



Permanent Mission of the
Argentine Republic
United Nations

Ministry of Foreign Affairs and Worship



UEA University of
East Anglia



Chaire de recherche sur la maltraitance
envers les personnes âgées
Research Chair on Mistreatment of Older Adults



OEWGA 7th Session Side Event: Light Lunch Provided for Attendees

Protecting The Rights of Older Persons to Live Free of Violence, Abuse and Neglect: The importance of Universal Social Policies

Thursday, December 15
1:15 -2:30 pm Conference Room 12
UN Headquarters Conference Room Building

Co-Sponsors: The Permanent Mission of the Argentine Republic, United Nations, NY, International Network for the Prevention of Elder Abuse, (INPEA), International Longevity Centre, (Global Alliance, University of Sherbrooke, Ca., University of East Anglia, UK Care Rights, Korea

Panelists: Representative Permanent Mission of Argentine Republic, (tbd)
Professor Marie Beaulieu, Ph.D., Research Chair on Mistreatment of Older Adults, University of Sherbrooke, Quebec, Ca., INPEA N. Am Representative
Bridget Penhale, Reader in Mental Health, School of Health Sciences, UEA, Norwich, UK., INPEA
Professor Robert Brent, PhD., Fordham School of Economics, Fordham University, NY, INPEA
Co-Chairs: Lia S Daichman, MD, International Longevity Centre, Ar., & Susan Somers, INPEA

1. The objective of the side event

This session aims to create a dialogue around the importance of an international instrument to promote universal social policies and regulations to prevent or counter abuse and neglect of older women and men.

2. Inadequacies of law, policies, budget allocation and response to elder abuse

The MIPAA (2002) stated the importance of Government involvement (110 c) in actions to counter neglect, abuse and violence via policies, services, and regulations. While certain countries have adopted specific policies to counter elder abuse and neglect, others have included such actions in general policies addressing the quality of care and services in certain settings such as long term care institutions, civil rights, housing, and so forth. Those policies and their attached regulations are the foundation to direct services and actions. However there are questions concerning levels of knowledge and understanding about these policies and the extent to which elder abuse and neglect may be covered within them.

3. Why the response is so inadequate

Because of a lack of attention to older people needs in most societies, and a lack of recognition of their rights, the development of responses and policies to address perceived problems appears to be reactive rather than proactive. Since these approaches are reactive, this then means that actions are taken speedily and fail to fully consider the problems including all their structural components. Furthermore, the rapid nature of this type of development results in a lack of robust mechanisms for follow-up.

Although a series of mechanisms to prevent violence and neglect, or to react when abuse or neglect has been committed, are in place in developed countries, generally there is a gap in follow-up concerning the ways these mechanisms are implemented. This makes it almost impossible to have a clear understanding of the extent of the problem as well as the extent and quality of adjustment(s) made once abuse or neglect has been identified. The situation concerning less developed countries may be more concerning as there are fewer specific laws, policies, and interventions in relation to elder abuse and financial resources are generally lacking.

Questions for the speakers to address:

- What are the gaps?
- Why are reports on older persons rarely included?
- Which countries have adopted policies and regulations that address elder abuse and neglect?
- What is their content? Are they rights-based?
- Who are protected by those policies (i.e. all older adults, or certain subgroups seen as more vulnerable?)
- How are such policies implemented?
- Who is accountable and responsible for their follow-ups?
- What changes to practice are made based on those follow-ups?
- What quality of information can we gather from those follow-ups?
- And, above all, what are the impacts on the daily life of older women and men who are neglected, abused or experiencing violence or threats of violence?
- Suggestions for adopting and implementing effective social policy on elder abuse across regions and across the globe
- What would an article on freedom from violence and abuse contain in a new convention on the rights of older people?**

7 OEWGA Side Event Concept Note
Permanent Mission of the Republic of Argentina, INPEA, Comm. on Ageing, NY,

**Protecting The Rights of Older Persons to Live Free of Violence, Abuse and Neglect:
The importance of Universal Social Policies**

Critical gerontologists have demonstrated the importance of social policies on the quality of life of older adults (Philipson, 2013). If a social problem is not clearly addressed, it cannot be countered. If a specific group dealing with the problem is not named, the group remains invisible and often also silenced. It is too often the case for abuse and neglect of older adults, i.e. older women and older men. Older women who experience abuse are subject to 'Triple Jeopardy' (Penhale 2003) and are particularly likely to encounter other major forms of social disadvantage such as housing, poverty and health related problems.

