



# PREVENTING ABUSE AND NEGLECT OF OLDER PERSONS IN EUROPE

*REGIONAL SYMPOSIUM, 17-18 JUNE 2013  
THON HOTEL EU, RUE DE LA LOI 75, 1040 BRUSSELS*



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## I. Context

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In recent years, significant advocacy efforts have called for enhanced international thinking and action on the human rights of older persons. The number of persons aged 60 and over is increasing at an unprecedented pace, anticipated to rise from its current 740 million to reach 1 billion worldwide by the end of the decade. By 2060, nearly one third of the citizens of the European Union will be aged 65 or over. However, the increase in numbers has also shed light on the lack of adequate protection mechanisms, and on the existing gaps in policies and programmes to address the human rights of older persons.

Abuse and neglect<sup>1</sup> of older persons have been highlighted by human rights bodies and other experts as particularly worrisome. Various forms of abuse and neglect include physical violence, emotional, sexual or financial abuse, neglect, all forms of degrading and inhuman treatment, and situations compromising the dignity of older persons.

Abuse and neglect tend to occur in conditions of (at least partial) dependence of older persons on the care or support of others. This care and support can exist either in a formal context where the rights-holders are users of services, for instance in institutions such as nursing homes, long-term care hospitals or home services in the community, or in an informal context where care is provided in the community by family members or by other informal carers. Abuse and neglect should not be understood only as deliberate wrongdoing committed by individuals with the intention to harm older persons; they should also include “systemic” abuse or neglect which results from the lack of appropriate services.

The “systemic” abuse and neglect resulting from poor quality care can be mitigated by investment in services, and by supporting an individual’s right and ability to live independently. Enabling people to live independently as they age will reduce the need for care, and is a cornerstone of the social investment approach. Insufficient investment in prevention, independent living and high quality care could be seen as undermining individuals’ human rights.

Any response to the issue of protecting the rights of older persons requires taking into account discrimination and its multidimensional nature, with age discrimination being compounded by other forms of discrimination based on gender, ethnic origin, religion, disability, poverty levels, sexual orientation and gender identity, migrant status, marital and family status, literacy and other grounds.

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<sup>1</sup> The WHO definition of elder abuse is “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.” World Report on Violence and Health, Geneva: World Health Organisation (WHO) 2002.

## II. Aims of the Symposium

The Symposium, organized by the Regional Office for Europe of the Office of the United Nations High Commissioner for Human Rights and the European Commission, will mark World Elder Abuse Awareness Day. The event will offer an opportunity for dialogue on the issue of abuse and neglect of older people from a human rights perspective, and identify and discuss the relevant international and regional human rights standards.<sup>2</sup> It aims to provide for an exchange of views between human rights specialists and prominent researchers, care reformers, policymakers and activists who have long been involved in addressing the problems of abuse and neglect of older persons, not just through the definition and enforcement of human rights, but also through social investment in policies and systems that empower older people to live independently and ensure that any services they require will be of high quality. The symposium will bring to the fore recent developments at international, regional (European) and national level. It will explore good practices in the EU and its Member States as well as gaps and areas where further human rights protection mechanisms must be developed. In this respect, it will build upon a dynamic of development at UN level, in the Council of Europe and in the European Union.

*Specific issues to be addressed include:*

- Systemic abuse and neglect of older persons in institutional care
- Human rights-based framework for the protection of older persons
- The role of the State in the prevention and protection against abuse and neglect committed by private parties
- Rights of formal and informal carers
- Effects of the current economic crisis on services and standards
- Social investment approaches to care
- Assessment of existing international and regional standards.

## III. Participants

- Representatives of relevant ministries (social affairs/health, justice) of 27 EU Member States
- Representatives of national human rights institutions from EU Member States
- Representatives of regional institutions (European Union, Council of Europe)
- Representatives of international and European-level civil society
- Representatives of the UN system (OHCHR, WHO, etc.)
- Leading researchers in the area of abuse and neglect of older persons
- Care experts

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<sup>2</sup> Abuse and neglect against older persons can constitute a case of discrimination on the basis of age, but discrimination is a much broader term, and is not limited to abuse and neglect. While the issue of discrimination will probably come up in the discussions, the main scope of the Symposium will be abuse and neglect of older persons requiring support or care, in the context of a relationship involving an imbalance of power.

# Agenda

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## PREVENTING ABUSE AND NEGLECT OF OLDER PERSONS IN EUROPE

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Monday 17 June 2013 morning

### 9:00 **Registration**

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### 9.30 **Opening**

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**Jan Jařab**, *Regional Representative for Europe, Office of the United Nations High Commissioner for Human Rights*

### 9:45 **Keynote speeches**

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**László Andor**, *European Commissioner for Employment, Social Affairs and Inclusion*

**Marcia V.J. Kran**, *Director, Research and Right to Development Division, Office of the United Nations High Commissioner for Human Rights*

### 10:15 **Panel I: Human rights in ageing societies**

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This panel will set the scene for the discussions during the two days of the symposium. It will set out the demographic context in Europe and explore the situation of older persons from a human rights perspective. It will highlight the importance of moving beyond the perception of older persons as a “burden” or “cost”, to a perspective of older persons as rights-holders; the replacement of a paradigm characterized by an emphasis on survival and socio-economic security, with older persons as “objects” of social policy, by one which places the focus on older persons as active subjects while prioritizing dignity, independence and interdependence, as also reflected by the social investment approach. Some examples of how older persons’ human rights can be promoted in practice will be provided.

