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Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Violence against and abuse and neglect of older persons****Report of the Independent Expert on the enjoyment of all human rights
by older persons, Claudia Mahler****Summary*

In the present report, submitted pursuant to Human Rights Council resolution 51/4, the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler, provides an overview of her activities during the reporting period and a thematic analysis of violence against and abuse and neglect of older persons. She examines the different manifestations of abuse in older age and reviews prevention and protection measures. The report concludes with a set of recommendations to States and other stakeholders.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. The present report is submitted by the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler, pursuant to Human Rights Council resolution 51/4. The report contains an overview of the activities of the Independent Expert during the reporting period and includes a thematic analysis of violence against and abuse and neglect of older persons.

II. Activities of the Independent Expert

A. Country visits

2. During the reporting period, the Independent Expert visited Nigeria, from 29 August to 9 September 2022,¹ Bangladesh, from 7 to 16 November 2022,² and the Dominican Republic, from 28 February to 10 March 2023.³ She expresses her thanks and appreciation to the Governments of those countries for their invitations and for the cooperation extended to her before, during and after her visits and looks forward to continuing the fruitful and constructive dialogues. She is also grateful to the Republic of Moldova for its invitation and looks forward to her visit to the country, scheduled for November 2023.

B. Other activities

3. During the reporting period, the Independent Expert addressed communications to Governments, individually and jointly with several other special procedure mandate holders, related to the human rights of older persons. She also issued press releases, individually and with other mandate holders, including statements on the resilience of older women, marking the 2022 International Day of Older Persons, and on data collection on gender-based violence in old age, marking World Elder Abuse Awareness Day 2023.

4. In line with her mandate, the Independent Expert participated in the thirteenth session of the Open-Ended Working Group on Ageing and provided remarks in two expert panels, on normative inputs and on strengthening the promotion and protection of the human rights of older persons. She welcomes the adoption of decision 31/1 by the Working Group⁴ and the nomination of Brazil and Portugal as co-facilitators to consider the existing international framework and identify possible gaps in the protection of the human rights of older persons and how best to address them.

5. Between August 2022 and July 2023, the Independent Expert participated in several international, regional and national meetings, events and conferences, providing remarks on themes related to the human rights of older persons. She also participated in several side events on the human rights of older women organized for the International Day of Older Persons in 2022, and on innovation and technological change in the care agenda on the margins of the sixty-seventh session of the Commission on the Status of Women.

6. For the preparation of the present report, the Independent Expert issued a call for submissions, in response to which she received 84 written contributions.⁵ She thanks those who contributed for their valuable inputs.

III. Violence against and abuse and neglect of older persons

7. Positive developments in health care and nutrition, as well as improved standards of living, have increased life expectancy. As older persons live longer and birth rates decrease,

¹ See [A/HRC/54/26.Add.1](#).

² See [A/HRC/54/26.Add.2](#).

³ See [A/HRC/54/26.Add.3](#).

⁴ [A/AC.278/2023/2](#), para. 30.

⁵ See <https://www.ohchr.org/en/calls-for-input/2023/report-violence-abuse-and-neglect-older-persons>.

a demographic change is slowly but steadily happening. Indeed, it is estimated that, in 2050, one in every six people will be aged 65 or over, putting more older persons at risk of violence.⁶

8. Violence against older persons remains overlooked and is not a priority at the national, regional or global levels.⁷ That might be explained by the limited understanding of the phenomenon, which is a result of the lack of research on it. Hence, such violence has far-reaching consequences for the mental and physical well-being of millions of older persons worldwide and, because of its multidimensional impact, it is not easy to find sufficient interventions and appropriate solutions.

9. Violence against and abuse and neglect of older persons are pervasive around the world. An increase in violence against older persons has been seen during ongoing crises such as the coronavirus disease (COVID-19) pandemic, armed conflicts and climate change. Crises lead to economic setbacks, which put more strain on support structures worldwide, which in turn may put more older persons at risk of suffering from violent acts. The World Health Organization (WHO) estimates that one in six older persons have experienced some form of violence.⁸

A. Definition

10. There is still no globally accepted definition of “elder abuse” or “abuse against older persons”.⁹ Studies worldwide use different terms to address the topic. Such terms include “elder abuse”, “violence against older persons”, “elder maltreatment” and “abuse and exploitation of older people”. The use of different terminology brings other nuances to the fore.

11. The most common definition used in discussions at the United Nations and in research is that provided by WHO: “The abuse of older people, also known as elder abuse, is 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. This type of violence constitutes a violation of human rights and includes physical, sexual, psychological and emotional abuse; financial and material abuse; abandonment; neglect; and serious loss of dignity and respect.”¹⁰ The active or passive act as defined by WHO may or may not constitute a criminal offence¹¹ and may be committed by individuals, institutions or society.¹²

12. Most definitions recognize five forms of abuse of older persons: (a) physical abuse; (b) psychological or emotional abuse; (c) sexual abuse; (d) financial or material abuse; and (e) neglect.¹³ The Independent Expert recognizes an additional form, namely hate speech against older persons. For ease of comprehension, the Independent Expert will refer to “abuse of older persons” in the present report, to refer to all these forms of abuse.

13. Nevertheless, some points of the WHO definition of abuse of older persons remain open to debate. For instance, some stakeholders challenge the need for a relationship or expectation of trust between the perpetrator and the victim, as some definitions include crimes perpetrated by persons other than those known by the victim.¹⁴ Furthermore, many

⁶ *World Population Ageing 2019* (United Nations publication, 2020).

⁷ Christopher Mikton and others, “Factors shaping the global political priority of addressing elder abuse: a qualitative policy analysis”, *The Lancet Healthy Longevity*, vol. 3 (August 2022), p. e531.

⁸ See <https://www.who.int/news-room/fact-sheets/detail/abuse-of-older-people>.

⁹ Mikton and others, “Factors shaping the global political priority of addressing elder abuse”.

¹⁰ See <https://www.who.int/news-room/fact-sheets/detail/abuse-of-older-people>.

¹¹ Submissions from Vidovičová and Restabus.

¹² Submissions from Vidovičová, Restabus, AGE Platform Europe and Sage Advocacy.

¹³ Etienne G. Krug and others, eds., *World Report on Violence and Health* (Geneva, WHO, 2002), p. 126; and Hannah Bows and Bridget Penhale, “Elder abuse and social work: research, theory and practice”, *The British Journal of Social Work*, vol. 48, No. 4 (June 2018), p. 874.

¹⁴ Hannah Bows and others, *Perpetrators of Domestic Abuse against Older Adults: Characteristics, Risk Factors and Professional Responses* (Durham, United Kingdom of Great Britain and Northern Ireland, Durham University, 2022), p. 7.

national Governments have developed their own national definitions,¹⁵ which are usually adapted to their national context.

B. Ageism, the main root cause

14. Ageism is a significant risk factor for abuse of older persons. As defined by the Independent Expert in the context of the mandate, ageism refers to stereotypes, prejudice and/or discriminatory actions or practices against older persons that are based on their chronological age or on a perception that the person is “old”.¹⁶ Negative stereotypes and bias underlie the concept of ageism and can lead to harmful consequences, including violence against and abuse and neglect of older persons; for example, older populations might be seen as burdensome to society.¹⁷ Age stereotypes play a key role in perpetuating abuse of older persons, as well as in hindering their access to appropriate care and support and their access to remedies and redress.¹⁸

15. International human rights law currently lacks a clear and comprehensive prohibition of age discrimination, but the prohibition of discrimination on the grounds of “other status”, which includes age, in various treaties has been agreed upon.¹⁹ The lack of a prohibition of age discrimination could explain why, in international law or national law, differential treatment on the basis of age seems to be considered tolerable. This is in stark contrast to existing treaties that oblige States parties to take steps to eliminate racism, sexism and ableism.

