situation. In some countries, you do not talk about personal and family situations in public. **Obstacles in accessing mainstream services** should not be underestimated.
- Some victim support services are **not well prepared to detect a potential crime** in a situation that they may see "just" as abuse, which can lead to no reporting. Training in this field is essential.

1.4 The 2012 Victims' Rights Directive and elder abuse: the stakes around the recognition as a crime and access to rights

- The 2012 Directive **applies to all victims**. There is legislation that covers the specific needs of some groups (sectoral rules) but there is no such a thing for elder abuse; for elder abuse the relevant legislation is the 2012 Directive.
- All persons that suffer harm from a crime are covered by the directive. Nonetheless this harm must come in directly from an offence **defined as a criminal offence**. **Not every victim of elder abuse will be victim of a crime as defined under the 2012 directive**. Certain acts of elder abuse will clearly fulfil this definition but some instances of abuse will not constitute a crime if elder abuse is not considered as a crime in national criminal law. Ideally, **elder abuse should constitute a crime in all member states**, which would give an automatic right to all victims in the frame

of the 2012 directive. Therefore, **advocacy at the national level** is needed in this regard.

- In any case, in the initial contacts **every plaintiff should be treated as a potential victim with full rights**, and these rights should be promoted through **awareness campaigns**. Only in a later stage, if the form of abuse is confirmed not to be criminal, certain rights in the Directive might not apply.
For instance: access to information. It implies a right to be understood. People working in support organisations must make sure people are understood and understand what information is being given to him/her. This right applies to all plaintiffs regardless of whether the case is later on considered to be criminal or not.
- Two more relevant aspects: right to protection and right to support:
- When it comes to the right to **protection**, vulnerability and adequate protection for the victim should be assessed on an individual basis.
 - Victims of elder abuse need to be **supported** – just like victims of domestic violence. There should be more specialist support services for victims of elder abuse.

2. Interventions to protect and support victims of elder abuse

2.1 The role of helpline services

- **Work in partnership** with local authorities, healthcare and social services, psychologists, etc. revealed to be a key success element of the work of helpline services such as [Telefono Anziani Maltrattati](#) (TAM), in Italy.
- Such services can help **increase the reporting** of elder abuse by overcoming the social isolation where many cases happen.
- As the experiences of TAM and [Respect Seniors](#) in Belgium show, helpline services also **gather systematically data** about those calling, the type of abuse reported and the follow-up provided. Without being representative, this is valuable information in terms of better knowing the prevalence and forms of elder abuse among those accessing the services.
- A **supportive political environment, including specific legislation**, is key for the success of such services, both financially and in terms of visibility of elder abuse in general and the helpline service in particular.

2.2 Possibilities offered by restorative justice

- Contrary to traditional justice, which focuses on criminal procedure (court, trial, sentence, etc.), restorative justice aims to provide **a space for dialogue** between the victim and the offender that can contribute to restore and rehabilitate both. As defined by the European Forum of Restorative Justice, it is “an **inclusive approach** of addressing harm or the risk of harm through engaging **all those affected** in a dialogue to seek a **common understanding** and agreement on how the harm or wrongdoing can be repaired, relationships maintained and justice achieved”.

- Restorative justice is driven by principles such as **voluntariness, respect and dignity, inclusion, active participation and empowerment, restoration and transformation**.
- It can take different forms: **mediation, conferencing and wider discussions** (circles) that involve, the victim, the offender and other individuals, always organized as structured dialogue and managed by an impartial mediator.
- When it comes to elder abuse, restorative justice can **play an interesting role in some cases**, for instance when abuse is unintentionally committed by informal carers, or when an abusive situation does not reach the level of crime.
- A challenge for its application to elder abuse is the **imbalance of power** between offender and victim. In case of intimate partner violence, restorative justice may not be appropriate, for that violence may have lasted for many years and continue in later life.

2.3 Other issues regarding reporting and possible interventions

- When the offender is an informal carer – generally unintentionally – due to caregiver stress, **support for the caregiver** – through respite care, the access of the old person in need of care to some or more professional care, psychological support, etc. – can alter the dynamic. But such an intervention might prove not to be useful in case of financial abuse, for instance.
- Guaranteeing the **safety of older people in need of care** may lead to situations that are abusive. Tying an old person with dementia, for instance, is sometimes seen as the least bad possible solution, whereas a human rights perspective would mean banning always such a practice. Ageism means that society accepts for older people treatment that would not be acceptable for other groups.
- **Whistleblowers** are not well protected if they wish to report elder abuse. Reporting elder abuse in a care home remains a problematic issue for professionals, out of fear of the consequences (losing the job, worsened relationships with colleagues, etc.).

Policy and advocacy pointers

- Further work is needed to understand what the **specific needs of old people and subgroups (older women, older migrants, older LGBTI individuals, etc.) are as they suffer abuse**, and especially those who lack capacity.
- A comprehensive and up-to-date **mapping of the status of recognition of elder abuse as a crime across European Union countries** is missing. Such recognition is a precondition for the 2012 European Union Victims' Rights Directive to apply fully to elder abuse. Such mapping could guide advocacy actions towards the recognition of elder abuse as a crime across European Union countries.
- It would be pertinent to **assess whether elder abuse can and should be covered by a specific sectoral rule** – i.e. specific legislation that addresses certain types crime.

- More work is needed to determine precisely **under which conditions and in which circumstances restorative justice might be a useful and adequate intervention** for elder abuse.
- Reporting abuse remains a problematic issue among staff in care services. Further work would help determine **how to create a safe environment for whistleblowers**. This work should also help clarify the limits between actions to prevent further abuse (by relocating/training a care professional who has committed abuse, or by reducing their workload, for instance) and situations that require police intervention.
- More **agency-type of cooperation between organisations with complementary expertise/experience is needed**, for example between mainstream organisations of victims, organisations of older persons, government agencies and police.
- Difficult working conditions in the long-term care sector are often associated with prevalence of elder abuse. Further **work with employers and employees in the sector would help explore the relationship between working conditions and the quality of the services/prevalence of abuse**.
- Council of Europe Recommendation (2004)² on the **promotion of human rights of older persons is being revised**. The process will involve civil society organisations and will culminate in 2019. This is an opportunity to point out gaps in the existing framework. The CoE Recommendation (2006)⁸ on assistance to crime victims remains a reference to be exploited.