



World Elder Abuse Awareness Day – 15 June 2022

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World Elder Abuse Awareness Day (WEAAD) was launched in 2006 by the International Network for Prevention of Elder Abuse and the World Health Organisation (WHO) and was recognised as a United Nations (UN) Day in 2011. Its principal aims are to educate, highlight the abuse of older people, and encourage action against it. As part of that drive, in 2021 the UN launched the Decade of Healthy Ageing (2021-2030), a global collaboration bringing stakeholders together with the aim of improving the lives of older people by creating age-friendly environments; combatting ageism; providing integrated care, and securing access to good quality long term care.¹ Here, we will briefly define elder abuse, identify the approach of the international community in highlighting it and consider steps recently taken by the UK in seeking to reduce it.

Elder Abuse

Although imperfectly and inconsistently defined, elder abuse is commonly referred to as “a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust” which results in “harm or distress” to an older person.² Elder abuse ranges across the physical, financial, psychological and sexual³ and, for victims, leads to “deeply troubling outcomes.”⁴ Its consequences are well documented, and include premature mortality.⁵ As such, elder abuse presents a significant public health problem⁶, and one which defies straightforward resolution, not least because it is thought to be significantly under-reported in both the separate and aggregate forms in which it may occur.⁷ The prevalence of elder abuse is predicted to increase, given the “unprecedented demographic transformation” that, by 2050, will see the world population of people over 60 rise from 600

¹ UN Decade of Healthy Ageing <https://www.who.int/ageing/decade-of-healthy-ageing>

² There is no clear, single definition of elder abuse. The definition employed here was developed by the UK’s Action on Elder Abuse, *Bulletin*, May/June 1995, p11, adopted by the International Network for Prevention of Elder Abuse (INPEA) and by The World Health Organisation’s (WHO) *Toronto Declaration on the Global Prevention of Elder Abuse*, Geneva, 2002, p3

³ B Garnham, L Bryant ‘Epistemological Erasure: The Subject of Abuse in the Problematization of “Elder Abuse”’ (2017) 41 *Journal of Aging Studies* 52, 54

⁴ Hansard HC vol 648 col 249 (23 October 2018)

⁵ R Yunus, N Hairi, W Choo ‘Consequences of Elder Abuse and Neglect: A Systematic Review of Observational Studies’ [2017] *Trauma, Violence and Abuse* 1

⁶ WHO Fact Sheet on Elder Abuse <https://www.who.int/news-room/fact-sheets/detail/elder-abuse>

⁷ J Storey ‘Risk Factors for Elder Abuse and Neglect: A Review of the Literature’ (2020) 50 *Aggression and Violent Behaviour* 1, 2



million to around 2 billion,⁸ “dramatically increasing the number of potential victims.”⁹ The UN estimates that, if the proportion of elder abuse victims remains constant, by 2050 the number of victims will grow to 320 million.¹⁰

The main risk factors for elder abuse are:

- **Individual:** poor physical and mental health of the victim; mental disorders and alcohol/substance abuse in the abuser; gender.
- **Relational:** shared living situation; abused’s dependence on family or carer(s); abuser’s dependency on the older person; history of poor family relationships; women entering the workforce burdened by caring for older relatives.
- **Community:** social isolation of caregivers and older people; loss of physical or mental capacity; loss of friends and family members.
- **Socio-cultural:** ageist stereotypes; erosion of generational bonds in family; systems of inheritance and land rights; migration of young couples; lack of funds for care.¹¹

The need to act to combat elder abuse was brought into sharper focus by COVID19 which, as well as placing the elderly at greater risk of mortality, often increased the potential for abuse through measures put in place to limit transmission of the virus and protect older people from the viral threat.¹²

A Worldwide Issue

On the global stage, the Vienna International Plan of Action on Ageing (VIPAA), endorsed by the UN General Assembly in 1982 and succeeded in 2002 by the Madrid International Plan of Action on Ageing (MIPAA), along with the UN’s Principles for Older Persons, adopted by the General Assembly in 1991¹³, decree that, as they age, people should enjoy a life of fulfilment, health, security and active participation in the economic, social, cultural and political life of their societies.¹⁴ It is, however, clear that this aspiration is taking time to achieve. Both VIPAA and MIPAA’s inbuilt, bottom-up review and appraisal processes have consistently reported “slow” or “modest” headway being made across a wide range of indicators employed to assess progress on policy action relating to older people.¹⁵ The latest review

⁸ UN *Political Declaration and Madrid International Plan of Action on Ageing* Article 2

⁹ K Pillemer, M-T Connolly, R Breckman, N Spreng, M Lachs ‘Elder Mistreatment: Priorities for Consideration by the White House Conference on Aging’ (2015) 55(2) *The Gerontologist* 320, 321^[1]_{SEP}

¹⁰ UN World Elder Abuse Awareness Day <https://www.un.org/en/observances/elder-abuse-awareness-day/background>

¹¹ WHO Fact Sheet on Elder Abuse <https://www.who.int/news-room/fact-sheets/detail/elder-abuse>

¹² Gardner W, States D, Bagley N ‘The Coronavirus and Risks to the Elderly in Long Term Care’ (2020) 32 (4-5) *Journal of Aging and Social Policy* 310

¹³ UN *Political Declaration and Madrid International Plan of Action on Ageing* Article 3

¹⁴ UN *Political Declaration and Madrid International Plan of Action on Ageing* Article 5

¹⁵ For an account of the adoption and operation of VIPAA, MIPAA, and their review processes and outcomes see A Sidorenko and A Zaidi ‘International Policy Frameworks on Ageing: Assessing Progress in Reference to the Madrid International Plan of Action on Ageing’ (2018) 16(1) *Journal of Social Policy Studies* 141



under MIPAA cites patchy implementation and monitoring of such policy as does exist, inadequate resources and lack of political will as common impediments to progress.¹⁶ The observation of a lack of political will chimes with WHO's most recent assessment of progress in tackling elder abuse which concluded that it seems not to be a priority for governments¹⁷, despite its prevalence in both the developed and developing worlds.¹⁸ States have been slow to respond to this increasingly pressing issue.