16. WHO has highlighted the importance of laws and policies in combating ageism. Promoting social norms through laws and policies that reject ageism can potentially change people’s underlying attitudes, which would also help in preventing violence, abuse and neglect in later life.²⁰

C. Intersectionality

17. The intersection of age with other factors of discrimination increases the risk of older persons facing abuse. Ageist stereotypes, compounded by other forms of bias and prejudice, lead to situations of increased vulnerability for older persons experiencing intersectional and multiple forms of discrimination on the basis of gender, race, ethnicity, disability, migration or displacement status, Indigenous status, sexual orientation and gender identity, among others.²¹ They aggravate existing barriers in accessing basic services, including health care, housing, employment and education, leading to situations of increased vulnerability that are a fertile ground for all forms of violence.

18. Older persons facing intersectional and multiple forms of discrimination are more likely to experience economic and housing insecurity, which makes them more at risk of being placed in situations of dependence where violence and neglect could occur. Older women, for example, are more likely to live in poverty and face challenges in accessing safe and secure housing.²² They have lower economic autonomy than older men, as a result of income inequalities and caring responsibilities throughout their lives. Coupled with a longer life expectancy and the normalization of dynamics rooted in traditional gender roles, this leads to increased dependence in old age and contributes to older women being at greater risk of domestic abuse.²³ Older persons with disabilities also often find themselves in situations of dependence in terms of their caregivers, which makes it difficult for them to recognize, report and escape abuse, in addition to a lack of accessible information and specialized

¹⁵ [A/HRC/36/48/Add.2](#), para. 38; and submissions from Malta and Saudi Arabia.

¹⁶ [A/HRC/48/53](#), para. 21.

¹⁷ *Ibid.*, para. 62.

¹⁸ See [A/HRC/49/70](#).

¹⁹ *Ibid.*, para. 17.

²⁰ WHO, *Global Report on Ageism* (Geneva, 2021), p. 95.

²¹ [A/HRC/48/53](#), paras. 51–58.

²² [A/76/157](#), paras. 34 and 35.

²³ Submission from Chile.

services.²⁴ In addition, older women and older persons with disabilities are overrepresented in institutions, where violence, abuse and neglect are more likely to occur than in other contexts. The Special Rapporteur on the rights of persons with disabilities noted that high risks of abuse exist for older persons with a psychosocial disability, such as dementia.²⁵

19. Marginalization and isolation in old age are exacerbated by other forms of stigma, such as sexism, ableism, racism, xenophobia, homophobia and transphobia. Social exclusion leads to a heightened risk of being targeted, as well as challenges to reporting instances of violence and seeking help.²⁶ For this reason, some older lesbian, gay, bisexual, transgender and intersex persons, who are particularly likely to social isolation and loneliness,²⁷ keep their sexual orientation and/or gender identity private throughout their lives for fear of rejection and violence.²⁸ Others who have been open about their sexual orientation and gender identity may conceal it in older age to be able to seek family support or move to care facilities.²⁹ A lack of adequate support and involuntary separation from their families can also put forcibly displaced older persons in situations of isolation where they are more likely to experience neglect, physical abuse or exploitation.³⁰ While there are isolated examples of services that support older persons who are at risk of experiencing intersectional forms of discrimination,³¹ policies addressing both the specific challenges resulting from old age and intersecting forms of discrimination do not exist in most countries.

20. Evidence of the impact of age and intersectional identities on abuse of older persons is still scarce, or even non-existent. Further research is needed to understand and properly address violence against and abuse and neglect of older persons belonging to specific groups. For instance, the Independent Expert was informed that abuse may be experienced and understood differently by older Indigenous Persons owing to the importance of kinship structures and related cultural norms such as sharing, reciprocity and expectations around communal property in Indigenous communities.³² Proper data collection and analysis are crucial to inform adequate public policies to protect older persons in all their diversity. Although some States implement policies on domestic violence or other forms of violence, they rarely refer to older persons and even less to the intersection of age and other factors of discrimination.³³

D. International and regional legal and policy frameworks

21. International human rights law provides, to some extent, protection from violence against and abuse and neglect of older persons through existing legal instruments. In the Universal Declaration of Human Rights, it is emphasized that everyone has the right to life, liberty and security of person (art. 3) and that no one is to be subjected to torture or degrading treatment (art. 5). The prevention of torture is specifically addressed in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (art. 2). The Convention on the Elimination of All Forms of Discrimination against Women is focused on eliminating all forms of discrimination (art. 2), including violence, against women.³⁴ The Convention on the Rights of Persons with Disabilities provides explicit

²⁴ See SafeLives, “Safe later lives: Older people and domestic abuse” (2016).

²⁵ A/74/186, para. 37.

²⁶ Christine A. Walsh and others, “Elder abuse and oppression: voices of marginalized elders”, *Journal of Elder Abuse & Neglect*, vol. 23, No. 1 (2011), p. 34.

²⁷ A/74/181, para. 46.

²⁸ Sue Westwood, “Abuse and older lesbian, gay bisexual, and trans (LGBT) people: a commentary and research agenda”, *Journal of Elder Abuse & Neglect*, vol. 31, No. 2 (2019), pp. 103–106.

²⁹ A/74/181, para. 46.

³⁰ See UNHCR and HelpAge International, “Working with older persons in forced displacement” (UNHCR, 2021), p. 6; and <https://www.unhcr.org/handbooks/ih/age-gender-diversity/older-refugees>.

³¹ Submission from Ireland.

³² Submissions from New Zealand and the Caxton Legal Centre.

³³ Submission from Portugal.

³⁴ See also Committee on the Elimination of Discrimination against Women, general recommendations No. 19 (1992) on violence against women and No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19.

safeguards for persons with disabilities from ill-treatment (arts. 16 and 17). The United Nations Principles for Older Persons state that older persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse (principle 17).

22. Human Rights Council treaty bodies have also adopted general comments relevant to the specific situation of older persons. The Committee on the Elimination of Discrimination against Women addresses the issue of violence against and abuse of older women in its general recommendation No. 27 (2010). In its general recommendation No. 35 (2017), the Committee also addresses gender-based violence against women of all ages. Although it does not include a specific paragraph on older women in that general recommendation, the Committee does make reference to general recommendation No. 27 (2010) and highlights that age can be a factor that may influence the nature and extent of the violence that women face (para. 12). Furthermore, it discusses in detail States parties' obligations in relation to violence perpetrated by non-State actors.³⁵ Indeed, the obligation to respect, protect and fulfil and the duty to protect include that States must protect older persons from violence perpetuated by State and non-State actors. However, it is important to note that there are no specific provisions addressing violence, abuse and neglect of older persons and the unique risks faced by older persons in vulnerable situations in the current human rights framework.³⁶

23. At the regional level, the Inter-American Convention on Protecting the Human Rights of Older Persons calls for comprehensive measures to prevent discrimination and promote well-being, including the right to safety and a life free from violence of any kind (art. 9). An intersectional approach to protecting older persons from violence is taken in the Convention, and situations of multiple discrimination are identified therein.³⁷

24. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa recognizes older persons' right to freedom from violence, abuse and neglect (arts. 8 and 9).

25. The European human rights law framework does not have a specific treaty solely dedicated to the protection of older persons, including their right to be free from violence, abuse and neglect. The Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) implicitly guarantees the right to life and freedom from torture, and the right to respect for private and family life of older persons (arts. 2, 3 and 8). The scope of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence extends to older women, even though they are not explicitly mentioned.

