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Key Elements

on Protection of Rights of Older Persons from Violence, Neglect and Abuse

*based on normative inputs to the
GA Open-ended Working Group on Ageing*



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2019 World Elder Abuse Awareness Day, United Nations Headquarters, New York



Presentation Scope

- **General Assembly Open-ended Working Group:** The Assembly established the Working Group in 2010 by resolution 65/182 to (a) consider the existing international framework of human rights of older persons; (b) identify possible gaps and (c) how best to address the gaps, including by considering, as appropriate, the feasibility of further instruments and measures.
- **Ninth Working Session (2018):** Normative inputs submitted by Member States, National Human Rights Institutions and Non-Governmental Organizations on violence, neglect and abuse.

DEVELOPING NORMATIVE CONTENT FOR A NEW UN CONVENTION ON THE RIGHTS OF OLDER PEOPLE

Tuesday 15 January 2019 | 12:00 - 1:15 PM GMT (Greenwich Mean Time)

The UN is calling for written submissions in the form of normative content on Long term and palliative care and Independence and autonomy by February 1st 2019. This is a major opportunity for us to put forward concrete proposals on what a new UN convention should say about these human rights.



KEN BLUESTONE
Moderator



BRIDGET SLEAP
Panelist



EMILY MCCARRON
Panelist



ROSE GAHIRE
Panelist

IFA The International Federation on Ageing is pleased to co-host this webinar with GAROP.

Normative Inputs?

Bridget Sleaf, Senior Rights Policy Advisor at HelpAge International explains it during one of GAROP webinar series in preparation for the Working Group

What are normative elements?

The different components (elements) that derive from a human right (the standard or norm)

The content of the right

The detail we want to see under each right in a new convention



Inputs

Member States (10)	Dominican Republic, France, Germany, Malta, Peru, Philippines, Poland, Slovenia, United Kingdom, Zimbabwe
Observers (1)	Palestine
NHRIs (2)	Joint submission - German Institute for Human Rights and Commissioner for Human Rights of the Republic of Poland
NGOs (5+1)	AGE Platform Europe, Centre for Gerontological Studies (India), Center for the Human Rights of Users and Survivors of Psychiatry (USA), HelpAge International, Fédération Internationale des Associations de Personnes Agées (France), Joint submission from AGE Platform Europe, HelpAge International, the Law in the Service of the Elderly and the National Association of Community Legal Centres (Australia)



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Key Element #1: Affirmation of the right

The right of older persons to freedom from all forms of violence, abuse and neglect.

Key Element #2: Understanding of the right

The provision shall include a definition of violence, abuse, neglect and exploitation against older people.



Key Element #3: **Scope of the right**

1. Abuse of older persons may be physical, psychological, sexual and emotional, and comprises financial exploitation including deception and fraud, as well as intentional or unintentional neglect.
2. The right should be upheld irrespective of whether this happens at home, in a care institution or in any other place in society at large .. Within and outside relationships of trust .. Including acts committed by State and non-State actors



Key Element #4: **State Obligations - Prevention**

The State should have an obligation to adopt legislative, administrative and other measures to prevent violence, abuse and neglect of older persons through all appropriate means:

- **Raise awareness and sensitize society** (public prevention campaigns) about the different forms of violence, abuse and neglect in older age and how to identify and prevent them
- **Adopt legislation and policies** that include the duty to prevent, identify, investigate and redress for acts of violence, abuse and neglect .. Ensure these measures are compatible with the right to autonomy and independence .. Allocate resources for implementation
- **Provide training** of judiciary and law enforcement, care providers, healthcare and social workers
- **Develop effective independent monitoring mechanisms** of situations of care and support provision - Take measures to protect people who report abuse from any form of retaliation



Key Element #5: **State Obligations – Support Services**

The State shall ensure access by older persons to a range of support services for victims, survivors and persons at risk of violence, abuse and neglect, including but not limited to:

- Appropriate health and social care services
- Legal services
- Access to information about available support and services
- Access to appropriate victims support services
- Access to effective remedies and redress (if obligation is not fulfilled)



Key Element #6: State Obligations – Remedies and Redress

The State shall ensure access by older persons to effective remedies and redress by taking appropriate measures which include:

- Investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with national and international law
- Provide equal and effective access to justice
- Ensure timely access to support, where necessary, to make autonomous decisions about reporting acts of violence, abuse and neglect
- Provide effective remedies to victims and survivors, including reparation
- Ensure that criminal justice responses and sentencing practices reflect the aggravated nature of offences against older persons



Key Element #7: State Obligations – Data and Statistics

The State should have an obligation to:

- Collect, disaggregate, analyse, utilise and make public, appropriate information and statistical data on all forms of violence, abuse and neglect. This should include:

Prevalence and trends	Risk Factors
Perpetrators	Access to support services
Effective remedies and redress	

- Comply with internationally accepted norms and ethical principles in the collection and use of statistics and legally established safeguards to respect the privacy and confidentiality of older persons



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Thank you.