

Domestic Violence and Elder Abuse: Human Rights Perspectives

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INPEA – Missing Voices

- Early study – 8 countries (2 from Europe)
- Perceptions of older people about Elder Abuse
- Neglect – isolation, abandonment, social exclusion
- Violation – human, legal and medical rights
- Deprivation – of choices, decisions, status, finances and respect
- Ageism – identified discrimination on basis of age
- Key factors: Gender and socio-economic status

Violence Against Women

- 25% Violent crime is partner assault
- 90% assaults on women by men
- 40% female murders by known men (at home)
- Happens to anyone: across all strata
- Everybody's problem-nobody's concern?
- Major consequences
- Violence is systematic, severe
- Context: Conflict & Tolerance

What has been Achieved?

- 1970s Women's Aid
- UN statement 1993
- Margin to mainstream
- Zero Tolerance
- Public recognition
- Professional responses
- Refuges
- Legislation
- Police provision
- Political recognition

Older Women, Domestic Violence and Elder Abuse

- Ageism
- Sexism
- Families and care
- Hidden Problem
- Patterns of Abuse
- Gender Issues
- Triple Jeopardy
- Survivors

Similarities

- Adults
- Shared living arrangements
- Causative factors
- Power and control
- Citizenship and empowerment
- Legal remedies
- Interventions
- Issues of safety and protection

Differences

- Different causes
- Demographic factors
- Historical factors
- Timescales
- Societal views
- Nature of abuse
- Public responses
- Different origins (as a social problem)

What is to be Done?

- Prevention
- Protection
- Justice
- Provision
- Partnership working
- Empowerment

Triple Jeopardy

- Marginalisation, exclusion, violence and older women
- To be old is to be marginalised (single)
- To be old and female is to be marginalised (double)
- To be old and female and abused is to be marginalised (triple)
- Other forms of disadvantage and disempowerment (could be 5 – or more forms)
- Bruises on the Soul

Key points

- Social construction of abuse and violence
- Gender and power relations crucial
- Not just family and interpersonal relationships: institutional settings an important context
- Not just about frailty, vulnerability, dependence
- Personal, cultural and structural levels at which abuse and violence occur
- Ageism as a master category, abuse a consequence
- Citizenship and rights-based perspectives important

The Importance of Naming

- Silence about the topic
- Comparative lack of recognition
- Under-developed, under-researched concept
- Naming is essential: What is being named?
- Primacy of the individual and personal
- Importance of professional identification (as with child abuse, but not VAW); this has shaped development of policy and responses

Critical factors

- Abuse and older women
- Poverty and older women
- Discrimination – ageism, sexism, employment status
- Social and cultural contexts are important
- Gender discrimination across the lifespan
- Violence, abuse and neglect across the lifespan
- Attention paid to older women by (ageing) feminists

Older women and Abuse

- Rarely considered as a separate group
- VAW work often does not include older women or women with disabilities
- Elder abuse/safeguarding often does not reflect experiences or needs of older women
- Needs of older women not fully considered, or explored, especially relating to domestic or intimate partner violence
- DAPHNE Programme initiatives (esp. DAPHNE 111)

Further considerations

- Cohort changes may result in additional issues
 - Some gains in rights for women
 - Some increase in labour-market participation
 - Some gender equality legislation
 - Some development of policy and legislation on violence against women
 - Some attitudinal and perceptual changes – zero tolerance
- Will we see changes in levels of violence against older women?

Elder Abuse and Human Rights

- Age not just a number
- A social construction – based on custom, practice and perception of role person plays in community
- Specific vulnerabilities from reactions to physical or mental conditions
- But also from problems encountered due to societal perception and interaction of person with environment
- Social perspectives on vulnerability important
- Population ageing in 21st century....