26. Regional bodies such as the Council of Europe have recommended to their member States that they improve the prevention of abuse and protect older persons who are at risk of abuse and violence.³⁸

27. At the policy level, the Madrid International Plan of Action on Ageing, 2002, remains the main overarching international policy addressing the protection of older persons. Although not a legally binding document, it covers the elimination of all forms of violence and is based on human rights. In his latest report on the review and appraisal of the Plan, the Secretary-General noted that abuse of older persons was an issue that affected all regions, and that they had adopted different approaches in response. He also highlighted that there were large variations between and within regions in the extent to which Member States had been able to make progress in combating elder abuse. Governments have introduced laws and policies, but those responses have been neither systemic nor transformative against a

³⁵ See also the working paper prepared by OHCHR containing an update to the 2012 analytical outcome study on the normative standards in international human rights law in relation to older persons, para. 124. Available at <https://social.un.org/ageing-working-group/documents/eleveth/OHCHR%20HROP%20working%20paper%2022%20Mar%202021.pdf>.

³⁶ Ibid., paras. 121 and 123. See also submissions from the International Longevity Centre Canada and the Bundesarbeitsgemeinschaft der Senioren-Organisationen (BAGSO).

³⁷ See also Inter-American Commission on Human Rights, *Human Rights of the Elderly and National Protection Systems in the Americas* (2022), paras. 377–379.

³⁸ Submission from AGE Platform Europe.

backdrop of persisting significant challenges in implementation and the provision of adequate resources.³⁹

28. To fast-track the global protection of older persons, the United Nations Decade of Healthy Ageing (2021–2030) was launched as a unique opportunity to address abuse of older persons in a sustained and coordinated way through global collaboration. WHO recognizes abuse of older persons as an important issue that cuts across the four focus areas of combating ageism, age-friendly environments, integrated care and long-term care. The Decade is a well-acknowledged policy framework, as part of which guidance is provided to States on how to develop policies to combat all forms of violence against older persons. However, it remains unclear how its impacts will be monitored. The Decade also supports the implementation of the Madrid Plan of Action, as well as the 2030 Agenda for Sustainable Development. The Sustainable Development Goals include two targets on the elimination or significant reduction of violence (targets 5.2 and 16.1), which include older persons even though they are not explicitly mentioned.

E. Data

29. As identified previously, data on experiences of violence against and abuse and neglect of older persons are largely non-existent. Demographic and health surveys and surveys on violence often exclude older persons, in particular women aged 50 or above and men aged 55–60 and or above. Compounded by inadequate indicators for detecting the lived realities of thousands of older persons, abuse in older age remains invisible.⁴⁰

30. In addition to a general lack of data disaggregated by age on the subject of violence,⁴¹ there is a scarcity of data that take into account additional intersectional factors. For instance, gender-disaggregated data on the prevalence of abuse of older persons are generally scarce.⁴² Data are also scarce on sexual abuse and rape⁴³ and financial abuse of older persons.⁴⁴ Furthermore, the nature, scale and extent of abuse of older men are difficult to identify, as older men are often excluded from studies on domestic abuse.⁴⁵

31. Several factors make it difficult to estimate prevalence and compare study results, including the multiplicity of definitions and typologies of “older persons” and “abuse”, the lack of consensus on the frequency required for an action to be considered as maltreatment, the variations in the periods studied (e.g. the past year, the past five years, since the age of 65), or the exclusion criteria applied (e.g. certain places such as residences and territories or vulnerable populations such as people with cognitive decline). The exclusion of certain groups of older persons or certain environments is particularly problematic, as it leads to the systematic underestimation of the prevalence of the issue. The tendency to take a dichotomous approach (whether or not there is abuse) also limits the depth of the data collected. It has been suggested that adding severity indices would provide a better reflection of the situation.⁴⁶ Furthermore, older persons often refrain from reporting violence for reasons such as shame and fear of being ridiculed. In some cases, abusive relationships are not recognized as such due to ageism.⁴⁷

³⁹ E/CN.5/2023/6 and E/CN.5/2023/6/Corr.1, para. 55.

⁴⁰ A/HRC/45/14, paras. 60 and 61; and submissions from AGE Platform Europe, the Caxton Legal Centre and the Violence and Society Centre of the University of London.

⁴¹ Submission from Portugal.

⁴² A/76/157, paras. 50 and 51.

⁴³ See <https://www.ohchr.org/en/statements-and-speeches/2019/06/world-elder-abuse-awareness-day-15-june-2019>; and submission from BAGSO.

⁴⁴ See <https://www.ohchr.org/en/press-releases/2018/06/world-elder-abuse-awareness-day-15-june-2018>.

⁴⁵ Submission from Hourglass.

⁴⁶ Submission from M. Beaulieu.

⁴⁷ Submissions from Portugal, Heléna Herklots and the International Longevity Centre Canada; and Older People’s Commissioner for Wales, *Improving Support and Services for Older Men Experiencing Domestic Abuse* (2022), p. 28.

32. Owing to these challenges, it is assumed that the actual numbers of older persons who are victims of abuse or violence are significantly higher than the existing data show and that, due to the ageing of the world population, the number of victims will grow rapidly in the future if no measures are taken to effectively address the problem.⁴⁸

33. Deaths of older persons are not always routinely investigated or subject to post-mortem examination, which makes it difficult to establish the precise numbers of fatalities from abuse. The victim–perpetrator relationship is also generally excluded from data collection, rendering invisible information that is key to better addressing these issues.⁴⁹

IV. Manifestations of abuse

34. Abuse of older persons is recognized in many countries as a public health issue; it is a global human rights issue that requires States' urgent attention and action. Ageism, compounded by inequalities that are exacerbated in later life, makes it more likely that older persons will experience maltreatment and abuse that may lead to patterns of violence.

35. Abuse of older persons has not been studied to the same extent as violence against other groups, such as women and children. Much of what is known about abuse of older adults come from population-based surveys and special studies.⁵⁰ WHO estimates that almost 16 per cent of older persons have experienced violence, abuse or neglect.⁵¹ Some 11.6 per cent of older persons are victims of psychological abuse, 6.8 per cent of financial abuse, 4.2 per cent of neglect, 2.6 per cent of physical abuse and 0.9 per cent of sexual abuse.⁵² Stakeholders mentioned that older victims often face a combination and or multiple violent acts.⁵³ The Independent Expert considers that hate speech on the ground of age may constitute a growing form of abuse of older persons, in particular since the beginning of the COVID-19 pandemic.⁵⁴ The different forms of abuse are not mutually exclusive; rather, they relate to one another as they manifest in the lives of older persons.

A. Physical abuse

36. Physical abuse refers to violent acts such as hitting, shoving, the use of restraints (including chemical restraints) and confinement and intentionally causing physical pain and injury.⁵⁵ The immediate effects are bruises, broken bones and even death, but also emotional effects such as fear, grief and anger.⁵⁶ The Independent Expert was informed that, in some States, physical violence is the most common type of abuse of older persons and that the prevalence of it increases with age.⁵⁷

37. During the COVID-19 pandemic, there was a significant increase in bodily injuries inflicted upon older persons compared with previous years.⁵⁸ Physical abuse may occur in all forms of living arrangements for older persons, in family, private, public and institutional

⁴⁸ See <https://www.who.int/news-room/fact-sheets/detail/abuse-of-older-people>.

⁴⁹ WHO, United Nations Office on Drugs and Crime (UNODC) and United Nations Development Programme (UNDP), *Global Status Report on Violence Prevention 2014* (Geneva, WHO, 2014), p. 13.

⁵⁰ Ibid.

⁵¹ See <https://www.who.int/news-room/fact-sheets/detail/abuse-of-older-people>.

⁵² WHO, *Global Report on Ageism*, p. 54.

⁵³ Submissions from Estonia and BAGSO.

⁵⁴ Submission from AGE Platform Europe; and working paper prepared by OHCHR containing an update to the 2012 analytical outcome study on the normative standards in international human rights law in relation to older persons, para. 9.

⁵⁵ See <https://www.helpage.org/silo/files/elder-abuse-what-is-it.pdf>.

⁵⁶ WHO Regional Office for Europe, *European Report on Preventing Elder Maltreatment* (Copenhagen, 2011), p. 25.

⁵⁷ Submission from Estonia.

