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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by AGE Platform Europe, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2023]

* Issued as received, in the language of submission only.

A world without elder abuse requires systemic action!

Aspects, causes and prevalence of elder abuse

Violence, abuse and neglect against older persons is not a stand-alone problem. It's not something that happens in a specific setting nor that we can address in isolation to the context in which it takes place and to how society sees ageing and older persons. Violence, abuse and neglect against older persons is symptomatic of how we devalue older people's lives, how we tend to trivialize and tolerate their suffering, and how we are more likely to accept it as normal to an extent that we would not accept for others. This wider problem is ageism.

Ageism is often the driver of abuse and neglect, 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 violence. In some cases, neglect might even be seen as a 'normal' consequence of ageing-related impairments and challenges, while it does constitute denial of human rights. Abuse and neglect is often committed in the context of scarcity of resources, such as by denying adequate, affordable and accessible care or other human rights.

As a result, abuse, violence, and neglect in old age remain largely a hidden reality without a systemic solution. Yet, there is evidence that elder abuse is prevalent all across the world. 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. 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 maltreatment². This figure does not even capture the unknown number of suicides or death induced by self neglect, which can be caused by the mental health consequences of abuse, violence or neglect³. Scientific evidence confirms that elder maltreatment is associated with increased mortality⁴. But the full extent of elder abuse, violence and neglect against older persons remains largely unknown.

Older victims are less likely to know their rights and how to file a complaint, or they may fear that the abuse will not be considered as serious. In particular, fear of shame, loss of affection, implications and more abuse, lead to under-reporting, especially when the perpetrator is the caregiver, someone close to the victim or someone that the victim depends on. Due to internalised ageism, older victims are also more likely to tolerate abuse and neglect. Likewise, older people experiencing violence and abuse are less likely to be taken seriously by police and justice enforcement bodies and police and justice authorities might not be trained to receive reports from persons with specific conditions, such as neurodegenerative diseases. There is evidence that social workers are less likely to label a case as abuse and offer help if the victim is older⁴. As a result, a great majority of breaches in which older people are involved are tolerated or suppressed. According to estimations, only 1 in 24 cases of elder abuse are actually reported⁵. The lack of awareness of age as ground that might incite violence, abuse and neglect against older persons contributes to this invisibility and lack of protection of older victims.

Today our laws are not well equipped to detect, prevent and challenge ageism and elder abuse. They often reiterate the same biases that we as society have referring to older people as inherently vulnerable or in need of protection and ignoring their multiple contributions. This was highlighted in the recent report of the UN Independent Expert, presented at this 54th session of the Human Rights Council.

Recommendations: how an international legal instrument can help overcome abuse, violence and neglect

A world free of abuse requires systemic change at all levels: from non-discrimination laws and data collection to effective redress and support for victims. The causes of elder abuse and neglect are multifactorial, which means that comprehensive policies are needed to prevent it. Measures that empower older persons through accessible environments, support their autonomy and independence by respecting their rights, preferences, decisions and informed choices in health, care, finances, and many other domains are essential.

Combating ageism and elder abuse is very complex, because it's insidious, systematic and institutionalized. A comprehensive and intersectoral approach to elder abuse is needed with a focus on the fight against ageism and the promotion of quality care. This is why the Independent Expert rightly concluded that "an international, legally binding instrument would offer the best protection for the human rights of older persons".

For a long time, also gender based violence was considered legitimate or inevitable. But fortunately, gradually, our societies have become more conscious of how such practices are wrongful and harm women. They recognized that gender stereotypes are so embedded in the unconscious that they are perpetuated by communities and state institutions. And they put in place laws and instruments to eliminate gender-based violence and abuse.

Ageism acts as the type of prejudice that both justifies abusive behaviour against older people and leads to overlooking the consequences it has on older people. We need a new UN convention to address this systemic injustice. A comprehensive legally binding instrument would create an obligation to detect and address abuse and other human rights violations against older persons. It would trigger a number of reforms, by spelling out concrete changes that are necessary to prevent rights violations experienced in old age. For example, a convention would include a wide definition of elder abuse recognizing its multiple facets and it would outlaw ageism in all spheres of life. By addressing comprehensively all human rights, it can lay the basis for the progressive realization of social and economic rights whose denial often leads to maltreatment, such as in the context of health and care and therefore break the vicious circle of abuse

A UN convention would also empower older persons to exercise and claim their rights. It would enhance opportunities for individuals and civil society to hold governments to account and access remedy. A UN convention would also increase visibility of abuse, violence and neglect against older persons within the existing human rights mechanisms. Therefore, it could strengthen the general enforceability of the human rights system.

We urge all UN states to start drafting a legally binding treaty to guarantee the equal protection of our human rights in old age. The drafting of such an instrument must include the meaningful participation of older persons in their diversity, their representative organizations, civil society organizations and national human rights institutions.

For more information:

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AGE Platform Europe is the largest EU network of organisations of and for older persons aiming to voice the rights of older persons living in the European Union., NGO(s) without consultative status, also share the views expressed in this statement.

1 European report on preventing elder maltreatment, 2011

2 ibid

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

4 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>

5 <https://www.who.int/news-room/fact-sheets/detail/elder-abuse>