

PROTECTING OLDER PERSONS AGAINST VIOLENCE, ABUSE AND DISCRIMINATION

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Growing recognition of and attention paid to elder abuse have been commensurate with increasing attention given to older persons' human rights, to the extent that violence, abuse and discrimination against them have come to be viewed as human rights issues. Core entitlements of all human beings are set out in the Universal Declaration of Human Rights (1948), and older persons' rights are incorporated in the UN's Vienna Plan (1982), Principles of Older Persons (1991) and Madrid Plan (2002), which latter document has a clear objective and action to protect older persons from "neglect, abuse and violence." Abusive and discriminatory practices are thus viewed as a violation of older persons' fundamental rights, as guaranteed in "hard law" (international covenants) and "soft law" (instruments such as the Principles and the Madrid Plan) (Judge, 2009; Doron & Apter, 2009).

Non-discrimination is likewise a core tenet of the human rights canon, and ageism is an overarching contributor to age discrimination, whereby older persons are excluded in areas of social, economic and political life. The phenomenon has regional variation, and in less developed regions (LDRs), changes in traditional social structures and values may lead to older persons no longer enjoying the same levels of respect, protection and inclusion that earlier cohorts did, and being marginalised in resource allocation and service provision. Poor older women are disproportionately discriminated against, and are consequently at heightened risk of deprivation, victimisation, violence and abuse.

1. Recognising elder violence and abuse

No universal definition exists for elder violence and abuse, and definitions vary across regions, shaped largely by professionals in more developed regions (MDRs), and group perceptions, including those of older persons, of what constitutes abuse or a violation of their rights in LDRs. An early "western" definition led to a typology of four categories – physical, emotional and financial abuse, and neglect, but extended typologies (in rudimentary stages) reflect forms of abuse common in LDRs, where the abuse is arguably more violent and insidious than in MDRs (UN, 2002; Ferreira, 2004). Abuse may be perpetrated interpersonally (a single individual abusing an older person) or collectively (e.g. group violence towards an older person, often for material gain, or systemic marginalisation of older persons by institutions, as in LDRs). Detection of abuse is problematic, and self-reporting is low, with concealment motivated by a variety of factors.

The extent of abuse is not well known, and prevalence rates have been established mainly in MDRs, with only limited, largely anecdotal data available in LDRs. Community surveys in the 1990s showed overall abuse rates of 4 to 6 per cent, with more women abused than men, and

neglect the most common form in community and domestic settings, followed by physical abuse and financial exploitation. Domestic abuse was perpetrated most frequently by adult children, followed by the spouse and other family members. Rates established since 2000 suggest a slight decline – with rates of 2.4 per cent for domestic abuse in the UK, and 1.3 per cent for men and 1.6 per cent for women for physical abuse in Germany (Podnieks *et al.*, forthcoming). The incidence of abuse is thus fairly low, but likely to be under estimated through under reporting.

A recurrent theme in reviews of abuse is victims' dependency, loss of autonomy and social isolation. Common thread in survey outcomes are a lack of respect, emotional pain, older women's vulnerability, the consequences of poverty, and insidious effects of ageist attitudes. In more developed regions, risk factors are commonly cognitive impairment, caregiver problems, family conflict and care burden (Podnieks *et al.*, forthcoming), while in LDRs, they are frailty, childlessness, solitary living, social isolation and displacement (Ferreira, 2004). Abuse and neglect in institutional settings are often related to deficiencies in the care system and difficult staff/resident interaction. In LDRs, violence and abuse in domestic and community settings is often a result of social and economic strains on the household and community (Ferreira, 2004).

2. Responding to the problem

In all regions, responses to the problem are likely to include public awareness programmes, lobby campaigns and regulatory frameworks, but action across regions is variable, dependent on resources and capacity, and available mechanisms. All responses are likely to be human rights based, with legal and judicial systems, and professional and service agencies mobilised in interventions. At a global level, "hard law" and "soft law" guide responses, and policy changes and action may follow. At a national level, the state is responsible for ensuring older persons' rights are protected, and policies and legislation may ensue. At an intermediary level, NGOs play key roles in promoting and enhancing awareness and education, lobbying for policy action and legislation, and encouraging, guiding and supporting strategies and programmes. At a family level, families have a primary role to ensure elders are cared for adequately, and older persons, within their capacity, have a responsibility to empower themselves to resist abuse.

Some countries have adopted explicit legislation to criminalise violence and abuse, while others have regulations and policies to supplement state laws and establish law enforcement systems. In institutional settings, responses include inquiries and study commissions to address reports of abuse, and mechanisms are available to prevent abuse and manage care issues. In community settings, responses include a variety of NGO and community agency services, and possibly adult day-care facilities and places of refuge. Some countries have little or no explicit legislation, but even where available, the legal system may not be invoked nor the law applied systematically. An "implementation gap" may exist in how human rights mechanisms and application of the law have responded to abused older persons' situations to date, while a "normative gap" may lie in the

narrow interpretation and application of “hard law” to age discrimination (Judge, 2009; Doron & Apter, 2009). A more effective and immediate response to combat age discrimination may lie in awareness and education, from a human rights approach, to change societal attitudes and include older persons in policies. A number of recent international initiatives aimed at ensuring older persons’ rights are protected are accepted as leading to a UN Convention on Human Rights and Ageing.

Family will remain the fundamental social unit to support, care for and protect elders, but its capacity to do so is diminishing, and the mistreatment of elders may escalate in the future. Families need to be supported and educated to take care of their elders, and older persons enabled to take charge of their life, and to know and assert their rights. Family support strategies must devolve from the government, through policies, resource allocation and service provision, for implementation by NGOs and community agencies.

3. Conclusions

Violence, abuse and discrimination against older persons remain prevalent, and responses across regions fragmented and uneven. Improved knowledge and understanding – to inform policy development and implementation, and more effective response mechanisms will help to reduce and manage the problem better. Although a new international treaty on human rights and ageing may not prove a panacea, it will provide a powerful tool for including and integrating a “rights discourse” in national and social policies (Doron & Apter, 2009).

Policy Recommendations

National training and education initiatives are needed to promote positive images of older people and build adequate skills in individuals who care for older persons. More specialised training of professionals is needed in the dynamics of abuse within various settings and intergenerational contexts, and its detection and intervention.

Older persons need to be empowered to enable them to take charge of their life, to know and assert their rights, and to resist abuse.

Families with elders and caregivers to an elder need to be supported and educated to help them to understand their role and the needs of the elder for whom they care. Social support from other family members and community based resources can relieve caregiver stress.

An improved knowledge base on elder violence and abuse, and age discrimination is needed to inform national and local policy, and to develop and implement strategies and programmes for intervention and prevention.

Advances and action in eliminating abuse, violence and discrimination are unlikely to be

achieved without domestic political commitment, and a solid foundation of human rights and legal support.

Creating an anti-ageist (non-discriminatory) environment will help to forge older persons' rights, enable them to remain active and productive in their society, and provide a base to empower them.

Intergovernmental resolutions must continue to provide a platform for global action and a basis for national initiatives.

In less developed countries, addressing challenges such as reducing poverty, establishing gender equality and meeting the basic needs of all will help to enhance older persons' physical and emotional security, increase their sense of well-being, and reduce their vulnerability.

The Madrid Plan provides a framework for addressing the challenges and special problems faced by older persons, including the prevention of violence and abuse, and the elimination of age discrimination.

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