



Older Persons' Rights Project By Alan Gutterman

HOW ORGANIZATIONS CAN COMBAT ELDER ABUSE

The World Health Organization (“WHO”) has reported that “[g]lobally 1 in 6 people aged 60 years and older people experience abuse in the community every year ... (rates in institutions are even higher)”.¹ In the Toronto Declaration on the Global Prevention of Elder Abuse WHO defined elder abuse as “a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person”, and WHO and the UN Office of the High Commissioner for Human Rights (“OHCHR”) have noted that it can be of various forms, often hidden, including physical, psychological, emotional, sexual, financial or simply reflect intentional or unintentional neglect, and assessing the extent of the problem remains difficult due to lack of reliable statistics and information.² Ellison et al. explained elder abuse to be a frightening phenomenon for older people that could include financial abuse (e.g. abuse of power of attorney, theft, pressure to change their will or to become guarantors); psychological abuse (e.g. social isolation, verbal abuse, treating them like children); physical abuse, including violence, physical restraint and neglect; sexual abuse; neglect (e.g. inadequate food, shelter, clothing, medical care/assistance, hygiene, medication); and multiple abuses, which are kinds of the aforementioned abuses that occur at the same time or on a continuum with a single relationship of trust.³

WHO has declared elder abuse to be “a violation of human rights and a significant cause of injury, illness, lost productivity, isolation and despair” and has noted that abuse of older people can have serious consequences, including premature mortality, physical injuries, depression, cognitive decline, poverty and placement in long-term care institutions.⁴ The OHCHR has expressed concern regarding the level of violence, abuse and neglect that older persons are subjected to on a regular basis, noting that approximately one in ten older persons experience abuse every month and that abuse

¹ [Tackling abuse of older people: Five priorities for the UN Decade of Health Ageing \(2021-2030\)](#) (Geneva: World Health Organization, 2022), 1.

² [Toronto Declaration on the Global Prevention of Elder Abuse](#) (World Health Organization, 2002) and [E/2012/51](#), and [Report of the UN High Commissioner for Human Rights on Human Rights Situation of Older Persons \(E/2012/51\)](#), Paragraph 32.

³ [S. Ellison, L. Schetzer, P. Mullins, J. Perry and K. Wong, The legal needs of older people in NSW](#) (Sydney: Law and Justice Foundation of NSW, 2004), Executive Summary, xxx-xxxi.

⁴ [Active Ageing: A Policy Framework](#) (Geneva: World Health Organization, 2002) and [Tackling abuse of older people: Five priorities for the UN Decade of Health Ageing \(2021-2030\)](#) (Geneva: World Health Organization, 2022), 1 (citing [M. Baker, “Elder mistreatment: risk, vulnerability, and early mortality”, Journal of American Psychiatric Nurses Association, 12\(6\) \(2007\), 313](#); [X. Dong and M. Simon, “Elder abuse as a risk factor for hospitalization in older persons”, JAMA Internal Medicine, 173\(10\) \(2013\), 911](#); and [M. Lachs et al., “The mortality of elder mistreatment”, JAMA, 280\(5\) \(1998\)](#)).

against older persons can take a number of different forms (i.e., physical, psychological, financial and neglect) and cut across different social, economic, political and cultural contexts.⁵ Elder abuses can occur within the context of a variety of different relationships including those between an older person and his or her adult children, spouse, other family members, friends, caregivers or institutions.⁶ The OHCHR noted that physical violence against older adults by their caretakers is one of the most serious complaints, often requiring long periods of recuperation, causing severe and lasting emotional distress (i.e., depression, fear, anxiety and post-traumatic stress) and eventually leading to premature mortality.⁷ The OHCHR has also been critical of the fact that there is still no explicit protection for older persons against violence, abuse and neglect in international human rights law.

WHO noted that elder abuse is a universal problem, one that can be found in both the developed and developing world, and a situation that is particularly vexing and hurtful because more often than not the abuser is well known to the victim from the abuser's relationship as a family member or caregiver.⁸ Older persons suffer from elder abuse because of an inability or unwilling to report the problems for various reasons including a lack of community and professional awareness and understanding of the problem; a lack of knowledge of services that may be available to provide support and assistance; isolation, which not only contributes to lack of access to assistance but also allows abusers to persist due to lack of scrutiny; fear of retribution or of being institutionalized; shame of being abused by people they should be able to trust and fear of putting important relationships with family or friends into jeopardy; and a lack of procedures for health professional to following in order to address abuse.⁹

Older persons' rights to freedom from violence, abuse and neglect are especially at risk during times of emergency, such as the Covid-19 pandemic. As a result of the lockdowns imposed in response to the pandemic many older persons, particularly older women, became increasingly isolated and thus exposed to increased risk of violence, abuse and neglect in their communities and in the care homes where they lived. In care homes, restrictive visitation policies made it impossible for family members to monitor the health, wellbeing and standard of care given to residents, causing emotional distress to residents and their families.¹⁰ HelpAge International reported on estimates that one in six older people were subject to abuse before the Covid-19 pandemic and also noted that these estimates likely understated the problem given that the WHO believes that only one in 24 cases of elder abuse is reported.¹¹ Also problematic is the results of a survey of 133

⁵ [Older Persons Access to Justice and Remedies \(OHCHR\)](#).

⁶ [S. Ellison, L. Schetzer, P. Mullins, J. Perry and K. Wong, The legal needs of older people in NSW \(Sydney: Law and Justice Foundation of NSW, 2004\), Executive Summary, xxx-xxxii.](#)

⁷ [E/2012/51](#), Paragraph 33.