⁵⁸ Submission from the national human rights institution of Brazil; and see <https://unsdg.un.org/sites/default/files/2020-05/Policy-Brief-The-Impact-of-COVID-19-on-Older-Persons.pdf>.

settings. The risk of being a victim of physical violence seems to be highest in institutional settings;⁵⁹ the lack of human resources and ageist institutional practices may also lead to the deployment of physical and chemical restraints, increasing both physical and emotional despair.⁶⁰ Older persons with dementia are often treated with sedative and antipsychotic drugs as chemical restraints, which is a violation in itself if the purpose is to overcome a shortage of staff and medication is used without any medical reason.⁶¹

38. Many older women have faced domestic violence throughout their lives at the hands of their partners, ex-partners or family members.⁶² Generally, power and control dynamics in long-lasting intimate partner violence are exacerbated with age and new age-related inequalities and care-related dependencies might arise.⁶³ For instance, older women are less likely to separate from violent partners and to press charges than younger women due to fear that the social consequences of a separation are harder to overcome in older age.⁶⁴ Domestic violence against older women can take different forms, including sexual violence, which often continues to be largely ignored.⁶⁵ In recent years, the rate of homicides of older women and forms of harmful practices have been high in several countries.⁶⁶

39. In some societies, older women, in particular those who are single or widowed, might be subject to abandonment, property-grabbing, sexual violence, forced marriage or accusations of witchcraft.⁶⁷ These acts of violence may be embedded in customs and traditions.⁶⁸ Witchcraft accusations are often used to provide an explanation for misfortune, attributing why something happened to a person, rather than how, with the most vulnerable and marginalized individuals in society frequently being accused owing to their perceived defencelessness or burden on society during difficult times.⁶⁹ Limited understanding of illnesses such as HIV and dementia can lead to accusations of bewitchment within families, in particular targeting widows, who may be denied their inheritance rights, often fuelled by personal jealousy or land disputes and the involvement of traditional healers pointing to vulnerable older women as the culprits.⁷⁰

B. Psychological and emotional abuse

40. Psychological and emotional abuse is the most prevalent form of abuse of older persons⁷¹ and can be experienced equally by older men and older women.⁷² Psychological and emotional abuse encompasses actions such as intimidation, humiliation, routine blaming, verbal abuse and insults, as well as isolating older individuals from their friends or activities, which diminishes their sense of identity, dignity and self-worth. Emotional abuse might be triggered when relatives or carers do not know how to deal with older persons with dementia. The Independent Expert was informed that many older persons in all parts of the world are at a high risk of experiencing rejection and negative treatment during social activities,

⁵⁹ A/76/157, para. 55.

⁶⁰ Yongjie Yon and others, “The prevalence of elder abuse in institutional settings: a systematic review and meta-analysis”, *European Journal of Public Health*, vol. 29, No. 1 (February 2019); and submissions from Keyword, Pritchard-Jones, Flynn and Griffiths, and Sage Advocacy.

⁶¹ A/HRC/44/48, para. 48.

⁶² Submission from Argentina.

⁶³ A/76/157, para. 52.

⁶⁴ Submission from BAGSO.

⁶⁵ See <https://www.ohchr.org/en/press-releases/2022/06/un-experts-urge-states-address-violence-abuse-and-neglect-older-women>.

⁶⁶ Submissions from Argentina, the Femicide Observation Center Germany and Hannah Bows.

⁶⁷ See A/70/185.

⁶⁸ A/HRC/23/49/Add.2, paras. 31–40 and 64–66; A/HRC/17/26/Add.3, para. 64; A/HRC/17/26/Add.4; and A/HRC/11/6.

⁶⁹ HelpAge International, “Using the law to tackle accusations of witchcraft: HelpAge International’s position” (London, 2011), p. 5.

⁷⁰ HelpAge International, “Violence against older women: tackling witchcraft accusations in Tanzania” (2011), p. 1.

⁷¹ Submissions from the national human rights commissions of Ireland and Mexico and the Castan Centre for Human Rights Law. See also A/HRC/42/43/Add.1, para. 31.

⁷² Submission from Malta.

including insults and mockery, as well as negative attitudes about them being a burden to the family or society, which diminishes their self-worth and increases health problems. These findings highlight the pervasive nature of emotional abuse towards older individuals, which has detrimental effects on their well-being and social interactions.

41. The removal of decision-making powers can also constitute emotional abuse if it reduces a person's sense of self-worth. This can be the case if family members sign forms for residential care without the older person's consent or coerce them into signing property sale documents, or if third parties impose restrictions on the length, time and locations of visits by other persons.⁷³ Many older transgender persons in long-term care facilities experience maltreatment such as denial of care, psychological abuse, being "outed" without their consent and being prevented from dressing according to their gender identity, which leads them to avoid such services.⁷⁴

C. Sexual abuse

42. Sexual abuse of older persons can manifest itself in sexual harassment, sexual behaviour or acts performed without consent, forcing an older person to watch sexual acts or to undress. For years, research has failed to recognize older persons, in particular older women, as victims of such violence. Abusers might be intimate partners, caregivers or even strangers.⁷⁵

43. Sexual violence against older persons is more prevalent among persons living in institutional settings.⁷⁶ The rate of female victims experiencing sexual violence is higher than that of male victims, older women comprising the majority of residents in institutions.⁷⁷ Resident-to-resident cases of sexual abuse in nursing home settings have also been reported.⁷⁸

44. Sexual violence in old age remains the least reported and documented form of abuse of older persons.⁷⁹ The lack of disaggregated data impedes a comprehensive understanding of its magnitude.⁸⁰ The lack of data collection could be explained by negative stereotypes and societal attitudes that disregard the sexuality of older persons. These prevent older persons from reporting sexual assault, in particular within nursing homes. Mistaken compassion or shame on the part of other people further exacerbate the issue and lead to the loss of crucial evidence.⁸¹ Victims of sexual abuse who report it are often not believed by others, in particular when there are no visible physical signs of trauma.⁸² This might be exacerbated if the older person has cognitive or psychosocial disabilities, such as dementia.

45. Some studies have shown that older victims of sexual abuse experience negative physical and psychological consequences, such as physical injuries, sleep disturbance, depression and anxiety. Longitudinal studies on the impact and coping strategies remain non-existent.⁸³

⁷³ Submission from Sage Advocacy.

⁷⁴ A/74/181, para. 47; and Keck School of Medicine of the University of Southern California and others, "Research brief: mistreatment of lesbian, gay, bisexual, and transgender elders" (United States of America, National Center on Elder Abuse, 2021), p. 3.

⁷⁵ See https://www.un.org/development/desa/ageing/wp-content/uploads/sites/24/2021/02/Ruthy-Lowenstein_paper.pdf.

⁷⁶ Ibid.

⁷⁷ A/76/157, para. 55.

⁷⁸ Submission from Sage Advocacy.

⁷⁹ Ibid.

⁸⁰ A/76/157, para. 51.

⁸¹ See <https://www.ohchr.org/en/statements-and-speeches/2019/06/world-elder-abuse-awareness-day-15-june-2019>; and Ruthy Lowenstein Lazar, "Me too? The invisible older victims of sexual violence", *Michigan Journal of Gender & Law*, vol. 26, No. 2 (2020), pp. 269 and 270.

⁸² Submission from Albania.

⁸³ Hannah Bows, "Sexual violence against older people: a review of the empirical literature", *Trauma, Violence & Abuse*, vol. 19, No. 5 (2018).