*Chair: Christian Courtis, Human Rights Officer, OHCHR*

**Alexandre Kalache**, *Senior Advisor on Global Aging, the New York Academy of Medicine, HelpAge International Global Ambassador on Ageing*

**Barbro Westerholm**, *Member of Swedish Parliament*

**Sarah Rochira**, *Older People’s Commissioner for Wales*

### 11:00 **Coffee Break**

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### 11:30 **Panel I continued: discussion**

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### 12:30 **Lunch**

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## 14:00 Panel II: Abuse and neglect in care institutions

The second panel will focus on individual and systemic abuse and neglect in institutional care settings; on the links between institutional culture and the risk of abuse and neglect; on the identification of risk factors for abuse and neglect; on prevention of human rights violations in institutional care, as recommended by national human rights institutions and other stakeholders; and on the existence or not of accessible complaint mechanisms, and on the right to an effective remedy. Panelists will share examples of how to provide affordable quality long term care. Finally, the panel will discuss the ways in which policy can and should integrate a human rights-based approach and ensure access to appropriate long-term care for the elderly.

*Chair: Kinga Göncz, Member of European Parliament*

**Michael O'Flaherty**, *Chief Commissioner, Northern Ireland Human Rights Commission*

**Francesca Colombo**, *Senior Health Policy Analyst, Organisation for Economic Cooperation and Development*

**Zdeněk Kalvach**, *President, Czech Geriatric and Gerontological Society*

## 15:30 Coffee break

## 16:00 Panel III: Abuse and neglect in informal and community-based care

The third panel will focus on elder abuse and neglect both in informal care (e.g. by family members) and in formal community-based services; on the identification of risk factors for abuse and neglect; on prevention of human rights violations in informal care; on available support services for carers; and on the obligations of duty-bearers in the context of informal and community based care. It will discuss the existence or not of accessible complaint mechanisms, and the right to an effective remedy. Practical examples of holistic approaches to enabling and empowering older persons in need of care will be presented, as well as the ways in which to support informal carers.

*Chair: Joseph Troisi, Director, International Institute on Ageing*

**Bridget Penhale**, *University of East Anglia, UK Member of International Network for the Protection against Elder Abuse*

**Helle Aavild Juhl**, *Representative of Fredericia project, Denmark*

**Robert Anderson**, *Head of Living Conditions and Quality of Life Unit, Eurofound*

## 19:00 Dinner - Restaurant Quartier Léopold, Place du Luxembourg 9, 1050 Bruxelles

## **9:00 Panel IV: Pathways of human rights advocacy for older persons**

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The fourth panel will deal with the need for further awareness-raising as regards rights of older persons in general and the prevention of abuse and neglect in particular, in the light of international human rights law (including the Convention on Rights of Persons with Disabilities). The key role of civil society and older persons themselves in promoting the human-rights-based approach; the need for advocacy concerning the rights of particularly vulnerable older persons (e.g., persons with dementia, psychosocial disabilities) will be presented. Obstacles that exist in society (ageism, economic reductionism, austerity-related budget cuts) and visions for a more ambitious, forward-looking agenda for the rights of older persons will be discussed. The important role to be played by service providers in mainstreaming human rights into service delivery will be highlighted.

*Chair: Bridget Sleep, Senior Rights Policy Advisor, Help Age International*

*Gerard Quinn, Director, Centre for Disability Law and Policy, National University of Ireland, Galway*

*Anne-Sophie Parent, Secretary General, AGE Platform Europe*

*Franz Wolfmayr, President, European Association of Service Providers for Persons with Disabilities*

## **10:30 Coffee break**

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## **11:00 Panel V: Can a new Convention help?**

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The last panel will discuss the ways in which an ambitious older persons' rights agenda could be built on existing international human rights law and European law; the conceptual challenges and risks involved in efforts to appropriately address the issue of older persons' rights and achieve real change on the ground; and the advantages and drawbacks of a potential new instrument (Convention) on older persons' rights. Relevant developments at the United Nations, European Union and Council of Europe levels will be presented.

*Chair: Marianne Schulze, Human Rights Consultant*

*Florence Lianos, Deputy-director for Social Inclusion, Ministry of Social Affairs and Health, France*

*René Prikkel, Senior Policy Advisor, Ministry of Health, Welfare and Sport, the Netherlands*

*Nicola-Daniele Cangemi, Head of Human Rights Law and Policy Division, Council of Europe*

## **12:30 Conclusions**

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*Jan Jařab, Regional Representative for Europe, Office of the United Nations High Commissioner for Human Rights*

*Ralf Jacob, Head of Social Protection Unit, DG Employment, Social Affairs and Inclusion, European Commission*

## **13:00 Lunch**

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