⁸ [Toronto Declaration on the Global Prevention of Elder Abuse \(World Health Organization, 2002\)](#).

⁹ [S. Ellison, L. Schetzer, P. Mullins, J. Perry and K. Wong, The legal needs of older people in NSW \(Sydney: Law and Justice Foundation of NSW, 2004\), Executive Summary, xxx-xxxii.](#)

¹⁰ [A. Byrnes, N. Georgantzi, B. Mitchell and I. Doron, Time for a UN Convention on the Rights of Older Persons \(Discussion Paper, August 2020\)](#), 12.

¹¹ [UN must deliver convention on older people's rights as COVID-19 exposes systemic ageism \(HelpAge International\)](#).

countries that showed that only 41 had national laws to prevent violence, abuse and neglect of older people that are fully enforced.¹²

WHO pointed out that the number of older people who experience abuse is predicted to increase, even if its prevalence remains constant, as the rapid aging of the population comes to more and more countries; however, while the impact of elder abuse is extensive and severe, WHO expressed concern that abuse of older people remains a low global priority and receives relatively little attention and resources from international and national organizations and governments.¹³ According to WHO, ageism should be considered to be both the major reason for the low global priority of and a major risk factor for abuse of older people, and described ageism “as causing older people to be devalued and viewed as expendable, which means that violence against them is taken less seriously than violence against members of other vulnerable groups such as women and children”. Shame and stigmatization associated with the abuse of older people is also a contributing factor to the low priority of the issue.¹⁴ WHO argued that the UN Decade of Healthy Ageing 2021–2030 “offers a unique 10-year opportunity for a step change in how abuse of older people is tackled” and called for prioritization of the following actions to prevent and respond to abuse of older people: combat ageism; generate more and better data on prevalence and on risk and protective factors; develop and scale up cost-effective solutions; make an investment case for addressing the issue; and raise funds to tackle the issue.

WHO observed that “[a]lthough global data is scarce, the field of abuse of older people appears to receive less funding than the fields of violence against children or violence against women”.¹⁵ Lack of funding is frequently cited as an issue by advocates for combatting abuse of older people; however, WHO noted that “it is not clear whether it is the lack of funding that accounts for the low global priority of abuse of older people or vice-versa”. WHO noted that there was “a dearth of data on the costs of abuse of older people and the cost effectiveness of solutions required to make a case for investment” and conceded that while providing financial, technical and other support to combat elder abuse was justified on moral grounds and from a human rights perspective it was nonetheless important to make the investment case for action.¹⁶

Organizations can begin to reduce violence against and abuse of older persons by creating an internal culture of respect and non-violence. Beyond that, they can support the development of products and services that promote safety and security for older persons including developing technology, such as personal emergency response systems,

¹² Id.

¹³ [Tackling abuse of older people: Five priorities for the UN Decade of Health Ageing \(2021-2030\) \(Geneva: World Health Organization, 2022\)](#), 1. See also [UN Advocacy Brief on Older Women: Inequality at the Intersection of Age and Gender \(UN Department of Economic and Social Affairs, UN Women and others, 2022\)](#), 4 (elder abuse is expected to increase as the world continues to age, leading to “serious healthy, financial and social consequences to older persons and their communities”).

¹⁴ Id. at 20.

¹⁵ [Tackling abuse of older people: Five priorities for the UN Decade of Health Ageing \(2021-2030\) \(Geneva: World Health Organization, 2022\)](#), 22.

¹⁶ Id. at 13-14.

that can help older persons quickly and easily call for help in the event of an emergency, and developing home security systems that are specifically designed for older persons, such as systems that can be easily operated and that include features like remote monitoring. Organizations can also create and offer self-defense classes and workshops for older people and online resources that older people can access to obtain information on how to stay safe and protect themselves against financial and other forms of abuse. Another way that organizations can contribute to reducing elder abuse is by supporting and partnering with other groups that work to prevent abuse against older persons and advocate for their rights. When deciding on how to invest in reducing elder abuse, organizations should pay attention to the specific needs of vulnerable groups who may be at greater risk such as older women, older persons who also have disabilities and older persons who have not had opportunities to obtain the education necessary for them to protect themselves in financial transactions.

Alan Gutterman is the creator of the [Older Persons' Rights Project](#), which is a California nonprofit public benefit corporation with tax exempt status under section 501(c)(3) of the Internal Revenue Code dedicated to advancing awareness of the challenges and opportunities associated with increased longevity; combatting and eliminating prejudice against older persons and age discrimination in all its forms; defending the human and civil rights of older persons secured by law, with particular attention to the rights of members of vulnerable groups; and promoting and advancing the interests of older persons in society as a whole through education and efforts to enhance intergenerational solidarity. The Project engages in high-quality, independent research with the goal of providing innovative, practical recommendations for policymakers, businesses and civil society on addressing ageism and improving the lives of older persons.

To learn more about this topic, download the Project's chapter on [Elder Abuse](#), which discusses the findings and recommendations of various international organizations with respect to the adverse impacts of elder abuse and the steps that should be taken to prevent such abuse and provide protection to older persons who are in need. The chapter pays particular attention to the challenges faced by older women, who are particularly vulnerable to violence, exploitation and abuse, including economic abuse, when their legal capacity is deferred to lawyers or family members, without their consent. Specifically, the chapter covers gender-based violence, domestic violence and sexual harassment in the workplace and abuse of older women in residential institutions.