D. Financial and material abuse

46. Financial abuse involves the unauthorized and illegal use of someone else's funds, assets or property. It is one of the most prevalent forms of abuse of older persons. It manifests itself in diverse ways, such as theft, scams, forgery, property misuse, abuse of power of attorney and denial of access to funds.⁸⁴ Older individuals, including those with dementia, might be forced by their family members to transfer their property before being institutionalized against their will. In some societies, financial abuse revolves around allegations of witchcraft and the confiscation of property, eviction and the denial of widows' right to inheritance.⁸⁵ The misuse of old-age grants, allowances or pensions might also amount to financial abuse.⁸⁶ The use of new technologies such as online banking and mobile wallets could make older persons more vulnerable to abuse. During the COVID-19 pandemic, perpetrators of financial exploitation used online methods to contact older users and reports of online fraud exceeded reports of phone fraud. Financial abuse may have devastating effects on older persons, who might not be able to recover their loss, leading to social isolation and economic insecurity.⁸⁷ In the United States of America, for example, it may represent an annual loss of close to \$36.5 billion.⁸⁸

47. While financial abuse is rampant, it remains largely invisible due to underreporting.⁸⁹ Underreporting may be due to shame and embarrassment from victims or their inability to report because of cognitive or other impairments.⁹⁰ Risk factors for victimization include social isolation, cognitive impairment, dependence on the perpetrator, financial dependency, specific living arrangements, poverty, widowhood, lack of support networks, ageism, discriminatory inheritance systems and weak law enforcement.⁹¹

E. Neglect

48. Neglect may be defined as a failure to meet the needs of an older person.⁹² Owing to its nature and the difficulty of collecting evidence, it is less reported and therefore prosecuted less often. It might be manifested as intentional or unintentional denial of food, water, shelter, clothing or assistance with daily living tasks and care support. Neglect can be defined as the lack of capacity or willingness of the social environment, composed of formal and informal carers, family, friends and neighbours, to provide older persons with the assistance, attention and material goods necessary to live a life of dignity.⁹³

49. Several factors may lead to neglect, including inexperience or unwillingness to provide care, relationship conflict, hostile or aggressive behaviour, multi-caring responsibilities (e.g. young children) and the high levels of stress experienced by caregivers.⁹⁴ Rural-to-urban migration of relatives and the erosion of the family structure might also contribute to neglect of older persons.⁹⁵

⁸⁴ Yon Yongjie and others, "Elder abuse prevalence in community settings: a systematic review and meta-analysis", *The Lancet Global Health*, vol. 5, No. 2 (February 2017), p. e147.

⁸⁵ See <https://social.desa.un.org/sdn/understand-and-end-financial-abuse-of-older-people>.

⁸⁶ A/HRC/36/48/Add.2, para. 34; A/HRC/54/26/Add.1, para. 31; and A/HRC/54/26/Add.2, para. 37.

⁸⁷ Tianyi Zhang and others, "Elder financial exploitation in the digital age", *Journal of the American Academy of Psychiatry and the Law*, vol. 51, No. 2 (June 2023), p. 2.

⁸⁸ See <https://www.ncoa.org/article/get-the-facts-on-elder-abuse>.

⁸⁹ See <https://www.un.org/sw/desa/financial-abuse-elderly-%E2%80%98rampant-invisible%E2%80%99-says-un-expert>.

⁹⁰ See https://www.un.org/development/desa/ageing/wp-content/uploads/sites/24/2017/05/WEAAD2017_MissionStatement_Final.pdf.

⁹¹ See <https://social.desa.un.org/sdn/understand-and-end-financial-abuse-of-older-people>; and submission from the International Psychogeriatric Association and the World Psychiatric Association.

⁹² Submission from the International Network for the Prevention of Elder Abuse.

⁹³ Submissions from AGE Platform Europe and the International Network for the Prevention of Elder Abuse.

⁹⁴ Robert Kohn and Wendy Verhoek-Oftedahl, "Caregiving and elder abuse", *Medicine & Health Rhode Island*, vol. 94, No. 2 (February 2011).

⁹⁵ Submission from Albania.

50. Neglect may result in malnutrition, hygiene-related health issues and, in some cases, death, in particular when older persons are not provided with vital medication.⁹⁶ Older persons might be subject to neglect in all forms of care settings, including at home and in institutional settings. During the COVID-19 pandemic, cases of neglect were higher than in pre-pandemic periods, as a result of social-distancing measures and movement restrictions, leading to more social isolation and loneliness among older persons than other age groups.⁹⁷ Following the onset of the COVID-19 pandemic, neglect of older persons in institutions and care facilities resulted in many deaths, triggering international outcries.⁹⁸

51. Self-neglect may also occur when older persons are not able to meet their own basic needs, due to insufficient support and care services in their community.⁹⁹

F. Hate speech against older persons

52. Hate speech against older persons, rooted in ageism, occurs when older individuals face discrimination. Derogatory and offensive language, used online or offline, negatively affects their physical and mental health, perpetuates negative stereotypes and even leads to violence, abuse and neglect.¹⁰⁰ Public ageism against older persons erupted during the COVID-19 pandemic in response to restrictive measures and their socioeconomic impacts.¹⁰¹ Cruel and dehumanizing language and rhetoric were prevalent in the media, online and in political discourse. This was also seen as a rise in hate speech and hate crimes against older persons.¹⁰² The “boomer remover” hashtag was used in posts and media articles calling for older persons to sacrifice themselves to save the economy or to safeguard younger generations by exposing themselves to the virus, in a clear reflection of bias against older persons.¹⁰³

G. Specific contexts

53. Older persons are disproportionately affected by armed conflict as they are usually the last to flee and are more likely to stay in the conflict zones. They often become victims of various forms of violence such as extrajudicial killings, beatings, arbitrary arrests, psychological injuries, trauma, looting and destruction of private property. Older women are more exposed to sexual harassment and abuse. During displacement they face numerous challenges such as a lack of shelters, health-care centres and humanitarian assistance that address the special needs of older persons. In several cases, older persons are considered a burden and are abandoned by their relatives.¹⁰⁴ This increases the likelihood of these persons suffering violence and maltreatment.¹⁰⁵

54. Natural disasters can expose older persons to severe protection issues, including in terms of security, as well as disrupted support. As older persons are often excluded from

⁹⁶ See <https://elderabuse.org/elder-neglect/>.

⁹⁷ Raudah Mohd Yunus, Nik Nairan Abdullah, and Muhammad Abbas M. Firdaus, “Elder abuse and neglect in the midst of COVID-19”, *Journal of Global Health*, vol. 11 (2021).

⁹⁸ [A/75/205](#), para. 51. See also <https://unsdg.un.org/sites/default/files/2020-05/Policy-Brief-The-Impact-of-COVID-19-on-Older-Persons.pdf>; and <https://social.desa.un.org/issues/ageing/news/unacceptable-un-expert-urges-better-protection-of-older-persons-facing-the>.

⁹⁹ Submission from Albania.

¹⁰⁰ [A/76/156](#), para. 36.

¹⁰¹ Bronwen Lichtenstein, “From ‘coffin dodger’ to ‘boomer remover’: Outbreaks of ageism in three countries with divergent approaches to coronavirus control”, *The Journals of Gerontology: Series B*, vol. 76, No. 4 (April 2021).

¹⁰² Submission from AGE Platform Europe.

¹⁰³ [A/76/156](#), para. 36.

¹⁰⁴ Submission from the national human rights institution of Ethiopia; OHCHR, “Briefing paper: the human rights situation of older persons in Ukraine in the context of the armed attack by the Russian Federation” (May 2023); and *Neglect, Abuse and Violence against Older Women* (United Nations publication, 2013).

¹⁰⁵ Submission from Peru.

humanitarian assistance and response,¹⁰⁶ they might be more likely to be subject to violence, abuse and neglect during and after natural disasters. Indeed, discrimination and social stigmatization increase the risk of gender-based violence during disasters and can limit access to essential goods and services, including food, water and sanitation, housing, medical supplies and health care. Displaced older persons, in particular those with mental health conditions, face a higher risk of experiencing abuse.¹⁰⁷

55. Older persons deprived of their liberty may also face a heightened risk of abuse and violence, including in the criminal justice system or in immigration-related settings. Excessive sentences, overcrowded prisons, a lack of adequate training for staff on the needs of older persons, insufficient and inadequate food, medical care and assistance and a lack of access to essential services upon release are some of the factors that can lead to abuse and maltreatment.¹⁰⁸

V. Addressing violence against and abuse and neglect of older persons

56. On the basis of the lessons learned from the strategies on domestic and intimate partner violence, prevention remains the most cost-effective and long-term way of stopping abuse of older persons.¹⁰⁹ Violence prevention should be approached from a lifespan perspective.