In the 1970s, sociological perspectives on the elaboration of social problems were developed. Blumer developed a theory of the developmental stages of social problem recognition as being determined by a process of collective definition (Blumer 1971). In this work, the process (of collective definition) consisted of a number of distinct phases, which determined whether social problems arise, whether they become legitimated, and whether they are addressed through public and social policy. The phases Blumer identified were: Emergence of a social problem, legitimation of the problem, mobilization of action, formation of an official action plan and implementation of the official plan. In both the US (Baumann, 1989) and Canada (Leroux and Petrunik 1990; Harbison 1999) consideration of the identification and development of elder abuse as a social problem, following Blumer's broad approach has taken place.

The UN Secretary-General's report (2011) on the follow-up to the Second World Assembly on Ageing concluded that some good measures have been introduced since 2002 with regard to older persons' rights. However, these policies are inconsistent among nation-states and do not indicate the presence of a comprehensive legal, policy and institutional framework for the protection of the human rights of older persons. Particularly lacking are mechanisms of participation and accountability. In varying degrees, contributions underline deficits in implementation of policies, when available, while others note measures may be effective but insufficient when confronted with large and growing demands. In situations where more structural measures are required, some governments have chosen a welfare approach which may not ensure sustainability or long-term impact on the enjoyment of human rights without discrimination (UN Secretary-General (2011).

In general, the goal of the Madrid International Plan of Action on Ageing, 2002 (MIPAA) was to eliminate neglect, abuse, and violence toward older people. (Miller, 2010). The MIPAA (2002), a non-binding instrument, stated the importance of Government involvement (110 c) in actions to counter neglect, abuse and violence via policies, services, etc. While certain countries have adopted specific policies to counter elder abuse and neglect, others have included such actions in general policies addressing the quality of care and services in certain settings such as long term care institutions, civil rights, housing, and so forth. Those policies and their attached regulations are the foundation to direct services and actions. However there are questions concerning levels of knowledge and understanding about these policies and the extent to which elder abuse and neglect may be covered within them. Furthermore, a series of questions can be asked:

- What are the gaps?
- Why are reports on older persons rarely included?
- Which countries have adopted policies and regulations that address elder abuse and neglect?
- What is their content?
- Who are protected by those policies (i.e. all older adults or certain subgroups that may be seen as more vulnerable?)
- How are such policies implemented?
- Who is accountable and responsible for their follow-ups?
- What changes to practice are made based on those follow-ups?
- What quality of information can we gather from those follow-ups?
- What are the impacts on the daily life of older women and men who are neglected, abused or experiencing violence or threats of violence?

- And, above all, what are the suggestions for adopting and implementing effective social policy on elder abuse across regions and across the globe

Recent work (Beaulieu et al, 2016) has clearly shown that a series of mechanisms to prevent violence and neglect, or to react when abuse or neglect has been committed, are in place in developed countries (such as in Canada) but that there is a gap in follow-up concerning the ways these mechanisms are implemented. This makes it almost impossible to have a clear understanding of the extent of the problem as well as the extent and quality of adjustment(s) made once abuse or neglect has been identified.

The Independent Expert on the human rights of older persons, in her report to the Human Rights Council last September, urged Member States to address the protection gap, to step up efforts to determine the best way to strengthen the human rights of older persons and to consider the various proposals that have been made, notably the elaboration of a convention.

This session aims to create a dialogue around the importance of an international instrument to promote universal policies and regulations to prevent or counter abuse and neglect of older women and men, to ensure Recognition of rights of older adults could become a meta mechanism to foster and support the implementation of laws and regulations (in countries where they exist) or to start to address the problem in those countries that are yet without policies, laws and regulations. This would address violence and abuse in whatever context and setting it is found, (INPEA). And, in fulfillment of the OEWGA mandate the General Assembly decided in paragraph 1 of Resolution 67/139: that the Working Group should: “consider proposals for an international legal instrument to promote and protect the rights and dignity of older persons, based on the holistic approach in the work carried out in the fields of social development, human rights and non-discrimination, as well as gender equality and the empowerment of women”. In addition, paragraph 2 of that resolution requested the Working Group to “present to the Assembly, at the earliest possible date, a proposal containing, inter alia, the main elements that should be included in an international legal instrument to promote and protect the rights and dignity of older persons, which are not currently addressed sufficiently by existing mechanisms and therefore require further international protection”