WHO identifies that legal frameworks are often missing or inadequate meaning that, when elder abuse is identified, there is a lack of properly attenuated legal instruments in place to deal with it. A concomitant lack of education and dissemination of information, along with high variability in cultural awareness are also argued to be present, not just amongst legislators or professionals in the field, but throughout wider society, thus exacerbating the problem. It is vital, WHO argues, that states develop an integrated approach to the problem of elder abuse.¹⁹

Developments in the UK

In October 2018, Giles Watling MP used his maiden speech in Parliament to highlight the issue of elder abuse in the UK, noting a widespread yet "poorly understood" crime which deserves to dominate political discourse but which is too often overlooked, the result being Parliament's "marginalising [of] a forgotten generation."²⁰ Elder abuse is also a human rights violation, with the Equality and Human Rights Commission and All Parliamentary Group on Aging and Older People respectively identifying "serious"²¹ and "systemic"²² threats to the human rights of older people in the UK as a result. The House of Commons Health Committee reported on elder abuse in 2004, expressing concern at the "refusal of professional bodies and society overall to acknowledge the extent of the problem."²³

Although the UK cannot yet be said to have adopted the integrated approach to elder abuse advocated by WHO, and has not expressed an intent to create a specific offence of elder abuse, it has recently taken steps to help reduce the marginalisation of some elderly people in the context of domestic abuse.

¹⁶ UN Economic and Social Council 'Third Review and Appraisal of the Madrid International Plan of Action on Ageing, 2002', E/CH/5/2018/4, November 2017, p16

¹⁷ UN Population Fund/Help Age International 'Overview of Available Policies and Legislation, Data and Research, and Institutional Arrangements Relating to Older Persons: Progress Since Madrid', 2011

¹⁸ Second World Assembly on Ageing, April 2002; The UN *Political Declaration and Madrid International Plan of Action on Ageing*

¹⁹ WHO Toronto Declaration on the Global Prevention of Elder Abuse, 2002

²⁰ Hansard HC vol 648 col 249 (23 October 2018)

²¹ Equality and Human Rights Commission 'Close to Home: An Inquiry into Older People and Human Rights in Home Care', 2010, p7

²² All Parliamentary Group on Aging and Older People 'Inquiry into Human Rights and Older People: Protecting Our Rights as We Age' Spring 2018, p4

²³ 'Elder Abuse' Second Report of Session 2003–04, HC 111-I, April 2004, p6

The importance of considering the elderly in domestic abuse legislation arose in the context of the Domestic Abuse Act 2021 (DAA). As drafted, the Domestic Abuse Bill applied only to those aged up to 74. As enacted, however, there is no cut off age at which its provisions cease to apply. The Government's response to criticism on grounds of inclusivity in the Bill's passage was to state its commitment to "protecting and supporting *all* victims of this devastating crime", maintaining that it "fully recognises that those aged 74 and over can be victims of domestic abuse" as a consequence of which "the new statutory definition of domestic abuse ... does not contain an upper age limit."²⁴ The DAA s1 provides the first statutory definition of domestic abuse. An individual's behaviour is domestic abuse where the perpetrator and victim are 16 or older, the behaviour is abusive, and their relationship makes them 'personally connected'. Abuse includes physical or sexual abuse; violent or threatening behaviour; controlling or coercive behaviour; economic abuse; psychological, emotional or other abuse. Baroness Williams, Minister for the Home Office, stated that the government's action plan, alongside the DAA's "transformative measures" would "bolster our response to domestic abuse, increasing awareness, information and support for victims, and providing greater protection for vulnerable groups, *including older people*."²⁵ There is progress still to be made, however. Despite relatives, who are most likely to perpetrate elder abuse, being included in those who may satisfy the Act's requirement for a 'personal connection' between the abuser and abused, neither paid nor unpaid carers who are not relatives are within the DAA's explicit contemplation, potentially excluding many perpetrators from the reach of the law.

A related shift occurred in data collection. In proposing the Domestic Abuse Bill, the government employed statistics showing that, in the year ending March 2020, an estimated 2.3 million adults experienced domestic abuse. Concerns were expressed at the age range of 16 to 74 employed for respondents completing the domestic abuse, sexual assault and stalking module of the Crime Survey of England and Wales (CSEW). The age range had already been expanded in April 2017 - from those aged 16 to 59 years to those aged 16 to 74 years - but a potentially significant tranche of domestic abuse sufferers was still excluded, which could skew data relied upon for policy making in relation to domestic abuse, including elder abuse in the domestic setting. As a result, future CSEW data gathering will see the upper age limit removed when estimating the number of adults affected by domestic abuse. This will facilitate better monitoring of domestic abuse amongst older people and enable the presence of more older people's experiences in discussions and policy decisions.

Whilst these steps are significant steps, the approach is partial and piecemeal, indicating that, in terms of a complete and coherent elder abuse strategy, Parliament has yet to grasp the nettle fully.

You can find additional resources here: <https://www.un.org/en/observances/elder-abuse-awareness-day/>

²⁴ Baroness Williams of Trafford, Response to Written Question, 22 October 2020. Emphasis added.

²⁵ HL Deb, 30 November 2021, c1266. Emphasis added.