57. Actions to prevent and protect against abuse of older persons can be classified as follows: (a) legislative and policy interventions; (b) prevention programmes, including targeted educational programmes for all relevant stakeholders; (c) provision of age-appropriate community services; and (d) law enforcement response and access to justice.

A. Prevention and protection against abuse

1. National legislation

58. Comprehensive legislation is fundamental to effectively address the scourge of abuse of older persons. Such legislation is critical to establish norms of acceptable and unacceptable behaviours against older persons, as well as to provide survivors with legal protection, to coordinate the response of all relevant actors and to provide sanctions against perpetrators of such forms of abuse. It is also a key component of any violence prevention policy or plan.¹¹⁰

59. Stand-alone provisions on abuse of older persons in constitutional law ensure the strongest legal means.¹¹¹ While only a handful of countries have explicitly codified freedom from violence and abuse in older age, the constitutions of 186 countries provide for protection from violence; that also applies to older persons.¹¹²

60. Violence, abuse and neglect experienced by older persons have been given limited attention in national legislation compared with violence against children and women. In 2014, 59 per cent of 133 reporting countries had specific laws addressing abuse of older persons¹¹³ and 40 per cent had laws against abuse of older persons in institutions.¹¹⁴

¹⁰⁶ E/CN.5/2023/6 and E/CN.5/2023/6/Corr.1, paras. 27–30.

¹⁰⁷ A/78/226, paras. 23, 29 and 59.

¹⁰⁸ A/HRC/51/27, paras. 41–47.

¹⁰⁹ See <https://www.unwomen.org/en/what-we-do/ending-violence-against-women>.

¹¹⁰ WHO, UNODC and UNDP, *Global Status Report on Violence Prevention 2014*, p. 38.

¹¹¹ Submissions from the national human rights institutions of Bolivia (Plurinational State of) and Kenya.

¹¹² See <https://constitutions.unwomen.org/en/dashboard> (accessed 2 August 2023).

¹¹³ WHO, UNODC and UNDP, *Global Status Report on Violence Prevention 2014*, p. 39. For examples, see A/HRC/45/14/Add.1, para. 28; and submission from the International Psychogeriatric Association and the World Psychiatric Association.

¹¹⁴ WHO, UNODC and UNDP, *Global Status Report on Violence Prevention 2014*, p. 39; and submissions from Albania, Armenia, Australia and El Salvador.

61. Several States have enacted specific laws on the rights of older persons, including components to tackle abuse.¹¹⁵ While some of these laws contain clear criminal implications for perpetrators of abuse,¹¹⁶ some of them fail to provide for effective prosecution and punishment measures, reinforcing impunity over these crimes.¹¹⁷

62. Comprehensive national legislation on violence and crime is widely enacted and enforced, de facto protecting people in later life. Indeed, in 2014, 80 per cent of countries had laws on violence, although only 57 per cent countries reported that the laws were fully enforced.¹¹⁸ However, old age is often not explicitly mentioned, hindering the protection regime of older persons.¹¹⁹ In addition, while some States may have anti-discrimination legislation, they often overlook the specific inclusion of measures to tackle intersectional discrimination based on old age.¹²⁰ At least 155 countries have laws on domestic violence.¹²¹ Those laws often lack the recognition of old age as a root cause of violence, despite their obligations under international human rights law.¹²²

63. Some States have introduced legal clauses into their criminal laws¹²³ or domestic violence legislation that references age or older family members as victims of abuse.¹²⁴ However, research shows that older women are often excluded from legislation on domestic violence.¹²⁵ New approaches include making reference to age in provisions on hate crime.¹²⁶

64. While several countries prohibit abuse of older persons and criminalize such acts of violence to some extent, the enforcement rate of such laws remains quite low (30 per cent in 2014).¹²⁷

2. National plan of action

65. Another preventive measure against abuse of older persons is the adoption and implementation of national action plans. Such plans, often informed by data, allow States to reflect on the root causes of abuse and how it affects their older population. They often include and define objectives, priorities, assigned responsibilities, a timetable and evaluation mechanism, and adequate financial resources for implementation.¹²⁸ Adopting national plans or policies also shows a commitment by States to prioritizing the fight against abuse of older persons.

66. About 41 per cent of countries surveyed in 2014 reported having policies addressing abuse of older persons.¹²⁹ Some countries have also adopted or are in the process of developing national action plans or policies, mainly focusing on care institutions and institutional settings.¹³⁰ In some countries, strategies on the prevention of specific types of

¹¹⁵ Dominican Republic, Law No. 352-98 on Protection of the Ageing Person; [A/HRC/45/14/Add.1](#), para. 28; [A/HRC/54/26/Add.3](#), para. 30; and submissions from Bolivia (Plurinational State of) and Brazil.

¹¹⁶ Submission from the Plurinational State of Bolivia.

¹¹⁷ [A/HRC/54/26/Add.3](#), para. 11.

¹¹⁸ WHO, UNODC and UNDP, *Global Status Report on Violence Prevention 2014*, p. ix.

¹¹⁹ Submissions from Albania, Estonia, Ireland, Lebanon, Luxembourg, Saudi Arabia, Seychelles and Slovenia.

¹²⁰ Submissions from the national human rights institutions of Brazil, Ethiopia and Mexico, and Wenck K. Malmedal.

¹²¹ According to World Bank data, 85 per cent of countries have such legislation (World Bank Group, *Women, Business and the Law 2023* (Washington, D.C., 2023), p. 29).

¹²² Committee on the Elimination of Discrimination against Women, general recommendation No. 27 (2010), para. 37.

¹²³ Submissions from Bolivia (Plurinational State of), Colombia, Israel, Portugal, the Russian Federation and Türkiye.

¹²⁴ [A/HRC/39/50/Add.1](#), para. 32; and submissions from Albania, Chile, Colombia, Cyprus, Ireland, Poland and Tunisia.

¹²⁵ [A/HRC/45/14](#), para. 63.

¹²⁶ Submission from Hannah Bows.

¹²⁷ WHO, UNODC and UNDP, *Global Status Report on Violence Prevention 2014*, p. 39.

¹²⁸ *Ibid.*, p. 24.

¹²⁹ *Ibid.*; and submission from Australia.

¹³⁰ Submissions from Armenia, Australia and Luxembourg.

violence against older persons have been adopted, such as on witchcraft-related crimes.¹³¹ Abuse of older persons may also be addressed within broader national policies and strategies on ageing.¹³²

67. Furthermore, some countries have adopted strategies for the prevention of violence against women¹³³ or programmes on the prevention of family violence,¹³⁴ which implicitly include any acts of violence against older persons; however, older age and the lived realities of older persons are rarely explicitly considered in these policies.