Elder Abuse and Human Rights

- Valencia Forum on Research and Ageing, 2002
- Report to support Second World Assembly on Ageing
- Contained neglect, abuse and violence as an element of priority area on supportive and enabling environments
- Abuse and neglect of older people as a public health and a human rights issue
- Decreased quality of life, hastening mortality
- Linked to a need to promote positive attitudes towards ageing across the life-course –countering ageism

Valencia Report

Recommendations

- Older people have the right to live life in dignity and security, free from abuse, neglect, exploitation and discrimination
- Governments should develop and fund a national, comprehensive strategy and action agenda
- Need for clear strategic direction to prevent, detect and intervene in elder abuse
- Inclusion of media (all stages)
- Evaluation and research programmes

Valencia Report Recommendations

- Public and professional education and awareness
- Participation of older people, promotion of empowerment
- Family, community, institutional and long-term care supports
- Supportive legal framework
- UN commission on Human Rights should appoint a Special Rapporteur on abuse of older people

Valencia Statement

- Recognition of rights of older people
- Recognition of contribution and strengths of older people
- Increase ability to prevent and address violations of rights, including abuse wherever it happens: all societies, cross-sectoral collaboration
- Towards an enriching and productive later life
- Free from mistreatment, exploitation and discrimination

NGO Focus

- 2010 report: Strengthening Older People's Rights: towards a UN Convention
- Report compiled by international Ageing NGOs
- To serve as a resource for promoting a dialogue on creating a new UN Convention on Rights of Older People
- Declaration: UNECE Ministerial Conference on Ageing 2012
- Reaffirmation of rights and obligations of States to protect (and uphold) rights
- Efforts require ongoing intergenerational dialogue, co-operation and communication – at all levels

NGO Focus

- Rejection of any age-based discrimination
- Fundamental pre-requisite: assumed social, physical, material and financial security essential for ageing in dignity - all societies, at all times
- Protect rights by enforcing existing legislation
- Promoting good practice that helps older people to understand and claim their rights
- Strengthening national, regional and international human rights legislation – including older people

Secretary General Report 2011

- Secretary General Report to General Assembly focused on human rights of older people (first!)
- Four main human rights challenges facing older people identified:
 - Discrimination
 - Poverty
 - Violence and abuse
 - Lack of specific measures and services (and including access to them where they exist)

Secretary General Report 2011

- Key areas for responses:
- Strengthening international protection regime
- Elimination of financial exploitation
- Elimination of employment discrimination
- Establishing adequate care and support facilities
- Enabling participation in political life
- Need this to happen at all levels....

Independent Experts

- Appointed by UN Human Rights Council to examine and report back on a thematic or country-specific perspective in all parts of the world.
- Honorary position, Experts are not members of staff of the United Nations nor paid for their work.
- Experts express views independently - do not represent their respective Governments.
- Independent status of the Independent Expert crucial to be able to fulfill their functions impartially.
- UNCHR (HRC from 2006) mandate to examine particular human rights issues – specific themes or country situations from a human rights perspective

Independent Expert – Older People

- Human Rights Council appointment 2014
- Rosa Kornfeld-Matte (Chile) based in Geneva
- Initial report – preliminary observations 2014
- Country visits
- Statements to the Human Rights Council
- Report on Autonomy and Care 2015
- Comprehensive Report presented to Human Rights Council 2016

Open-Ended Working Group on Ageing

- NGOs lead group in this area (CONGO)
- Established 2011
- Meeting approx. annually in New York
- Work to consider a convention on rights of Older People
 - What would it look like?
 - What might it contain?
- Specific issues – e.g. older women (2015)
- Next meeting – Dec 2016
- Global Alliance Rights Older People (GAROP)

European Human Rights

- Anniversary on 4th November – European Convention on Human Rights (1950)
- On 1st November....European Court of Human Rights as a direct point of access for those whose rights have been violated (1998)
- EU Charter of Fundamental Rights – recognises rights of older people to lead lives of dignity and independence and to participation (A25)
- Legal instruments and institutions which need our ongoing support

The Way Forward?

- Improve recognition, awareness, understanding of domestic violence, elder abuse and human rights
- Develop policies to prevent and to protect and to promote rights
- Promote education (including general awareness raising) and training
- Centrality of older women in processes and development of policy and practice
- Improve and extend partnerships to join up safeguarding, domestic violence and rights-based approaches

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- WHO/INPEA (2002) *Missing Voices: views of older persons on elder abuse*. WHO: Geneva

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Finally....

- Thanks for listening
- And thanks for being here today
- Thanks for your interest
- Thanks for your commitment to this issue
- Together we can make a difference....