68. Nevertheless, insufficient policy attention is dedicated to detecting and preventing abuse of older persons. Despite the adoption of plans of action, the lack of resources (financial, capacity and human) remains one of the main challenges for implementation, owing to a lack of recognition of abuse of older persons as a priority for States. Therefore, national plans may be partially or not implemented, leaving huge numbers of older persons vulnerable to abuse and discrimination.¹³⁵

3. Monitoring practices

69. In addition to ensuring quality of care, preventive and quality assurance mechanisms allow for the prevention of negative outcomes, such as abuse and discrimination, for patients in long-term care in institutions. Long-term care and health-related institutions are monitored in some countries to protect older persons against forms of deprivation of liberty that may result in neglect, ill-treatment and acts of violence.¹³⁶ As previously identified by the Independent Expert, independent monitoring of places of deprivation of liberty is recognized as one of the most effective prevention strategies, especially against abuse of older persons. An increasing number of States have established such mechanisms to undertake unannounced visits, investigate the living conditions of older persons and identify the risks to which they might be exposed.¹³⁷

4. Prevention programmes

70. Public information campaigns have been put in place as prevention measures against elder abuse. In 2011, the General Assembly recognized 15 June as the World Elder Abuse Awareness Day, to raise concerns about the abuse and suffering of older persons worldwide. On that day and on International Day of Older Persons (1 October), civil society, sometimes in partnership with States, carries out awareness-raising campaigns about forms of abuse and their consequences, including risk factors and ways to respond. Intergenerational programmes, triggering meaningful interaction between older adults and young people, may also help preventing abuse of older persons, by increasing the self-esteem and well-being of both groups.¹³⁸

71. One of the main reported strategies for preventing abuse of older persons is caregiver support programmes.¹³⁹ Such programmes are generally aimed at assisting overburdened and depressed caregivers who are providing long-term care and support to older persons in need, usually informally. Indeed, as the population is ageing fast, the supply of caregivers is not keeping pace with the increasing demand. It has been estimated that there is a deficit of 13.6 million formal long-term care workers.¹⁴⁰ Most caregivers, both paid and unpaid and in the

¹³¹ Submission from HelpAge, United Republic of Tanzania.

¹³² Submissions from Colombia, Lebanon, Malta, the Russian Federation and Seychelles and the national human rights institution of Brazil.

¹³³ Submission from Portugal.

¹³⁴ Submission from Saudi Arabia.

¹³⁵ Submission from the national human rights institution of Ethiopia. See also [A/HRC/54/26/Add.2](#), paras. 12 and 13.

¹³⁶ Submission from the Castan Centre for Human Rights Law.

¹³⁷ [A/HRC/51/27](#), paras. 77 and 78; and submission from the national human rights institution of Türkiye.

¹³⁸ See, for example, <https://www2.gov.bc.ca/gov/content/family-social-supports/seniors/health-safety/active-aging/intergenerational-connections>; and submission from Australia.

¹³⁹ WHO, UNODC and UNDP, *Global Status Report on Violence Prevention 2014*, p. 31.

¹⁴⁰ See <https://www.un.org/development/desa/dspd/2022/11/caregiving-ageing-world/>.

formal and informal sectors, are women and usually have to juggle multiple responsibilities, which heightens the risks of poor-quality care and of maltreatment and abuse in some cases. Caregivers often experience severe strain, which affects their physical and mental health.¹⁴¹ Capacity-building programmes and training may help both formal and informal caregivers to manage stress and to recognize and avoid abusive situations.¹⁴² Programmes to improve standards of care within residential care homes and reduce abuse of older persons have been reported in about 36 per cent of 133 countries.¹⁴³

72. Some financial service organizations and banks have provided training and capacity-building to their personnel on identifying signs of financial abuse and due diligence in such cases to protect older customers.¹⁴⁴ Indeed, financial institutions have human rights responsibilities if their services or actions may violate rights and freedoms.¹⁴⁵

5. Data collection

73. The lack of data on the prevalence of abuse of older persons generates considerable gaps in preventing human rights violations. Disaggregated data collection provides valuable and essential information about violence patterns, avenues for reporting abuse, existing support for survivors and access to remedy.¹⁴⁶ Such valuable information then feeds into prevention programmes and results in more efficient and effective responses to abuse of older persons. Enhancing the collection of disaggregated data on abuse of older persons should be a priority action for States to effectively prevent and respond to abuse of older persons.

74. Out of 133 countries surveyed in 2014, only 17 per cent gathered data on abuse of older persons.¹⁴⁷ In response to the Independent Expert's questionnaire, a handful of countries reported efforts to collect data on such abuse, such as through their national statistical institutions.¹⁴⁸

75. Data collection on abuse of older persons improves when all actors who are likely to identify or receive a request for assistance or a report of abuse are effectively trained to recognize signs and proof of maltreatment.¹⁴⁹

6. Availability of services for older survivors of abuse

76. Access to quality, multisectoral essential services is crucial for older persons' safety, protection and recovery. Out of 133 countries surveyed in 2014, only one third indicated that they had adult protective services available to assist older persons in need.¹⁵⁰ Globally, service providers are less focused on issues related to older persons in comparison with child protection services and medico-legal services for gender-based and sexual violence.¹⁵¹ While victims of abuse in later life may benefit from services already in place to respond to family violence and gender-based violence, these services might not be appropriate for their specific needs as older persons, especially for older women.¹⁵²

77. Older persons who decide to leave abusive situations may need economic assistance, in particular to find safe housing and to live independently. The availability of emergency

¹⁴¹ WHO, *Framework for Countries to Achieve an Integrated Continuum of Long-Term Care* (Geneva, 2021), p. 24. See also [A/HRC/54/26/Add.1](#), para. 36; and submission from Qatar.

¹⁴² Economic Commission for Europe, "Abuse of older persons", p. 1.

¹⁴³ WHO, UNODC and UNDP, *Global Status Report on Violence Prevention 2014*, p. 31.

¹⁴⁴ See, for example, https://www.afca.org.au/sites/default/files/2019-12/afca_approach_-_financial_elder_abuse.pdf; and <https://www.aba.com/advocacy/community-programs/consumer-resources/protect-your-money/elderly-financial-abuse>.

¹⁴⁵ See <https://www.ohchr.org/en/special-procedures/wg-business/financial-sector-and-human-rights>.

¹⁴⁶ [A/HRC/45/14](#), para. 63.

¹⁴⁷ WHO, UNODC and UNDP, *Global Status Report on Violence Prevention 2014*, p. 23.

¹⁴⁸ [A/HRC/54/26/Add.1](#), para. 21; and submissions from Australia, Bolivia (Plurinational State of), El Salvador, Estonia, Ireland, Lebanon, Malta, Mexico, Seychelles and Türkiye.

¹⁴⁹ Submission from M. Beaulieu.

¹⁵⁰ WHO, UNODC and UNDP, *Global Status Report on Violence Prevention 2014*, p. 41.

¹⁵¹ *Ibid.*

¹⁵² Lori E. Weeks and others, "Initiatives to support older women who experience intimate partner violence", *Violence Against Women*, vol. 27, Nos. 15–16 (December 2021).

shelters and short-term supportive accommodations for older survivors of domestic violence remains limited, despite increasing demand. Such settings may be designed in a way that accommodates better the needs of older women, including more private and physically accessible spaces or assistance with medication.

78. Studies also show promising results for older women victims of domestic violence in attending support groups to combat social isolation, improve general health and well-being and learn survival strategies.¹⁵³

79. National helplines have proved useful in providing counselling and connecting victims with relevant specialists. Several States have put in place dedicated hotlines to report abuse, including against older persons,¹⁵⁴ some with law enforcement emergency and rapid response.¹⁵⁵

80. Prevention actions against abuse of older persons might be fragmented as several actors, including from the health sector, the criminal justice system, social services and civil society, are usually involved in interventions.¹⁵⁶ Collaboration with national statistical agencies is essential in violence prevention. To facilitate better response and coordinated action from all relevant actors, training and capacity-building activities, in particular for police officers, prosecutors, lawyers, notaries, judges, psychosocial counsellors and members of the financial community, are key to preventing abuse of older persons.¹⁵⁷ Civil society, faith-based organizations and community leaders also play a key role in providing support services to older victims within communities.¹⁵⁸

B. Access to justice

81. Access to justice plays an important role in ending abuse of older persons. In the absence of a comprehensive legally binding instrument on the rights of older persons, the current international framework provides obligations for States to ensure equal access to justice for everyone.¹⁵⁹ Principle 12 of the United Nations Principles for Older Persons provides limited recognition of access to justice for older persons, within the context of care. At the regional level, legal instruments also guarantee the right to access justice for older persons who are survivors of abuse.¹⁶⁰

82. Older survivors often face barriers when seeking legal recourse, such as lack of accessibility, affordability and reasonable accommodation, delays in judicial processes, digitalization challenges, cultural norms, gender bias, discrimination and ageism.¹⁶¹

83. The COVID-19 pandemic exposed specific justice needs affecting older persons in particular. They have faced barriers in accessing justice as a result of quarantine, lockdowns and precarious living conditions.¹⁶² The challenges faced in seeking redress during the pandemic have hindered access to justice and effective remedies.¹⁶³

¹⁵³ Ibid.

¹⁵⁴ Submissions from Argentina, Australia, Chile, Estonia, Israel, Portugal, Qatar, Seychelles, Tunisia and Türkiye, and Wenck K. Malmedal.

¹⁵⁵ A/HRC/54/26/Add.1, para. 35.

¹⁵⁶ WHO, UNODC and UNDP, *Global Status Report on Violence Prevention 2014*, p. 26.

¹⁵⁷ Submissions from Australia and Peru, the Older People's Commissioner for Wales and the national human rights institutions of Argentina and Ethiopia.

¹⁵⁸ Submission from Ireland.

¹⁵⁹ Universal Declaration of Human Rights, art. 8; International Covenant on Civil and Political Rights, arts. 14, 16, 17 and 26; and Convention on the Rights of Persons with Disabilities, arts. 12 and 13.

¹⁶⁰ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, art. 4; Inter-American Convention on Protecting the Human Rights of Older Persons, art. 31; Charter of Fundamental Rights of the European Union, art. 47; and European Convention on Human Rights, arts. 6 and 13.

¹⁶¹ See <https://media.un.org/en/asset/k1w/k1wjcou8tn>.

¹⁶² A/75/205, paras. 67–72.

¹⁶³ See <https://www.ohchr.org/en/press-releases/2021/06/covid-19-violence-and-neglect-increases-older-persons-during-lockdown->

A. Recommendations to States

89. States should adopt a comprehensive international legally binding instrument on the human rights of older persons that would address the right to life free from violence, abuse and neglect in older age. The issues of ageism and age discrimination, which are at the roots of abuse of older persons, must also be addressed. An international, legally binding instrument would offer the best protection for the human rights of older persons. 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.

90. States should ratify and implement regional conventions and protocols that are focused on the protection of the human rights of older persons and include specific prohibitions of violence, abuse and neglect.

91. States should better implement the current human rights framework and take into account older persons in their full diversity in different situations, and include older persons in their monitoring and reporting procedures.

1. Law and policy frameworks

92. Laws and policies on violence, abuse and neglect must be consistent with human rights, including the principles of equality and non-discrimination, and take the particular needs of older persons as a non-homogenous group into account, in particular the intersectional and accumulating factors that lead to increased inequality and higher risks in older age.

93. States must develop national anti-discrimination laws on the basis of age that ensure that age discrimination receives the same standard of scrutiny as other forms of discrimination. These laws can only be effective if they contain a broad definition of discrimination that includes direct, indirect and structural discrimination, and denial of reasonable accommodation. Moreover, they should cover multiple, cumulative and intersectional discrimination based on age, gender, race, ethnicity, disability, migration or displacement status, Indigenous status, sexual orientation and gender identity, among others.

2. Ageism as a root cause

94. The Independent Expert would like to reaffirm the recommendations made in her report on ageism and age-discrimination,¹⁷¹ which remain timely and effective, in particular in terms of combating all forms of abuse of older persons.

3. Data

95. The Independent Expert would like to reaffirm the recommendations made by her predecessor on the current data gap on older persons, its causes and its impacts on their enjoyment of all human rights.¹⁷²

96. States must increase their efforts to collect disaggregated data on the prevalence of violence against and abuse and neglect of older persons. Data-collection methodologies and protocols should integrate the diversity of older persons in promoting the generation and disaggregation of available data by five-year age groups.

97. States must increase their efforts to collect disaggregated data, which are essential to provide a comprehensive understanding and clear assessment of the extent of violence against older persons in society. Such data would help States to estimate needs and costs in terms of services for victims and contribute to enhancing sector responses to violence and gaps therein. Furthermore, such data would quantify the need

¹⁷¹ A/HRC/48/53.

¹⁷² A/HRC/45/14.

for capacity-building and training of service providers and assist in programme evaluations while informing new and improved legal and policy measures.

98. The inclusion of indicators on old age in data collection on gender-based violence is needed to highlight the situations of older women in different settings, inform policies and design adapted preventive interventions.

4. Manifestation of abuse of older persons

99. States should address all different forms of violence and discuss them openly to overcome stigma and taboo. Additional risk factors based on multiple and intersectional forms of discrimination, as well as structural and societal factors, should be considered. Older victims of abuse often face combined forms of verbal, psychological, emotional, financial and physical violence, which are complex to detect and address.

100. States must recognize that these forms of violence may occur intentionally and unintentionally and that older persons must be protected from abusive actions by State and non-State actors. All forms of violence against and abuse and neglect of older persons can take place in public and private settings.

101. States should consider recognizing derogatory and dehumanizing comments fuelling hate crimes against older persons as hate speech. They should work closely with technology companies, social media platforms and media outlets to ensure a serious commitment to combating online and offline ageism in society.

5. Prevention and protection

102. States should consider violence-prevention strategies with a life course approach as the most cost-effective and sustainable way to stop violence in society.

103. States should adopt comprehensive legislation or revise their existing legislation to ensure that they effectively address all forms of abuse of older persons (physical, psychological, emotional, financial and sexual, as well as neglect), recognizing multiple and intersectional factors and additional structural factors. Furthermore, effective mechanisms should be created to fully implement and monitor these laws.

104. States should adopt and implement national policies and action plans on abuse in later life. Such plans or policies must be informed by disaggregated data to tackle the root causes of violence against older persons.

105. Monitoring procedures should be put in place in institutions, to prevent and protect older persons from abuse and neglect.

106. Capacity-building, support, information campaigns and awareness-raising of professionals working with older persons, in particular caregivers, health-care personnel and social workers, should be designed and implemented to effectively prevent abuse of older persons. Furthermore, training and capacity-building of bankers or other financial service organizations are key in preventing and protecting older costumers from financial abuse while ensuring their autonomy.

107. States should decide to have a common response for older victims and develop a high-quality multisectoral response for older persons who are seeking support to leave violent situations. These services should include the provision of safe shelters, accessible information, economic support to live independently and support in decision-making and legal assistance.

6. Access to justice

108. States must ensure that older survivors of abuse have equal access to justice to fully enjoy their rights. Older survivors of violence may face barriers such as lack of accessibility, affordability and reasonable accommodation; language and digitalization may be additional barriers. Ageism and gender-based and intersectional discrimination might hinder them further. States must ensure access to justice and support, if needed, for older persons with psychosocial disabilities, including dementia.

109. States should develop training for justice and law enforcement actors for a more inclusive and age-sensitive system that must include remedies and reparations for survivors of violence in older age.

B. Other recommendations

110. United Nations entities should include older age as a cross-cutting issue in their field of work regarding different forms of violence, including indicators and data collection, prevention measures, victim support and access to justice. Older persons must be included as a focus group in workplans to tackle violence that lead into reporting and recommendations.

111. Academics should design participatory research to understand why violence against older persons in their full diversity is underreported and understudied and what strategies could be implemented to eliminate those barriers.

112. Non-governmental organizations working in the field of violence should implement a full life course approach in their work.

113. Independent monitoring bodies such as national preventive mechanisms should be created to monitor and report on places, including institutional settings, where older persons are more likely to suffer from abuse.
